

ORDINARY COUNCIL MEETING AGENDA – 13 JULY 2010

Mission Statement:

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

TO BE HELD: Tuesday 13 July 2010 at 3pm

LOCATION: Senior Citizens Hall, Chiltern

REQUIRED TO ATTEND:

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

APOLOGIES:

Vision Statement:

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

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10.0 CORPORATE SERVICES

10.1 CONSIDERATION OF SUBMISSIONS TO THE DRAFT INDIGO SHIRE COUNCIL BUDGET 2010/2011

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

For Decision

RECOMMENDATION

That Council considers each of the submissions marked BS1 to BS13 as per the summary attached to this report and previously provided in detail and make a determination on each of those submissions pursuant to Section 129, 130 and 223 of the Local Government Act

INTRODUCTION

As explained in the BACKGROUND section below, any person has the right to make a submission on the draft Budget under section 223 LGA 1989 and any such submission must be considered by Council prior to formal adoption of the Budget.

Council has received 13 2010/11 Budget submissions and a summary of these submissions is attached to this report (with the detailed budget submissions for all 13 submissions having been previously provide to Councillors).

Council had received requests from two persons / groups to have their submissions heard in person and this occur at a Special meeting of Council at 4:00pm on Tuesday 29 June 2010.

Those groups that were formally heard were:

Beechworth Hockey Club
Barnawartha branch of the Victorian Farmers Federation

BACKGROUND

Section 129 of Local Government Act 1989 states that:

129. Public notice

1. As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.
2. A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
3. In addition to any other requirements specified by this Act, the notice referred to in subsection (1) must:
 - contain any details required by the regulations,
 - advise that copies of the budget or revised budget are available for inspection for at least 14 days after the publication of the notice at:
 - the Council office and any district offices; and
 - any other place required by the regulations.

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4. A copy of the budget or revised budget must be displayed at the places specified under subsection (3)(b).

Local Government Act 1989 – SECT 130 Adoption of budget or revised budget

130. Adoption of budget or revised budget

1. A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.
2. The Council must give public notice of its decision under subsection (1).
3. The Council must adopt the budget by 31 August each year.
4. The Council must submit a copy of the budget to the Minister by 31 August each year.
5. The Minister may extend the period within which a Council must comply with subsection (4).
6. If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
7. A Council must give the Minister any details concerning its budget or revised budget that the Minister requests.
8. A Council must comply with subsection (7):
 - within 14 days of receiving a request in writing for the details from the Minister; or
 - within any longer period specified by the Minister in the request.
9. A copy of the budget or revised budget must be available for inspection by the public at:
 - the Council office and any district offices,
 - any other place required by the regulations.

FINANCIAL IMPLICATION

Financial implications will vary and be dependant upon when considering each of the draft 2010/11 Budget submissions.

CONCLUSION

Council is scheduled to formally adopt the 2010/11 Budget at the Ordinary Meeting of Council to be convened Tuesday July 13th 2010.

In order for Indigo Shire to comply with the Act in relation to adoption of the draft 2010/11 Budget, each of the Budget submissions must be consider prior to formal adoption of the Budget.

Attachment:
Budget Submission Summary

10.2 ADOPTION OF INDIGO SHIRE COUNCIL 2010/11 BUDGET

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

For Decision

RECOMMENDATION

That:

1. Council adopt the 2010/11 Budget and forward projection as set out in the Budget paper attached along with any adopted amendments stemming from consideration of Budget submissions and forward a copy of the budget to the Minister

2. To raise the total amount of rates and charges of \$10,446,436, that the Council declares that the rate in the dollar and charges be set as follows:

- Residential rate 0.002892**
- Residential 2 rate 0.003899**
- Residential Vacant 0.005576**
- Rural 1 rate 0.002166**
- Rural 2 rate 0.002599**
- Commercial / Industrial rate 0.003899**

The Municipal Charge be set at: \$222.65

The following waste management charges be set:

Domestic garbage charge \$115.50

Recycle charge \$60.00

Green Organic waste collection charge \$97.70

Waste management facility charge \$51.85

3. That public notice of the adoption of the Budget be given

4. That the submitters to the Budget process be advised of Council's actions in considering the submissions

5. That Council issue rate notices and collect all rates via four instalment plan process, with installations due on:

Instalment 1	30 September 2010
Instalment 2	30 November 2010
Instalment 3	28 February 2011
Instalment 4	31 May 2011

INTRODUCTION

Council, at various meetings over the past four months, has considered draft operating and capital works budgets. At a Special Meeting of Council held 25th May 2010, Council “prepared” the Budget in accordance with provisions of the Local Government Act, and resolved that notice be given calling for submissions.

BACKGROUND

At a Special Meeting of Council held 25th May 2010, Council resolved to hear any submissions received in response to the public notice in accordance with Section 223 of the Act. Budget submissions were heard at a Special meeting of Council on 29th June 2010 and are scheduled to be considered at the Ordinary Council meeting of 13th July 2010. The attached draft 2010/11 Budget is exclusive of the possible affect of Council adopting part or all of those Budget submissions and the 2010/11 Budget that will be submitted to the Minister will be the attached draft 2010/11 Budget plus and any amendments resulting from Councils consideration of Budget submissions.

FINANCIAL IMPLICATION

The adoption of Council’s Budget is clearly the most fundamental financial decision that the Council must make on an annual basis. It sets in place the framework by which officers can implement Council’s strategic direction contained within the Council Plan, with Council having allocated appropriate resources.

Council will need to advertise the adoption of the Budget, advising ratepayers that the four-instalment system will be used with rates notices being forwarded to ratepayers in the near future.

Instalment dates for the year are:

Instalment 1	30 September 2010
Instalment 2	30 November 2010
Instalment 3	28 February 2011
Instalment 4	31 May 2011

CONCLUSION

This report details the process by which the 2010/11 Budget and Strategic Resources Plan forward projections have been prepared and advertised in accordance with the provision of the Local Government Act 1989 and recommend that the Budget be adopted in accordance with Section 150 of that Act.

All appropriate statutory consultative procedures have been implemented in accordance with the requirement of the Act, in particular, the advertising and calling of submissions

Attachment:
Draft 2010/11Budget

10.3 FINANCE REPORT FOR PERIOD ENDING 31ST MAY 2010

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

For Information

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

The financial results for the month of May show Year to Date favourability of \$226,986 compared to the March quarterly forecast. A review of variances making up this favourability reveals that most of this favourability (\$180,000) is timing related with an additional \$25,000 net savings versus the March year-end forecast, the remaining \$20,000 in the sum of the “under and overs” less than \$10,000 each.

The main contributors towards these timing related variances are as follows:

- Community Strengthening project – minor delays in starting community projects with this funding and expenditure being carried over into 2010/11
- Un-forecast grants being received within the Bushfire Gift initiative and Freeza Events which will be carried over to 2010/11
- Roadside weed projects being undertaken slightly later than anticipated as well as \$17,000 in un-forecast grants being received
- Over \$50,000 in grant funding being received earlier than forecast within Economic Development for various activities which will be carried over to 2010/11

Full details of the May results are contained within the attached financial reports and variances greater than +/- \$10,000 are explained within the attached Exception Report.

Cash and Investments remain strong with \$5.3 million being held as at 31 May 2010. Council's Cash level remains strong at the end of June with 25% of the 2010/11 Victorian Grants Commission grants being received early during the month of June.

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

The Capital works program is continuing progress very well with an additional \$2.2 million being spent during the month of May. As at the end of May 2010, \$11.398 million has been spent on Capital Works which marks the delivery of more than 80% of this years Capital Works program (including 2008/09 carry over) in the first 11 months of this financial year.

Attachments:

Department By Business Unit Report for May 2010
 Profit and Loss Report to May 2010
 Exception Report May 2010
 Cash & Investment Report as at 31 May 2010

10.4 DEEDS OF DELEGATION / INSTRUMENTS OF APPOINTMENT & AUTHORISATION

File No.: 09/286 - Jo Riley - Manager Governance and Risk

For Decision

RECOMMENDATION

A. DEEDS OF DELEGATION

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 ("the Act") and the legislation referred to in the attached Instrument of Delegation, Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties and functions set out in that instrument subject to the condition and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous Delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

B. INSTRUMENTS OF APPOINTMENT and AUTHORISATION

In the exercise of the powers conferred by section 232 of the Local Government Act 1989 and section 147(4) of the Planning and Environment Act 1987, Council resolves THAT the officers nominated in the attached Instruments of Appointment and Authorisation:

1. Be appointed Authorised Officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act.
2. Authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this Instrument.
3. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
4. The Instrument remains in force until varied or revoked.

INTRODUCTION

A complete review of all staff Instruments of Delegation and Instruments of Appointment and Authorisation has recently been undertaken which has included the involvement of the relevant managers and staff. A Maddocks (lawyers and legal advisors to Council) prepared template and subscription service has been used as a basis for the creation of the attached Instrument of Delegation and Instruments of Appointment and Authorisations to relevant members of Council staff.

Maddocks have established local government sector recognised and accepted models for all delegations and authorisations to Council staff. These models have been prepared taking into account all legislative requirements associated with the operation of various roles within local government. This standardised approach will ensure legislative compliance and enable the documents to be more effectively maintained. Any changes in legislation and staff position alterations can be effectively monitored and changes made.

BACKGROUND

The current Instruments of Delegation are inconsistent in their delegated powers and vary in their format. They are currently in the name of each delegated officer so that each time a new staff member is appointed, a new Delegation is required to be created.

The new Instrument of Delegation combines all the delegated officers into one document and nominates a position rather than naming a specific officer. Therefore, if a staff member leaves Council, the appointment of a new officer into that role is automatically delegated the powers of that position.

The only exception to this would be is when a position title is reviewed and changed or when functions performed within that role change.

The majority of the Instruments of Appointment and Authorisation will be signed off by the CEO in accordance with CEO's Delegation from Council. The exceptions to this will be the Instruments pursuant to the Planning and Environment Act 1987 which must be adopted by Council.

KEY IMPLICATIONS

From a legislative perspective, the use and update of the various model documents will ensure Council has in place compliant delegations and authorisations to relevant Council staff. There are business risks in having poorly structured and maintained delegations and authorisations.

IMPLICATIONS

There are no financial or policy implications.

CONCLUSION

The adoption of the attached Instrument of Delegation and Instruments of Appointment and Authorisation will ensure Council's delegated powers are in accordance and compliant with the various legislative and regulatory provisions stated.

There is no significant alteration in the substance and functionality between the existing documents and the new model based templates. The process is a streamlining of the existing documents in a form that is consistent, better to manage and legislatively compliant.

Attachments:
Instrument of Delegation Council to Members of Staff
Instruments of Appointment and Authorisation

10.5 LOCAL GOVERNMENT FINANCIAL SUSTAINABILITY – WHELAN MODEL

File No.: 09/690 - Mark Crouch - General Manager Corporate Services

For Decision

RECOMMENDATION

That Council:

1. Recognise the work undertaken by Whelan and endorse the approach and model;
2. Agree to participate in the financial sustainability initiative currently being coordinated by Central Goldfields Shire on behalf of 18 Councils, and agree to contribute \$5000 to the proposed work to be undertaken by Whelan conditional on the project proceeding.
3. That updates be provided to the Council Finance Committee and Council with regard to progress being made.
4. Seek to have Merv Whelan present his model and findings to Indigo Shire.

INTRODUCTION

The issue of Local Government financial sustainability has been a matter for ongoing concern over many years, but is gaining more currency as many small Councils struggle to manage major infrastructure aging and 'infrastructure gap' issues and an ever expanding range of Council services and community expectations.

Various works have been completed in this area of local government financial sustainability. All have examined similar issues and examined the issues from various perspectives. All have returned findings that there are a significant number of mainly 'small rural' and 'very small rural' Councils that can be deemed 'vulnerable' from a financial sustainability perspective.

BACKGROUND

Extensive work in this area has been undertaken by Merv and Rohan Whelan. Merv Whelan is a long respected local Government professional, specialist and former Inspector of Municipal Administration.

Merv Whelan has been compiling and analysing local government financial and other data and has produced a comprehensive report into Local Government financial sustainability. **His findings are that the most financially challenged municipalities are in the 'small rural councils' category.**

An abridged version of the work undertaken by Whelan is appended to this report.

The work approaches the task by:

- Ascertaining and applying environmental factors that materially impact on performance capacity;
- Reliably quantifying the extent of this impact;
- Identifying Council most disadvantaged and the extent of that disadvantage:

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- Comparing results obtained to performance outcomes, as measured by financial indicators and;
- Determining appropriate remedial financial assistance for those councils with the least financial sustainability.

One of the main findings from the work undertaken is that of the application of environmental factors (both revenue and cost factors) have a major impact on Council sustainability and that these 'factors are external in origin and not subject to Council control'. In other words given a mix of external factors and despite all the best governance and management that may exist, many Councils will be vulnerable and financially stressed regardless.

Whelan uses financial ratios derived from these external factors to rate Councils on a comparative scale of 10 – 1; very positive to very negative.

Central Goldfields Shire is coordinating a group of potentially 18 Councils to take this initial sector wide work undertaken by Whelan to a more detailed stage, to establish a definitive course of action and to act to deal with the exposures identified. An action group comprising Central Goldfields Shire, Ararat Rural City and the VLGA has been formed to have carriage in developing and progressing a strategy to advance the model for adoption by Governments. It has been further agreed that the group seek the endorsement of the model /approach from each of the 18 identified Councils and coordinate finances necessary in the preparation / finalisation / presentation of the report / model and in advancing the strategy. The group are also seeking meetings with Victorian State Government Ministers Wynne and Allan to seek Government support for the model.

The action group are seeking the financial support of the 18 Councils at the rate of \$5000 each to fund a pool of resources that will allow the Whelan work to be finalised and to be able to present to councils and levels of Government.

The action group seek Council endorsement of the Whelan model, endorsement of the campaign investment, and the acknowledgement of initially seeking the support for the model at the state level.

The Whelan work is not the only work to have been carried out in relation to local government financial sustainability. The work by Whelan does provide a different perspective to the issue, and seeks to combine a range of environmental factors with financial measures.

I draw Councillors attention to the report section 5.1 titled Summing Up. Whelan quotes a Price Waterhouse Cooper report that states '...the most significant variability drivers appear to be management quality and financial discipline'. Whelan remarks 'while some Councils irrespective of size, may manage better than others, this comment does not acknowledge the main issue for small rural councils. No amount of managerial expertise will overcome the substantial negative impact on operating capacity imposed by environmental factors over which they (Councils) have little or no control'.

Whelan comments that the State Government has a responsibility to ensure that Councils have adequate financial resources to meet their obligations as set out in the Local Government Act. 'Sustainability of these Councils is dependent on the provision of guaranteed long term funding assistance'.

KEY IMPLICATIONS

From a risk perspective, the longer those Councils deemed vulnerable leave taking measured steps to address the financial sustainability issue, the more difficult the task will be to resolve. There are also the risks that the additional funding from other levels of government will not be forthcoming and the vulnerability of some councils remains. Altering Grants Commission allocations is problematic to those Councils who will potentially have their allocations reduced to fund the reallocation to the more vulnerable Councils.

From a legislative, regulatory or environmental perspective there are minimal implications.

There are also risks that all the Councils deemed exposed to significant financial sustainability pressure will not engage or commit to the initiative. Council may seek to invest \$5000 into a project that may not get off the ground.

FINANCIAL IMPLICATIONS

There are serious financial implications for those Councils deemed at risk or vulnerable from a financial sustainability perspective. This report and recommendations are geared to address this issue in a proactive manner.

Without an altering in settings in how many small rural and smaller rural Councils in general operate and are funded, the capacity of these Councils to perform to the standards expected in 2010 will be compromised. Future generations will be burdened with the decisions we make today.

The Whelan report does not imply vulnerable Councils are in a position of not being able to pay their debts. Whelan's report differs in focus to a number of other reports covering local government financial sustainability. What Whelan's report does say is that there are environmental factors that place pressure on small rural councils and that additional resources should be provided to these Councils to enable them to perform to a higher standard.

POLICY IMPLICATIONS

Council will need to work strategically to assess and possibly address the issues that the Whelan report details. Whether Council seeks to engage in this initiative will be a policy decision of this Council.

CONCLUSION

The Council Finance Committee will consider the Whelan report and consider the request to participate in this initiative. The Finance Committee will have met on July 7 2010 in the lead up to the Council July 13 meeting. Minutes and any recommendations of this committee meeting will be made available to all Councillors prior to the July 13 2010 Council meeting.

Attachment:
Abridged Report 'Local Government Financial Sustainability
– Focus on small rural councils. May 2010 by Merv and Rohan Whelan.

10.6 DRAFT RATING STRATEGY - UPDATE

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

For Information

INTRODUCTION

This information report concerns the process to date in the preparation and consideration of various draft rating strategies and the consideration of various submissions pursuant to the Council resolution of 13 April 2010.

BACKGROUND

At the 13 April 2010 Council meeting, Council resolved:

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.

An issues paper was subsequently prepared and made available on the Council web site and at various Council service centres.

Advertisements were placed seeking submissions up to Friday 18 June 2010 on the draft rating strategy. It was indicated that Council would formally consider submissions at the 13 July 2010 Council meeting.

On 11 June 2010, a summary of submissions as at 9 June 2010 was prepared along with all the submissions to hand being copied to all Councillors.

As at 18 June 2010, no further submissions had been received. A late submission was tabled at the Councillor's briefing on 22 June 2010.

No person asked to be heard in relation to their submission.

A summary of the key issues from the submissions received was prepared and circulated.

On the basis of seeking submissions pursuant to S223 Local Government Act 1989 (LGA89), Council will be required to consider all submissions and notify in writing to each submitter the decision and reasons for the decision.

FINANCIAL IMPLICATIONS

The financial implications on Council of any agreed rating strategy are minimal.

The rating strategy is more about the apportionment of the rating burden across the ratepayer property base and as such the financial implications have a direct impact on property owners.

POLICY IMPLICATIONS

From a policy perspective, agreement on a rating strategy gives some basis, framework and justification on what Council sees as appropriate structures for the collection of what is a substantial income stream to Council.

The strategy should not be 'locked in' and should be reviewed annually to ensure it is meeting the changing needs of the Council and the community.

The draft policy is centred on differential rating. Councillors are encouraged to consider the various requirements under the LGA89 with regard to differential rating.

CONCLUSION

At the councillors' briefing 22 June 2010, there was wide support for the rating strategy to be further considered and not be presented for adoption at the 13 July 2010 Council meeting.

Council has written to all persons making submissions advising the draft rating strategy will be considered further in workshop session/s, noting their submissions and indicating that Council will be in further contact at a later date.

A councillors' workshop session has been convened for 3 August 2010 to provide a further opportunity to consider the draft rating strategy. Any strategy adopted will be first applied in the financial year 2011/2012.

11.0 SUSTAINABLE COMMUNITIES

11.1 PLANNING PERMIT APPLICATION 10-0021 - TELECOMMUNICATIONS FACILITY, KIEWA-BONEGILLA RD, TANGAMBALANGA

File No.: PP10-0021 - KATH OSWALD - STATUTORY PLANNER

For Decision

RECOMMENDATION

That Council approves Planning Application 10-0021 for a Telecommunications Facility at Kiewa-Bonegilla Road, Tangambalanga, subject to the conditions recommended.

INTRODUCTION

Application Number:	10-0021
Applicant:	Urbis Services Pty Ltd on behalf of Telstra Ltd.
Subject Land:	Part Lot 2 Plan of Subdivision 5009, Kiewa-Bonegilla Rd Tangambalanga.

BACKGROUND

Application Lodged:	8 February 2010
Purpose:	Seek approval to use and/or develop the subject site for the purposes of a telecommunications facility. In particular, the facility comprises a 60m guyed concrete mast, panel antennas and associated on-ground infrastructure (see application documentation at Appendix B).
Subject Site Land Area:	48.185ha
Current Use of Subject Site:	Dairying
Site Constraints:	None
Site History:	Used for agricultural purposes
Surrounding Land Use:	Industrial land to West and South, farming land to East and North (see also Appendix C - location plan).
Surrounding Land Zoning:	Industrial 1 Zone (IN1Z) to West and South, Farming Zone (FZ) to East and North.

PROPOSAL

ZONING AND PLANNING CONTROLS

Zoning:	Farming Zone
Overlay(s):	ESO1 (High Quality Agricultural Land)
Permit Trigger:	Use and development associated with a telecommunications facility (not defined as a low-impact facility).

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

Section 60(1) of the Act provides that before deciding on an application, the responsible authority must consider:

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

Section 60(1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- a) any significant social and economic effects of the use or development for which the application is made
- b) (b), (c), (d), (e), (e (a)), and (e (b)) any regional strategy or amendments to a regional strategy
- c) any relevant state environment protection policy declared in any order made by the governor in Council under section 16 of the Environment Protection Act 1970
- d) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council
- e) any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the minister or a planning authority
- f) any agreement made pursuant to section 173 affecting the land the subject of the application
- g) any other relevant matter

INDIGO PLANNING SCHEME

STATE PLANNING POLICY FRAMEWORK

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 wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social wellbeing 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, the 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, and 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:

18.13 Telecommunications

This clause states that planning decisions should recognise that telecommunication is an essential utility service and should:

- facilitate the upgrading and maintenance of telecommunications facilities
- ensure that modern telecommunications facilities are widely accessible to business, industry and the community
- facilitate the orderly growth of telecommunications by recognising that new communications technology needs to meet the continuous and growing demand for better communications and multi-media facilities in business, domestic, entertainment and community services
- reflect the economic contribution of telecommunications through improvements in business and industrial technology, rapid communication, and helping business and industry remain competitive and provide increased employment opportunities.

This policy also states that the Code of Practice for Telecommunications Facilities in Victoria ('the Telecommunications Code'), an incorporated document of the Planning Scheme, should be used in the consideration of applications for the use and development of telecommunications facilities and sites.

The Code of Practice sets out four principles that must be applied where relevant to the design, siting and construction and operation of a telecommunications facility.

Principle 1: A telecommunications facility should be sited to minimise visual impact.

Principle 2: Telecommunications facilities should be co-located wherever practical.

Principle 3: Health standards for exposure to radio emissions will be met.

Principle 4: Disturbance and risk relating to siting and construction should be minimised.

The full text of the principles can be found at Appendix D.

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:

21.01-3 Settlement and Infrastructure

Clause 21.01-3 recognises that Tangambalanga is one of the larger settlements outside the main townships of Indigo Shire and that it provides commercial services to residents and surrounding areas and also community focus through the presence of public halls and sporting facilities.

21.01-4 Economy

Clause 21.01-4 recognises that the Kiewa Valley is a highly productive dairy area, which in turn supports the townships of Kiewa and Tangambalanga by way of employment.

21.03-1 Vision and Strategic Framework

Clause 21.03-1 seeks to find a balance between protecting the Shire's natural assets while encouraging a comprehensive and co-ordinated approach to the development of the Shire's community resources, including the need for continuing infrastructure provision within all towns.

21.04 Objectives and Strategies

21.04-1-7 Kiewa-Tangambalanga

Kiewa-Tangambalanga is acknowledged as a commuter settlement for Albury-Wodonga, along with being the location of a major employer, namely Murray- Goulburn Co-Operative Ltd.

Local Planning Policies:

None applicable

ZONING AND OVERLAY CONTROLS

Farming Zone (FZ):

The purposes of the Farming Zone include:

- 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 the use of land for agriculture
- to encourage that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

Environmental Significance Overlay (ESO):

The purposes of the ESO include:

- to identify areas where the development of land may be affected by environmental constraints
- to ensure that development is compatible with identified environmental values.

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Environmental Significance Overlay Schedule 1 - High Quality Agricultural Land (ESO1):

The environmental significance associated with the subject land, and indeed a large swathe of land along the Kiewa River floodplain is its recognised production of high quality produce. The environmental objectives to be achieved by the use of this overlay include:

- to protect the finite nature of high quality agricultural land
- to prevent the unsustainable use of high quality agricultural land which results in the loss of the quantity or quality of land and limits the realisation of its full productive potential
- to prevent the conversion of high quality agricultural land to non-soil based use and development

PARTICULAR PROVISIONS

52.19 Telecommunications Facility

Clause 52.19 details the particular provisions relating to telecommunication facilities and has the following purposes:

- to ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs
- to ensure the application of consistent provisions for telecommunications facilities
- to encourage an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987
- to encourage the provision of telecommunications facilities with minimal impact on the amenity of the area

Clause 52.19-6 nominates the decision guidelines which are to be considered before deciding on an application. The three relevant guidelines include:

- the principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria
- the effect of the proposal on adjacent land
- if the Telecommunications facility is located in an Environmental Significance Overlay, the decision guidelines in the overlay and the schedule to the overlay.

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

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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

REFERENCE AND INCORPORATED DOCUMENTS

A Code of Practice for Telecommunications Facilities in Victoria, July 2004.

REFERRAL AUTHORITIES

No referrals were necessary.

PUBLIC NOTICE

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

Notice was first given to adjoining owners and occupiers (approximately 50 properties) on 9 March 2010, for the standard period of 14 days. The public response was that the notification had not been broad enough, and 14 days was an insufficient time for submissions.

In response to this, the notification period was extended to 28 days, and notice of the application was posted in the windows of both the Kiewa and Tangambalanga stores. The application documentation was also available for viewing at the stores.

A total of 63 submissions were received in response (see confidential attachment previously provided to councillors). Of these, 54 were copies of a pro-forma letter stating six reasons of objection, and nine were individually written.

Issues raised in objections are as follows:

- negative impact on land values
- detrimental effect on visual amenity
- potential negative health impacts
- concern over proximity to residential areas
- possible other locations

Due to the volume of objections, and the fact that there is no room for compromise in this situation (i.e. objectors just do not want the facility in the proposed location), it was considered that a Planning Focus Meeting would not have any productive outcomes in this instance. Urbis Services, on behalf of Telstra, prepared a short response to the issues raised by objectors (see Appendix E), which was circulated to the objectors by Council. In response, two objections were withdrawn.

DISCUSSION

State Planning Policy Framework

Providing modern telecommunications facilities that are widely accessible to business, industry and the community is considered an important planning direction, being guided by the state in the State Planning Policy Framework. State Planning Policy at Clause 18.13 recognises the importance of telecommunications to modern life and the beneficial contribution made by these facilities to local communities and to the economy.

In the application before Council, the mobile communications services in Kiewa, Tangambalanga and surrounding areas display poor network performance with poor quality both indoors and outdoors and require augmentation.

With regard to the most noteworthy guiding document regarding applications of this type *The Code of Practice for Telecommunications Facilities in Victoria*, consideration must be given to each of the four principles.

Principle 1: A telecommunications facility should be sited to minimise visual impact

The visual impact of the proposed tower is one of the main points of objection in this application. In providing satisfactory telecommunications to the Kiewa and Tangambalanga areas, the choices for the location of the infrastructure were limited. The area comprises Kiewa River floodplains rising to hills and ranges. It was determined that the proposed location was the optimum location given the desired outcomes, being the provision of high quality mobile services. Given the open nature of the floodplains and the impressive vistas afforded by the hills and ranges in the vicinity, visual impact would have possibly been an issue in any location, due to the value residents place on their surrounding landscapes. In this instance, to provide the best quality, most far-reaching service, the proposed location was chosen. Several other locations were considered, namely:

- Dustan Lane, Tangambalanga - This site, while on the short list, was not the optimum location given that its location at the gateway to Tangambalanga is very visually prominent, so much so that the Kiewa-Tangambalanga Structure Plan identified it as a feature that should remain undeveloped. In addition, the land was retained in the Farming Zone as part of the recent Indigo Planning Scheme Amendment C21, despite it being requested to be rezoned to Residential 1 Zone, and
- Sheathers Lane, Kiewa - This site, whilst representing a location that would be less visible to the residents if Kiewa and Tangambalanga, it would only achieve 74 per cent of the desired mobile coverage for the area. As such, it was not considered to be the prime position for the facility.

Principle 2: Telecommunications facilities should be co-located wherever practical

Given the level of upgrade required and the need to provide for increased level of services into the future, there were no viable co-location options available. An existing Optus tower approximately 4km north of Tangambalanga is located too far north to provide robust in-built coverage in the Tangambalanga Township. Page 8 of Appendix B shows the locations of existing facilities in the area.

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Principle 3: Health standards for exposure to radio emissions will be met

The applicants have provided a report detailing investigations into the potential levels of Electromagnetic Energy (EME) at ground level emitted from the mobile phone base station. This report projects that the highest level of EME would be 0.064 per cent of the maximum level set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). This report can be found in the application documentation at Appendix B.

The issue of potential health effects was one of the other main points of objection to the proposal. Many studies have examined the effects of mobile communications facilities on health, and relevant standards have been mandated. The Code of Practice for Telecommunications facilities requires, as per Principle 3, that a telecommunications facility must be designed and installed so that the maximum human exposure levels comply with the ARPANSA standards. The applicants have demonstrated that the relevant standards can be met by the proposal.

Principle 4: Disturbance and risk relating to siting and construction should be minimised

The site of the proposed facility is farming land serviced by sealed road and established infrastructure. It is adjacent to industrial areas and has been the subject of disturbance for some time as part of the farming practices conducted on the land. There are no sensitive features such as flora, fauna or land subject to erosion and the site has no specific landscape values or features that would be adversely affected by the construction or operation of the facility.

Local Planning Policy Framework

The Local Planning Policy Framework in the Indigo Planning Scheme recognises Kiewa and Tangambalanga as one of the Shire's larger settlements. The importance of Kiewa and Tangambalanga as commuter settlements can be observed by the recent strategic investigations of land supply and demand in the area (Kiewa-Tangambalanga Structure Plan, 2006), which resulted in the recent finalisation of Planning Scheme Amendment C21. This Amendment rezoned large areas of land in Tangambalanga for residential purposes, including Rural Living, Low Density Residential and Residential 1 Zones. It is considered appropriate in providing residential land for development that Council then also concede that infrastructure and technology is part of this type of growth.

Zones and Overlays

It is contended that the proposal before Council is in accordance with both the Farming Zone and the ESO1, being High Quality Agricultural Land. The proposal will not adversely affect the use of the land for agriculture, as the proposal involves fencing off a minimal area for the facility (60m²), and will be accessed by an existing internal track. The surrounding land will continue to be part of a working farm which makes the most of the high quality agricultural land.

Particular Provisions

Clause 52.19 from the Indigo Planning Scheme encourages the development of an effective state-wide telecommunications network that represents minimal impact on the amenity of the area. The decision guidelines are considered to have been met by this proposal, in that the proposal meets the standards set out in the principles of the Code of Practice for Telecommunications in Victoria, along with the decision guidelines of the ESO1.

Issues Raised in Submissions

Of the five main issues raised in objections, those relating to visual amenity, potential health impacts, proximity to residential areas and possible other locations have been discussed above. The final issue relating to land values, councillors would be aware, is an issue that is not a valid planning concern. Land and property values are a subjective issue, dependent on a wide range of factors, including whether one is a vendor or a purchaser. VCAT has consistently ruled that land values are not an issue required to be taken into account when considering planning permit applications.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

In the case *Wilson & Ors v Golden Plains SC* [2009] (VCAT 2120) the Tribunal concluded that: "[t]he need for clear transmission and receiving paths means that in a rural location such as this, monopoles must be visible for them to be effective - if they are hidden below hills or trees they would provide less coverage. Visibility cannot be equated to adverse visual impact".

In the case *Optus Pty Ltd v Mitchell SC* [2002] (VCAT 247), the Tribunal concluded that: "...minimising an adverse impact on visual amenity does not mean that a telecommunications pole must be sited so that it can not be seen by most or many people".

With regard to co-location of facilities, Member JA Bennett, in the case *Goldsworthy & Ors v Mildura RCC* [2009] (VCATP3407/2008) Rural CC stated that:

"[a]lthough residents did suggest alternate locations.....I accept the evidence of Mr Mews that these would not provide the necessary coverage. I am convinced that Telstra has considered the issue of co-location and alternative locations and that it has not been satisfied that its objective in terms of improved mobile phone coverage can be achieved by using alternative locations".

With regard to possible health effects, Member Bennett went on to say:

"[c]learly residents have a strongly held fear about the effects of electro magnetic radiation but I have reached the conclusion that I could not reject the proposal on health grounds because of the very easy compliance with the relevant Australian Standard in relation to electromagnetic radiation".

CONCLUSION

As can be seen from the various policies and guidelines relating to telecommunications facilities, a fine balance must be struck between minimising the visual impact of such facilities while providing effective service coverage.

Council is obliged to consider the impact of a proposal on residential amenity, whilst being mindful of considering the benefits of a proposal on the broader community. There is no doubt the proposed monopole will be visible in the landscape - that is its purpose, to provide line-of-site coverage. However, given the nature of the construction and the minimal intrusion it will make in the broader landscape, the proposal is reasonable.

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The overall objective is to provide a service which is so readily available in other areas. Given that this service is utilised by a large proportion of the population, it is reasonable to provide this service in this location, particularly as it has been flagged as expanding rapidly as a commuter settlement.

For the reasons stated above, it is recommended the application be approved subject to conditions.

Attachments:

Appendix A - Recommended conditions of approval

Appendix B - Planning permit application documents

Appendix C - Location plan

Appendix D - Extract from the Telecommunications Code of Practice for Victoria

Appendix E - Urbis Services Pty Ltd response to objections

(Separate Attachment to be provided to Councillors – Copy of Objections)

11.2 REQUEST TO AMEND PLANNING PERMIT 10-0040 - FRONT FENCE, 1 HIGH ST YACKANDANDAH

File No: PP10-0040 - KATH OSWALD - STATUTORY PLANNER

For Decision

RECOMMENDATION

That Council resolves to refuse a request to amend Planning Permit 10-0040 for the following reasons:

- 1. The proposed glass panel fence represents a contemporary architectural element that is inappropriate to the streetscape of Yackandandah.**
- 2. Having regard to the orderly planning of the area, the proposal is inconsistent with the provisions of the Heritage Overlay of the Indigo Planning Scheme.**

INTRODUCTION

Application Number:	PP10-0040
Applicant:	Zac O'Sullivan
Subject Land:	Lot 1 on Title Plan 21568, 1 High Street Yackandandah - Yackandandah Hotel.

BACKGROUND

Application to amend Planning permit PP10-0040	13 April 2010
Lodged:	
Purpose:	Seek approval to amend endorsed plans showing front fence type (Appendix A).
Subject Site Land Area:	1420m ²
Current Use of Subject Site:	Public hotel
Site Constraints:	None
Site History:	Subject site has been used for the purpose of a hotel for many years. The front fence previously in location of proposed fence was a structurally unsound brick fence of approximately 150cm in height.
Surrounding Land Use:	Applicant previously applied for and was granted a permit for a 'pool style' fence on 23 February 2010 (Appendix B). CFA shed to east of subject land, residential land to north. Commercial premises directly opposite on High Street.
Surrounding Land Zoning:	Township Zone

ZONING AND PLANNING CONTROLS

Zoning:	Township Zone
Overlay(s):	Heritage Overlay
Permit Trigger:	Development in the Heritage Overlay

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

Section 60(1) of the Act provides that before deciding on an application, the responsible authority must consider:

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

Section 60(1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- a) any significant social and economic effects of the use or development for which the application is made
- b) (b), (c), (d), (e), (e (a)), and (e (b)) any regional strategy or amendments to a regional strategy
- c) any relevant state environment protection policy declared in any order made by the governor in Council under section 16 of the Environment Protection Act 1970
- d) any other strategic plan, policy statement, code or guideline which has been adopted by a minister, government department, public authority or municipal council
- e) any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the minister or a planning authority
- f) any agreement made pursuant to section 173 affecting the land the subject of the application
- g) any other relevant matter

Section 60 subsections (2), (4), (5), (6) and (7) relate to easements and restrictions on land and matters that must occur in the event that this applies.

Section 60 (3) is also relevant to many applications. This provides, that where a planning application is exempt from notice requirements under the Act, that, the responsible authority is not required to consider any objection or submission received in respect of the application before deciding the application.

In this instance, the construction of a fence is exempt from notice requirements.

INDIGO PLANNING SCHEME - 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 wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social wellbeing 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, the 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, and 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:

- 15.11 Heritage
- 17.01 Activity Centres
- 17.02 Business
- 17.04 Tourism

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:

21.01-4 Economy

This clause recognises that tourism in Indigo Shire is strongly based on heritage, in addition to the wine industry and the quality of the rural landscapes

21.03-1 Vision and Strategic Framework

Indigo Shire's vision seeks to ensure, among other things, that the heritage attributes of the Shire are protected from inappropriate development, in part because of their contribution to the 'tourist experience' of the Shire.

21.03-2 Corporate Plan

The Corporate Plan has as one of its main objectives, the ongoing preservation of heritage and historical features of the Shire.

21.04 Objectives and Strategies

21.04-1-4 Yackandandah

The need to protect heritage buildings and places is core to the objectives and strategies relating to Yackandandah, in order to ensure development is sympathetic with the heritage character. Moreover, one of the main strategies is to strengthen heritage provisions and design guidelines to ensure new development maintains the character of the town.

21.04-2-2 Tourism

As previously stated, tourism is one of the most important generators of income in the Shire, and the Shire's heritage assets are core to attracting the tourist dollar.

21.04-3-2 Heritage

Protecting cultural and natural heritage assets is important in Indigo Shire in maintaining the municipality's character and sense of place. Clause 21.04-3-2 provides the direction as to how to do this by way of the Heritage Overlay.

Local Planning Policies:

22.03-9 Heritage Policy

Local planning policies give specific guidance on issues that are of particular importance to Indigo Shire. Clause 23.03-9 outlines the heritage precincts of each township. Yackandandah contains two precincts - Commercial and Residential, each of which contribute to the historical significance of the town.

ZONING AND OVERLAY CONTROLS

Township Zone:

The Township Zone (TZ) provides for a range of commercial, industrial, residential and other uses in small towns.

Heritage Overlay:

The purpose of the Heritage Overlay (HO) is to conserve and enhance heritage places of natural or cultural significance, whilst ensuring that development does not adversely affect the significance of heritage places.

Particular Provisions:

None applicable

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

REFERENCE AND INCORPORATED DOCUMENTS

- Indigo Shire Heritage Study (2002)

REFERRAL AUTHORITIES

The application to amend the planning permit was referred to Indigo Shire's Heritage Adviser, who recommended refusal of the proposed amendment to the plans. This is discussed in further detail below.

PUBLIC NOTICE

As stated earlier in this report, the proposal was exempt from the notice requirements of the Planning and Environment Act as it involves the construction of a fence.

DISCUSSION

The proposed alteration to the style of fence was considered inappropriate by the Heritage Adviser for the following reason:

- The glass panel fence represents a contemporary architectural element that is inappropriate to the streetscape of Yackandandah.

The original fence approved by PP10-0040 of plain balusters and balustrade rods, while not authentic to the 19th century, does resemble the simple fences common in this region.

In addition to the above, other options exist for fencing that would achieve the effect of providing shelter, namely replacement of the brick fence, galvanised iron fencing, or the establishment of hedging with a solid barrier constructed behind the hedge that could not be seen from the street. These alternatives were suggested to the applicant, who chose to have the matter reported to Council for decision.

CONCLUSION

High Street Yackandandah was declared a Classified Landscape by the National Trust in 1977. The following is the Statement of Cultural Heritage Significance from the National Trust:

"Yackandandah is a township which, within itself and as a response to the topography of its landscape setting, portrays with considerable integrity the character and principal physical elements of Yackandandah as it was developed up until 1914. The existence of such an intact and well-preserved example of a 19th century mining-based township is of great significance and should be protected. The highlights of Yackandandah are its location nestled in the folds of the surrounding hilly ranges, the compactness of the town layout clustered in a valley, the character and scale of the historic buildings along the main street which is lined by mature exotic trees, and the lack of intrusion into the former alluvial mining areas astride the creek flats which contrast with the built-up area of the township".

Due to the application of the Heritage Overlay in its former guise as part of the Yackandandah Planning Scheme, and now as part of the Indigo Planning Scheme, the significance of the streetscape has generally been preserved.

While the subject establishment is not of individual historic significance, it is considered not appropriate in this streetscape and its approval would set a precedent for the introduction of other non-traditional elements in the Heritage Overlay in this area. In addition, the establishment occupies a prominent position at the entrance to the Yackandandah Township.

While the applicant's desire for a solid fence is reasonable, it is contended there are more appropriate design responses that maintain the integrity of the streetscape that do not present as highly modern in form and material. As such, the application to amend the endorsed plans relating to PP10-0040 should be refused.

Attachments:
Appendix A - Notice of Refusal
Appendix B - Proposed amendment to endorsed plans
Appendix C - PP10-0040 issued 23.03.2010

11.3 SECTION 173 AGREEMENT

File No: PP09/0141 - Kath Oswald - Statutory Planner

For Decision

RECOMMENDATION

That Council as the relevant responsible authority resolves to enter into the subject Section 173 Agreement with the owner of the following land and to sign and seal the appropriate documentation (Crown Allotments 4B Section A5 Parish of Yackandandah, Osbornes Flat Road and Allans Flat)

INTRODUCTION

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

Such agreements, made under Section 173 of the Planning and Environment Act 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 Agreement referred to, the responsibility of making application on behalf of Council to the Registrar of Titles office for the registration of the Agreement and the payment of all legal costs is that of the other party entering into the Agreement with Council.

BACKGROUND

A) OWNER: EA AND LC MASON

Planning Permit 09-0141 permitted the construction of a dwelling on the subject land. In the process of completing the construction of the dwelling, three large native trees were removed for reasons including solar access and perceived fire risk.

As a planning permit should have been obtained for the removal of these trees, it was considered appropriate to require compensatory planting to be carried out on the subject land to offset the loss of mature native vegetation. Council's Native Resource Management Officer recommended offset planting of 400 plants, including tree and shrub species.

To ensure the offset planting is protected in perpetuity, a Section 173 Agreement is required to be entered into with Council.

IMPLICATIONS

There are no key, financial or policy implications.

CONCLUSION

Not applicable

Attachment:
Attachment A: Locality/Site Plan – PP09-0141 Osborne's Flat Rd, Allan's Flat

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11.4 COUNCIL'S 2010/2011 COMMUNITY GRANTS PROGRAM

File No.: 10/2521 - David Koren - Recreation and Leisure Coordinator

For Decision

RECOMMENDATION

That Council adopts the recommendations of the Indigo Shire Community Grants and Awards Advisory Committee regarding Council's 2010/2011 Community Grants Program totalling \$47,494.20 as tabled below:

APPLICANT	PROJECT	TOTAL PROJECT COST	GRANT REQUESTED	GRANT RECOMMENDED
GENERAL				
Apex Club of Rutherglen	Maintenance and upgrade of Club Rooms inc Amenities Block	\$10,832.05	\$2,850.00	\$2,000.00
Baarmutha Park CoM	Purchase of furnishings for interior of Pavilion	\$7,000.00	\$4,000.00	\$0.00
Barnawartha Playgroup	Relocation of Equipment Shed and Installation of Childproof fencing for facility at Barnawartha Primary School	\$8,785.10	\$4,000.00	\$2,000.00
Barnawartha Development Association Inc	Provision of Volunteer training and support	\$6,340.00	\$3,540.00	\$3,000.00
Beechworth Community Support	Purchase of carpeting and merchandising racks for Opportunity Shop	\$1,400.00	\$950.00	\$950.00
Beechworth Football Netball Club Inc	Replacement of refrigeration system at Baarmutha Park	\$5,500.00	\$4,000.00	\$0.00
Beechworth Kindergarten Inc	Purchase and installation of Equipment Shed	\$4,700.00	\$3,800.00	\$2,000.00
Beechworth Lawn Tennis Club	The Professional Drawing up of the BLTC Master plan	\$2,800.00	\$2,000.00	\$0.00
Beechworth Memorial Hall Committee	Carpeting of Stairway from Stage to Dressing Rooms	\$1,116.00	\$500.00	\$500.00
Beechworth Montessori	Purchase seating for Tiny Tot playgroup	\$1,104.00	\$904.00	\$0.00
Beechworth Neighbourhood Watch	Newsletter Distribution	\$8,640.00	\$1,440.00	\$250.00
Beechworth Senior Citizens Croquet Club	Purchase of PVC edging to stop balls and Membership Drive	\$2,630.00	\$1,430.00	\$0.00
Beechworth Swimming	Replacement of pace clock	\$4,000.00	\$2,400.00	\$1,500.00

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APPLICANT	PROJECT	TOTAL PROJECT COST	GRANT REQUESTED	GRANT RECOMMENDED
Club	and specialised coaching			
Chiltern Playgroup	Storage and Noticeboard	\$663.56	\$343.56	\$343.56
Chiltern Racecourse Recreational Reserve	Replace car park running rail (fence)	\$2,534.50	\$1,054.50	\$1,000.00
Chiltern Recreation Reserve CoM	Replacement of Perimeter Fencing	\$3,450.00	\$1,450.00	\$1,450.00
Chiltern Rodeo Club Inc	Sand refurbishment, Rodeo Arena	\$1,740.00	\$1,000.00	\$0.00
Chiltern Senior Citizens Centre Inc	Purchase replacement crockery for club	\$650.00	\$500.00	\$500.00
Chiltern Tennis Club Inc	Shade Structure extension	\$5,000.00	\$2,500.00	\$2,000.00
Chiltern Valley Recreation Reserve Committee	Modification of Chiltern Valley Fire Shed Construction of display areas for Historical display	\$3,365.00	\$1,350.00	\$1,350.00
Christmastown Recreation Reserve CoM	Resurfacing of Cricket ground	\$6,100.00	\$4,000.00	\$4,000.00
Indigo Adult Riding Club	purchase and installation of awning on shed	\$3,957.80	\$3,055.80	\$1,000.00
Indigo FM	Purchase of Equipment and launch of radio station	\$9,000.00	\$4,000.00	\$0.00
Kangaloola Wildlife	Build a sheltered enclosure for injured wildlife	\$7,032.00	\$3,500.00	\$500.00
Kergunyah Pony Club Inc	Development of a Dressage Area for members training	\$1,250.00	\$1,000.00	\$1,000.00
Kiewa Memorial Park Committee	To maintain and improve the facilities of the Kiewa Memorial hall	\$1,883.00	\$1,163.00	\$850.00
Kiewa Valley Bowling Club	Replacement of clubroom Carpet	\$3,300.00	\$2,700.00	\$2,000.00
Neighbourhood Watch Kiewa	Purchase of Electrical Goods	\$524.99	\$424.99	\$424.99
Neighbourhood Watch Wooragee	Outdoor Tables and Seating restoration Wooragee Hall	\$1,898.58	\$1,538.58	\$1,538.58
Rutherglen Bowling Club	Purchase of new chairs for clubrooms	\$6,259.00	\$4,000.00	\$0.00
Rutherglen Corowa Football Club	Purchase of electronic equipment for administration and training	\$2,600.00	\$2,100.00	\$0.00
Rutherglen Field and Game	Concrete Floor	\$5,796.00	\$3,776.00	\$1,000.00
Rutherglen Playgroup	Purchase and installation of Play area	\$5,930.00	\$2,900.00	\$1,000.00
Sandy Creek Tennis Club	Purchase of a Electric BBQ for Club and Recreation Reserve Use	\$2,465.00	\$1,815.00	\$1,815.00

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APPLICANT	PROJECT	TOTAL PROJECT COST	GRANT REQUESTED	GRANT RECOMMENDED
Stanley Recreation Reserve Inc	Furnishing and Equipment purchase for new Pavilion	\$784.00	\$500.00	\$500.00
Wahgunyah School of Arts Hall Committee	Purchase and Installation of air-condition unit	\$2,300.00	\$1,000.00	\$1,000.00
Yackandandah Bowling Club	Replacement of flooring and provision of servery screen	\$4,320.00	\$2,200.00	\$2,000.00
Yackandandah Folk Festival	Purchase of Shipping container to use as storage	\$3,245.00	\$2,565.00	\$0.00
Yackandandah Golf Club	Replace and insulate damaged ceiling in Club Rooms	\$3,882.37	\$2,022.37	\$2,022.37
Yackandandah Golf Club	Install new kitchen, cupboards, benches and splashbacks	\$5,900.00	\$4,000.00	\$0.00
Yackandandah Golf Club	Purchase new stove and range hood	\$3,699.00	\$3,399.00	\$0.00
Yackandandah Golf Club	Purchase and install water tank and pump	\$4,762.00	\$3,587.00	\$0.00
Yackandandah Kindergarten Inc	Installation of disability access path into kindergarten	\$6,100.00	\$4,000.00	\$0.00
Yackandandah Lions Club	Advertising on Television for Monthly Markets	\$7,360.00	\$4,000.00	\$0.00
Yackandandah Night Netball	Purchase new and replace existing netball equipment	\$1,916.00	\$1,771.00	\$1,000.00
Yackandandah Riding Club	Build a veranda onto existing clubrooms	\$6,483.00	\$4,000.00	\$3,000.00
Yackandandah Sports Park CoM	Purchase of crockery and furniture for Yackandandah Sports Park functions	\$6,322.00	\$4,322.00	\$0.00
	TOTALS (General)	\$197,319.95	\$113,351.80	\$43,494.50
ARTS AND CULTURE				
Apex Club of Rutherglen	Fireworks Spectacular Night - 150th Anniversary of Discovery of Gold	\$8,048.65	\$4,500.00	\$0.00
Arts Yackandandah	Weekly Community Art Classes - "Hand Mark"	\$7,409.92	\$3,654.92	\$0.00
Beechworth Arts Council	Provision of Arts as Therapy Workshops	\$2,160.00	\$1,010.00	\$0.00
Beechworth Singers	Purchase of Choral Music Scores	\$1,400.00	\$1,000.00	\$450.00
Chiltern Athenaeum Trust Museum	Erect shed to display Horse Buggy - (Humphrey Pooley)	\$1,300.00	\$800.00	\$550.00
Chiltern Valley Recreation Reserve	Modification of Chiltern Valley Fire Shed	\$3,365.00	\$1,350.00	\$0.00

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APPLICANT	PROJECT	TOTAL PROJECT COST	GRANT REQUESTED	GRANT RECOMMENDED
Committee	Construction of display areas for Historical display			
Green and Sustainable Living Inc	Green Living art and Sculpture Workshops and Exhibition	\$3,920.00	\$2,000.00	\$0.00
Rutherglen and District Arts Society	Hold workshop to learn colour coordination, composition etc	\$1,647.50	\$745.00	\$0.00
Stanley Hall & Athenaeum Committee	Updating of storage equipment	\$3,150.00	\$1,150.00	\$500.00
Yackandandah Folk Festival	Yackandandah Folk Club - provision of equipment and promotion	\$9,200.00	\$4,180.00	\$0.00
	TOTALS (Arts and Culture)	\$41,601.07	\$20,389.92	\$1,500.00
	TOTALS (General and Arts and Culture)	\$238,921.02	\$133,741.72	\$44,994.50
YOUTH INITIATIVES GRANTS				
Barnawartha Development Association Inc	Hold Youth Events for Barnawartha families as identified in community plan	\$1,100.00	\$750.00	\$0.00
Beechworth & District Hockey Club	Provide umpire and coaching courses for Junior Members	\$1,390.00	\$800.00	\$350.00
Beechworth Celtic Festival	Music, Skating and BMX riding Festival for Youth	\$7,650.00	\$2,500.00	\$0.00
Stanley Tennis Club Inc	Purchase of a 4wheel line marking machine for Tennis Courts	\$640.00	\$640.00	\$640.00
Yackandandah Folk Festival	Regeneration: Music Mentoring in Yackandandah	\$12,100.00	\$2,500.00	\$1,510.00
	TOTALS (Youth Initiatives)	\$22,880.00	\$7,190.00	\$2,500.00
	GRAND TOTALS (General, Arts and Culture and Youth Initiatives)	\$261,801.02	\$140,931.72	\$47,494.50

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INTRODUCTION

As part of the 2010/2011 budget process, Council allocated the following funds for community groups and committees:

- | | |
|---|-----------|
| 1. Council's Community Grants – General and Arts and Cultural | \$ 45,000 |
| 2. Council's Community Grants – Youth Initiatives | \$ 2,500 |
| 3. Asset Maintenance Grants | \$139,900 |

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

BACKGROUND

Applications for the 2010/2011 program closed on 9 June 2010. All applications were assessed by ISCGAAC at its meeting on 23 June 2010 and the recommendations for funding through this program are detailed in this report.

KEY IMPLICATIONS

Council received 62 applications under the program requesting grants totalling \$140,931 for projects valued at \$261,801. This was a substantial increase from last year when 45 applications were received. In general, the majority of applications requested funding in the range of about \$500 to \$4,000.

The committee has recommended that Council provides funding to 37 of the applications. It was also recommended that several applications be referred to more appropriate funding sources such as the Volunteer Grants Program or the Sporting Uniform Grants Program 2010.

It should be noted that several of the recommendations from ISGCAAC were not for the full amount requested in the application or had some conditions attached. In most cases, the decision to reduce the grant requested was based on the committee's desire to see as many good projects receive funding as possible. It is also important to note that the committee, when reducing the amount of the grant, was confident that the project could still be completed and provide positive benefits to the applicant body and the community.

FINANCIAL IMPLICATIONS

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

Grants Program	Total Number of Applications	Total Number Funded	Amount Funded \$
Council Community Grants – General	47	31	\$43,494.50
Council Community Grants – Arts and Culture	10	3	\$1,500.00
Council Community Grants – Youth Initiatives	5	3	\$2,500.00
TOTALS	62	37	\$47,494.50

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As mentioned previously in this report, Council has made a financial commitment in its 2010/2011 budget to fund this program.

POLICY IMPLICATIONS

The funding program is guided by Council's Community Grants Program Policy and is consistent with the Council Plan Objectives 4.1 – Effective and efficient service delivery and 4.6 – Enhance the health and wellbeing of the community.

CONCLUSION

It has been Council policy for ISCGAAC to review all applications under Council's Community Grants Program and make recommendations to Council on which applications should receive funding assistance. This procedure was followed for the 2010/2011 program and the recommendations from ISCGAAC to Council are contained in this report.

11.5 INDIGO SHIRE COUNCIL YOUTH STRATEGY 2010-2013**File No.: 09/279 Bev Hoffmann Youth Development Officer****For Decision****RECOMMENDATION****That Council adopts the Indigo Shire Youth Strategy.****INTRODUCTION**

The Indigo Shire Council Plan 2009-2012 identifies the need for a Youth Strategy to 'encourage healthy and active lifestyles in our community'. The attached document is the final version of the Youth Strategy 2010-2013.

BACKGROUND

The purpose of a Youth Strategy is to identify, articulate and prioritise issues relevant to Indigo Shire's young people and make recommendations to the Council for implementation.

The Youth Development Officer has spent considerable time reviewing previous strategies and reports, researching current and emerging issues, and developing a set of survey questions for young people, service providers, schools and parents that has informed the draft strategy. Consultation commenced early in February 2010 utilising this survey. The resulting responses, collected data, research and literature have all been evaluated, collated and synthesised into the draft strategy. The strategy was distributed to service agencies and education providers, as well as Indigo Shire residents and Council staff for comment and consultation. By 18 June, several individuals and groups have returned worthwhile feedback which has been incorporated into the final document.

This feedback highlighted the importance of the environment to young people and a need to develop collaborative projects which young people, the i86 committee and Indigo Environment Advisory Committee can establish and promote. This has been reflected in an additional recommendation.

Other feedback encouraged more positive language around the description of young people as important contributors to communities and a source of input into planning and projects. This feedback has brought subtle changes to a number of sections within the document.

The Youth Strategy has given priority to the voice of young people, as their guiding wisdom influences the work of the Youth Development Officer and the information contained in the strategy.

KEY IMPLICATIONS

The key implications from this document can be seen in the themes explored by the Youth Strategy. These include:

- environment—natural and built
Young people require informal opportunities to engage with the natural environment balanced by supportive and appropriate built environment. This includes access to spaces that are safe.
- engagement—civic and economic
Young people benefit from opportunities to volunteer in meaningful civic and economic situations. This leads to them feeling valued in their own community.
- connection—physical and technological

Young people develop quality relationships through appropriate guidance in their physical and technological worlds. The balance of access to both these means of communication, both via transport and internet, creates a ‘liveable’ community for young people.

Young people's development is affected by Council's subtle and direct decisions in all of these areas. For example, safe healthy activities require suitable but not overly restrictive risk management, clearly defined boundaries for personal and community behaviour and access to accurate and appropriate information.

The engagement of young people and their connection to their communities are of vital importance in their development. The Youth Strategy focuses on supporting and facilitating this engagement and connection.

FINANCIAL IMPLICATIONS

The Youth Strategy contains a number of actions and recommendations. Whilst many actions reflect ongoing activities, some of the actions will have resultant cost implications. The progression of these will need to be subject to budget processes and considerations.

There are no immediate financial implications beyond continuing the funding commitment to the Beechworth Youth Centre and Council's contribution to the Youth Development Officer's position.

POLICY IMPLICATIONS

The development of the Youth Strategy is a key action within the Council Plan, specifically within Strategic objective 4 – Developing Sustainable Communities.

CONCLUSION

The Indigo Shire Council's Youth Strategy 2010-2013 will be implemented by the Youth Development Officer and the i86 Youth Advisory Committee in partnership with relevant community, staff, councillors and service agencies over the next three years.

Attachment:
Youth Strategy

11.6 INDIGO SHIRE SWIMMING POOLS – HOURS OF OPERATION

File No.: 09/1235 – David Koren – Recreation and Leisure Coordinator

For Decision

RECOMMENDATION

That:

- 1. The new operating hours of the five Indigo Shire swimming pools, as detailed in the body of this report, are adopted.**
- 2. The season ticket fees for the five Indigo Shire swimming pools are not increased for the 2010/2011 season.**

INTRODUCTION

Indigo Shire Council's Community Planning Unit directly manages five public swimming pools located within the Shire at Beechworth, Chiltern, Rutherglen, Tangambalanga and Yackandandah. Council also has the contract to manage the operations of the Wodonga Olympic Swimming Pool.

This report reviews the operating hours of the five Indigo Shire swimming pools and makes recommendations on more efficient use of staff resources and opening hours of the pools.

BACKGROUND

The five public swimming pools located within the Shire are all directly managed by Council's Community Planning Unit.

The 2009/2010 budget adopted by Council in July 2009 showed that the cost of operating the Indigo pools was in the order of \$180,000. This figure does not include the \$27,000 expenditure budget for cyclic maintenance or the \$40,000 profit margin for operating the Wodonga pool.

The March forecast for operating the Indigo pools for the 2009/2010 financial year has been estimated at about \$198,000 or a total of \$18,000 over original budget forecasts. The majority of the difference is due to increased utility costs (around \$13,400) and reduced income from entry fees (around \$6,000) due to lower attendance figures.

In 2009/2010, the operating days and hours of the Indigo swimming pools were set as follows:

Low Season - 21 November - 18 December 2009 and 1 February - 8 March 2010

Monday - Friday - 12.30pm - 7pm

Saturday and Sunday - 10.30am - 7.30pm

High Season - 19 December 2009 - 31 January 2010

Monday - Friday - 10.30am - 7.30pm

Saturday and Sunday - 10.30am - 7.30pm

The Beechworth, Yackandandah and Rutherglen pools also had early morning opening on various week days for around 1 to 1.5 hours per session.

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An investigation into the operating hours of other similar swimming pools in the region indicates that Indigo Shire Council opens its pools for a significantly longer period each day. Please refer to Table 1 below:

Table 1: Operating hours of similar outdoor pools in region

Council	Pool/Venue	Days	Low Season	High Season (school holidays)	
Moira	Cobram	Mon - Fri	3.00pm - 7.00pm	1.00pm - 7.00pm	
	Nathalia	Sat - Sun	1.00pm - 7.00pm	1.00pm - 7.00pm	
	Numurkah (outdoor)		(Same opening hours for all pools)		
	Strathmerton				
	Yarrowonga				
Strathbogie	Violet Town	Mon - Fri	1.00pm - 7.00pm	12noon - 7.00pm	
	Nagambie	Sat - Sun	1.00pm - 7.00pm	12noon - 7.00pm	
	Euroa		(Same opening hours for all pools)		
	Avenel				
Campaspie	Lockington	Mon - Fri	3.30pm - 7.00pm	2.30pm - 7.00pm	
		Sat - Sun	2.30pm - 7.00pm	2.30pm - 7.00pm	
	Stanhope	Mon - Fri	3.00pm - 6.00pm	2.00pm - 6.00pm	
		Sat - Sun	2.00pm - 6.00pm	2.00pm - 6.00pm	
	Colbinabbin	Mon - Fri	4.00pm - 6.00pm	2.00pm - 6.00pm	
		Sat - Sun	4.00pm - 6.00pm	2.00pm - 6.00pm	
	Rushworth	Mon - Fri	4.00pm - 6.00pm	2.00pm - 6.00pm	
		Sat - Sun	2.00pm - 6.00pm	2.00pm - 6.00pm	
	Tongala	Mon - Fri	3.30pm - 7.00pm	1.00pm - 7.00pm	
		Sat - Sun	1.00pm - 7.00pm	1.00pm - 7.00pm	
	Rochester	Mon - Fri	3.30pm - 7.00pm	2.00pm - 6.00pm	
		Sat - Sun	1.00pm - 7.00pm	1.00pm - 7.00pm	
	Kyabram	Mon - Fri	12.30pm - 8.30pm	12.30pm - 8.30pm	
		Sat - Sun	12.30pm - 8.00pm	12.30pm - 8.00pm	
	Note: most pools have option of staying open later on hot days with some also having some early morning opening				
	Alpine	Mount Beauty	Mon - Fri	3.30pm - 7.00pm	12.00noon - 7.00pm
Sat - Sun			1.00pm - 6.00pm	1.00pm - 6.00pm	
Myrtleford		Mon - Fri	3.30pm - 7.00pm	12.00noon - 7.00pm	
		Sat - Sun	1.00pm - 6.00pm	12.00noon - 6.00pm	
Note: both pools have early morning opening options					
Towong	Corryong	Mon - Fri	3.30pm - 7.00pm	12.00noon - 7.00pm	
		Sat - Sun	1.00pm - 7.00pm	12.00noon - 7.00pm	

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Council	Pool/Venue	Days	Low Season	High Season (school holidays)	
	Tallangatta		(Same opening hours for both pools)		
Note: both pools have early morning opening options					
Greater Hume Shire	Holbrook	Tue - Fri	2.30pm - 6.00pm	11.00am - 7.00pm	
		Sat - Sun	2.30pm - 6.00pm	11.00am - 7.00pm	
	Culcairn	Tue - Fri	2.00pm - 6.00pm	2.00pm - 8.00pm	
		Sat - Sun	3.00pm - 7.00pm	2.00pm - 8.00pm	
	Henty	Mon, Wed, Thu, Fri	3.30pm - 7.00pm	1.30pm - 7.00pm	
		Sat - Sun	1.30pm - 7.00pm	1.30pm - 7.00pm	
	Walla Walla	Mon, Tue, Thu, Fri	3.30pm - 6.00pm	1.00pm - 8.00pm	
		Sat - Sun	1.00pm - 6.00pm	1.00pm - 8.00pm	
	Jindera	Tue - Fri	1.00pm - 6.00pm	3.30pm - 7.00pm	
		Sat - Sun	12.00noon - 7.00pm	12.00noon - 7.30pm	
	Note: most pools have early morning opening options, <u>all</u> pools are closed on one day during the week				

The longer opening hours of Indigo pools have created issues which need to be urgently addressed. These are discussed below.

Staff Work Loads

Currently, the five swimming pools are supervised by appropriately trained senior and junior lifeguards. Particular senior lifeguards, based on where they live and due to their experience, manage particular pools and take on extra responsibilities such as staff rostering and other minor administrative duties. This arrangement works very well as the lifeguards have good knowledge of the local pool, its infrastructure and the local patrons attending the pool. However, the issue of having enough lifeguards to appropriately supervise all of the pools for the whole season has been an ongoing issue for many years. This issue is not unique to Indigo.

Generally, one senior lifeguard would work the full day shift at each pool and roster the appropriate number of junior lifeguards as required. During high season, this results in the senior lifeguard on duty working up to 9.5 hours at the pool on a normal day. The issue around extending the opening hours on very hot days (an additional hour) placed added pressure on the senior lifeguard on duty, who may be feeling fatigued after a busy day in hot conditions. This is clearly not an appropriate situation for Council staff, particularly in a position where mistakes can have major repercussions.

The popularity and expected continuance of the early morning opening at three of the Indigo pools also has the potential to add to the length of the working day, although, there is generally a greater than four hour break between the early morning opening and the start of the normal shift.

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The option to have two senior lifeguards split the shift was problematic as there were not enough senior lifeguards available without having senior lifeguards working everyday without a break during the high season.

Having one senior lifeguard supervising the pool for a full day is considered the most appropriate option for Indigo pools when that day does not exceed 8.5 hours.

MORE EFFICIENT USE OF STAFF TIME

Feedback from the senior lifeguards at all five pools indicated that there were very small numbers of patrons attending from 10.30am to 1pm, even during high season and school holidays. On many days, particularly during the low season, there would be no patrons at the pools during these times. This is not an efficient use of staff resources, particularly when the cost of operating swimming pools will continue to increase.

ANTICIPATED HIGHER UTILITY CHARGES

Another major issue, which will particularly affect the swimming pools, is the anticipated substantial increases in the cost of water and electricity consumption. The 2009/2010 budgets have already been negatively affected by higher utility costs and it is anticipated that substantial increases will continue in the short to medium term.

Council staff will continue to investigate options for reducing water and electricity usage at the pools, however major increases should be expected.

The option of reducing the opening hours of the pools will reduce the cost of wages which will then allow Council to counteract the anticipated higher utility costs which have the capacity to significantly increase future swimming pool budgets.

A reduction in operating hours will also effectively address the staff issues at the Indigo pools as outlined above and put the Indigo pools in line with similar facilities in the region.

To deliver a balanced service that caters for community need without compromising staff safety or future budgets, it is considered appropriate to reduce the operating hours of all Indigo pools as follows:

Low Season - 20 November - 17 December 2010 and 31 January - 7 March 2011

Monday - Friday - 1pm - 7pm
Saturday and Sunday - 1pm - 7.30pm

High Season - 18 December 2010 - 30 January 2011

Monday - Friday - 1pm - 7.30pm
Saturday and Sunday - 12noon - 7.30pm

** Option for extending opening to 8.30pm in extremely hot weather*

The proposed new operating hours will result in a total reduction in opening hours of about 18%. However, the new hours will result in all pools being able to stay open until 8.30pm on very hot days, giving a net reduction in hours of about 13%. The new hours will also give Council the opportunity to effectively advertise the extended hours on hot days knowing that staff and patrons are not being put at risk.

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A letter was sent to all known user groups of the Indigo pools including all schools and swimming clubs to inform them of the proposed change in opening hours. Two responses were received (from Rutherglen Primary School and Beechworth Swim Club) and are attachments to this report. Two key points were raised in the submissions:

1. Flexibility to cater for school usage. This was considered a valid point and Council will ensure that the pools will be made available for school usage outside the normal operating hours. It should be noted that this practice has happened in previous seasons and will continue to happen under the proposed new opening hours, subject to appropriate booking procedures.
2. Clear policy/procedures on extended opening hours during very hot weather. This was also considered a valid comment and Council will ensure a robust policy is put in place, communicated and implemented before the commencement of the 2010/2011 season.

KEY IMPLICATIONS

Staffing Issues

Reduced operating hours will greatly reduce the pressure on senior lifeguards during the hotter weather in the high season when patron numbers are high. Lifeguard fatigue will be reduced and efficiency will be increased. Feedback from senior lifeguards indicates that potentially working less hours over the course of the season is not an issue and addressing the long working day is a higher priority.

Certainty for the community on extending hours on hot days will also be addressed by the reduction in operating hours.

Utility Costs

Anticipated higher utility costs will significantly affect future swimming pool budgets. The reduced operating hours will reduce wages costs which will offset the higher costs of water and electricity.

Community Response

It is anticipated that there will be some negative feedback from the community if the shorter operating hours are introduced. Appropriate consultation with the community and information around the issues behind the decision are important for the community to accept the new operating hours. Although the operating hours of other pools in the region do not affect how Indigo pools are managed, it is considered very relevant information to benchmark Indigo against other councils to increase the community's awareness of the opening hours of other pools.

It can be argued that the reduced operating hours, although not affecting the casual entry fees, should result in Council reducing the cost of a season ticket. This argument has some validity and it is considered appropriate that Council should consider keeping the season ticket fees at their 2009/2010 rate.

As mentioned previously in this report, flexibility with opening hours will continue to ensure the schools have continued access to Indigo pools, subject to appropriate bookings being made. A robust policy on extending opening hours on very hot days will be introduced for the 2010/2011 season.

FINANCIAL IMPLICATIONS

As mentioned previously in the report, the total cost of operating the five Indigo pools for the 2009/2010 financial year has been forecast at around \$198,000, which is up from the original budget estimate of \$180,000 adopted in July 2009.

It is anticipated that utility costs will substantially increase in coming years. As a result, Council has budgeted for a total utility cost of \$56,610 in the draft 2010/2011 budget. This is an increase of about \$7,000 from the 2009/2010 forecast and an increase of about \$20,000 from the original 2009/2010 budget adopted in July 2009.

The cost of wages, if operating hours remained the same, would increase from about \$195,900 in 2009/2010 to about \$206,000 in 2010/2011.

A reduction in the operating hours of the five Indigo pools will result in a reduction in wages of about \$17,150. It should be noted that this wages figure includes costs for the continuance of early morning opening at Beechworth, Rutherglen and Yackandandah and has also made allowance for anticipated longer opening hours on very hot days.

Indigo Shire Swimming Pools – Wages Costs

Pool/Venue	WAGES ONLY 2009/2010 Budget	WAGES ONLY 2010/2011 Budget - Normal Season	WAGES ONLY 2010/2011 Budget – Reduced Opening Hours
YACKANDANDAH POOL	\$31,776	\$35,800	\$30,750
BEECHWORTH POOL	\$38,030	\$41,500	\$36,600
RUTHERGLEN POOL	\$45,850	\$48,000	\$42,100
TANGAMBALANGA POOL	\$45,220	\$44,200	\$37,950
CHILTERN POOL	\$35,030	\$36,500	\$31,350
Total Indigo Pools	\$195,906	\$206,000	\$178,750

Without a reduction in operating hours, it is anticipated that the cost of operating the Indigo swimming pools will increase from \$198,000 (2009/2010 March forecast) to over \$220,000.

With the reduction in operating hours, and taking into account the anticipated increases in utility costs, Council can expect the 2010/2011 budget for the Indigo swimming pools to be in the order of \$184,000. This figure would include all other anticipated income (entry fees, kiosk sales etc) and expenditure (cost of merchandise, chemicals etc) for the five pools.

It is anticipated that the ‘freezing’ of the season ticket fees for 2010/2011 will not substantially affect the income budgets.

POLICY IMPLICATIONS

The operation of the swimming pools is consistent with the Council Plan Objectives 4.1 – Effective and efficient service delivery and 4.6 – Enhance the health and wellbeing of the community.

CONCLUSION

Due to anticipated utility charge increases, the cost of operating Council's five swimming pools is expected to substantially increase in the coming years. To offset these anticipated costs and to address major staff issues, it is recommended that the operating hours of the pools be reduced.

The proposed reduction in operating hours will address the concerns of senior lifeguards working long hours in difficult conditions, utilise staff more efficiently and also more closely align the opening hours of Indigo pools with other similar pools in the region.

Attachments:

Attachment A: Response to Pool Opening Hours – Rutherglen Primary School

Attachment B: Response to Pool Opening Hours – Beechworth Swim Club

11.7 PROVISION OF ANIMAL POUND FACILITY

File No.: General Manager Sustainable Communities - Mark Florence

For Decision

RECOMMENDATION

That based on the data and proposal detailed in the report, Council enter into an agreement with Wodonga Council to accommodate Indigo Shire's needs relating to Animal Pound services.

INTRODUCTION

The main animal pound facility for Indigo Shire has been located at Beechworth on Council land occupied under lease by Parks Victoria, and adjacent to the Council depot. Pound facilities had been located at Yackandandah in previous years but have been discontinued for some time due to the unsatisfactory state of the facility.

The Office of Animal Welfare oversees animal pound standards and its most recent audit of Council's facilities, reported the Beechworth facility to be non-compliant and that a new facility was required. Council allocated \$50,000 in the 2009/10 capital budget to construct a new animal pound at the existing site which was subsequently increased to \$75,000 at the mid year review following receipt of more accurate costs.

The planning and construction of the new facility was initially delayed whilst discussions and negotiations with Parks Victoria about long term tenure and animal pound positioning on the land were concluded. Following that process, neighbouring or nearby residents expressed concerns about the location of the proposed new facility and the negative impact on residential amenity through persistent noise emanating from barking dogs.

In seeking an alternative response, Council officers held initial conversations with Wodonga Council to discuss options which may support Indigo Shire meet its animal pound requirements, and eliminate or reduce negative impacts to residents. A preliminary briefing to Council supported further investigation of the Wodonga option, and a Council resolution at the June meeting sought further details on Indigo Shire animal pound data and a proposal from Wodonga Council in order that a decision could be made on the most appropriate strategy.

The need for this work was heightened by the destruction of the Beechworth pound by a falling tree in a recent storm event.

BACKGROUND

Negotiations with Wodonga Council has resulted in a proposal being received which if adopted would see animal pound requirements for Indigo Shire, being provided at Wodonga.

The Wodonga proposal states that:

- WCC shall provide access to the pound/s for the acceptance and storage of impounded domestic animals, being small animals – dogs and cats

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- WCC shall accept up to 200 small animals per annum for an inclusive fee of \$5,000. ISC shall retain any release fees from the pet owner and any infringement notices issued by ISC will be retained by ISC
- WCC shall accommodate the destruction costs of up to 60 small animals per annum for the above noted inclusive fee of \$5,000
- After 10 days, any unclaimed small animal shall become the property of WCC and may be sold or re-housed or destroyed
- WCC shall not issue infringement notices for impounded pets
- This inclusive fee covers pet receipt, storage, feeding, pound cleaning, disposal if not claimed and placement of pet photograph on Council's website and computer system for ready viewing.
- For any pet requiring micro-chipping, the owner shall pay ISC in advance and WCC shall arrange for the micro-chipping to occur prior to release. WCC shall invoice ISC on a monthly basis for micro-chipping costs
- Any domestic animal kept for prosecution purposes will be subject to usual storage costs after the 10 day holding period
- Access to the pound out of regular business hours (5pm week-days) and weekends (before 10am or after 4pm) will be provided

In assessing the Wodonga proposal, it was considered important to understand the level of usage of the animal pound activity in Indigo. The following table provides data on dogs claimed and processed from January 1st 2010 to June 30 2010.

The table details townships where dogs are collected and the category of actions taken in respect to each dog.

Township Area	Dogs Impounded and Claimed	Dogs Unclaimed	Dogs Surrendered	Returned with a warning	Dogs seized (ie after an attack)	Total per Town
Yackandandah	8	5	2	1		16
Beechworth	16	3		1		20
Stanley	3					3
Chiltern	7	1				8
Barnawartha	8	2				10
Rutherglen	15	2				17
Wahgunyah	2	1			2 (3 months holding)	5
Tangambalanga	3					3
	62	14	2	2	2	82

All areas of the shire have some dog collection activity with the Beechworth, Yackandandah, and Rutherglen areas being the most active. The majority of dogs impounded are claimed by owners.

Cat activity and collection is less than for dogs. The table below provides details of cats collected for the first 6 months of 2010.

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It should be noted that these figures do not include surrendered cats or cats that are deemed wild, uncontrollable, unweaned or diseased. These animals are destroyed.

Cats	Impounded for min. 8 days	Claimed and fined	Total
1/1/10 to 30/6/10	14	2	16

KEY IMPLICATIONS

Adopting the recommendation would have some implications for residents and for Council. These include:

- A contemporary and compliant animal pound facility will be accessed to provide excellent housing and welfare facilities for the impounded animals.
- Indigo Shire would join with Towong Shire in accessing a regional facility with adequate and appropriate capacity.
- Residents would be required to make payment of release fees via Indigo Shire offices before an animal is released from Wodonga.
- Residents wishing to claim their animals would be required to travel to Wodonga to collect them.
- Travel time for staff may increase particularly when collecting and processing animals from the Beechworth and Stanley areas.
- Beechworth and Stanley residents would be required to travel further than the current situation. Travel time and distance for residents in other areas would be similar or even reduced.
- An education and awareness program would be required to inform animal owners of the change in process and pound location and to reinforce the responsibilities that come with pet ownership and the need for appropriate management.

FINANCIAL IMPLICATIONS

The \$5000 fee proposed by Wodonga Council would be a new cost to Indigo Shire but would be offset by a number of important savings.

- Capital funds required to construct a new compliant pound facility would not be required. This is a saving estimated at between \$50,000 and \$75,000.
- Maintenance costs and activity would be eliminated
- Elimination of at least one hour per day every day of staff time required for cleaning of the pound and feeding impounded animals. The saving is estimated at approximately \$4,000 per year
- Rangers previously required to undertake these duties will be available for other ranger activity or enforcement duties.

POLICY IMPLICATIONS

Entering into an agreement with Wodonga Council for animal pound services would maintain Indigo Shire's responsibilities and ensure that its obligations to provide compliant and appropriate animal pound services are met.

CONCLUSION

The proposal to enter into an agreement with Wodonga Council to support Indigo Shire's animal pound functions will be a change to a long term process, and will require important communication with residents who may feel negatively impacted by the change, particularly in the initial phase. However, the benefits that the proposal provides outweigh any concerns, and it is considered appropriate to enter into the agreement.

**11.8 ENVIRONMENT ADVISORY COMMITTEE - REQUEST FOR STATE GOVERNMENT
PRE-ELECTION COMMITMENT FOR A LOW CARBON TRANSITION**

File No.: 09/584 - Shay Simpson - Natural Resource Management Officer

For Decision

RECOMMENDATION

That Council:

- 1. Agree to the proposal put forward by the WATCH group and endorsed by the Environment Advisory Group and resolve that the Victorian Government begin by 2012 a rapid and sustained low carbon transition enabling Hazelwood power station to be closed by 2015; and**
- 2. That this resolution be enacted by writing to the State Government, as well as opposition parties, asking for a pre-election commitment to replace Hazelwood power station with clean energy.**

INTRODUCTION

Indigo's Environment Advisory Committee (the Committee) June meeting covered a range of items including consideration of a briefing paper from the WATCH group (Wodonga and Albury Towards Climate Health). See minutes of this meeting contained within the Governance Department report section. This report will provide further information as to the recommendation that the Committee has put forth in response to the WATCH briefing paper.

The WATCH briefing paper provides valuable information regarding the Hazelwood power station, located in Victoria's LaTrobe Valley. This paper sets out a clear and rationale argument in support of its decommissioning by reference to statistics that highlight its inefficiency in resource use and subsequent suggestions to meet energy demands on its closure.

The paper is directed to the Council of Indigo Shire and specifically requests Council to resolve that the Victorian Government take steps to transition to a low carbon future by closing the LaTrobe power station. It has been identified in the paper that this could be achieved by capitalising on the opportunity for pre-election commitments. Accordingly, adoption of the resolution would require Council to write to the State government and opposition parties requesting a commitment prior to election that Hazelwood power station be closed by 2015.

BACKGROUND

The WATCH group is a local, apolitical community group that actively advocates for action on human-induced climate change. The group assists people of the region to clarify concerns about climate change and effectively express them to community leaders and decision-makers. They have identified local government and their respective environmental sustainability plans as key to initiating change.

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The Committee received the WATCH paper at the June meeting and resolved that the proposal contained within the paper be put to Council following some minor amendments. These amendments included that a plan for transition on closure be in place by 2012 - rather than closure at this time - and that closure should be scheduled by 2015.

KEY IMPLICATIONS

The key implications with adopting this recommendation are addressed below, in terms of:

- Risk management – the exercise can be viewed as a request to State government to improve policy for the benefit of all – at best Indigo will receive a positive response or commitment which could be publicised and at worst no response will be given;
- Legislative implications – Indigo Shire will be one of many bodies/organisations writing to the State government seeking legislative reform – at best there will be a critical mass to demonstrate that continued operation of LaTrobe is no longer acceptable and at worst there will be no reform enabling continued operation;
- Regulatory implications – as above;
- Environmental implications – as above.

FINANCIAL IMPLICATIONS

The primary resource implication of adopting this recommendation is likely to be officer time to draft the letter, as well as any associated media efforts.

POLICY IMPLICATIONS

The WATCH paper provides clear links to Indigo's Environment Strategy and Greenhouse Action Plan. Respectively, it states that Indigo has committed to use resources efficiently and to achieving a 20% reduction in greenhouse gas emissions from 2005/06 levels by 2015/16. A change in the primary source of this stationary energy - currently supplied via La Trobe that utilises brown coal - would greatly assist in achieving these goals.

CONCLUSION

The Environment Advisory Committee has recommended that the Council of Indigo Shire resolve to endorse the proposal researched and submitted by the WATCH group. This group acts to articulate and direct concerns from residents with regards to climate change and has identified local government as being able to effect change. Collectively, requests to the State government for closure of Hazelwood power station and concurrent replacement with clean energy technologies will contribute to the collective voice of the people that its continued operation is no longer acceptable and that stronger action is needed. This request to State government will have minimal resource contribution from Indigo, but could affect lasting positive benefits.

Attachment:

WATCH Briefing paper for Indigo Shire Council's Environment Advisory Committee (EAC), 9 June 2010

12.0 MAJOR PROJECTS AND PROGRAMS

12.1 RUTHERGLEN HEAVY VEHICLE DEVIATION

File No.: 09/1579 - Andre Kompler - General Manager - Major Projects & Programs

For Decision

RECOMMENDATION

That Council:

1. **Not accept the Aurecon recommendation of the Railway Reserve route for a future heavy vehicle deviation/ bypass.**
2. **Endorse the Parkins route and sanction that such remain Council's long term strategic preference unless recommendation 3 is demonstrated to have a higher on balance matrix priority and a better BCR using the same rationale as seen in the final Aurecon report.**
3. **Allow further investigation of what on preliminary analysis could be a better solution, that is, the intermediate compromise between the proposed Parkins and Herrins routes (i.e. see Annexure 1 – compromise route & relative costing . Also Annexure 2 Preliminary Matrix Assessment).**
4. **Endorse an amount of \$70,000 (subject to availability at the 2010/2011 mid year Budget review) to check on; geometric road alignment for recommendations 2 and 3, to confirm Benefit Cost Ratio (BCR), and to further define and limit corridor width as appropriate.**
5. **Endorse recognition of the resultant Council preferred route in the Shire's Strategic Municipal Statement.**
6. **For other than the project recommendation (3 & 4), allocate no more funds on developing a state or local arterial heavy road deviation/ bypass, but rather continue to lobby state and federal governments for the long term solution along with funding for other State impacted traffic impacted routes such as the Upriver and Gooramadda roads.**
7. **Continue to work with VicRoads and the local community on minimising existing traffic and pedestrian risk on state controlled Main Street Rutherglen.**

INTRODUCTION

Rutherglen has been the subject of long term population growth, economic and tourism growth. Commensurate with this has been the appearance of regional factors likely to impact traffic patterns such as increasing east west traffic growth subsequent to local industry changes, connection to the Logic distribution hub, the impact of the Federation bridge routing of heavy vehicles and natural traffic growth.

The issue of heavy vehicles in Main Street Rutherglen and the removing of the majority of such from Main Street, has been an issue for Rutherglen residents over many years. As the town continues to grow without any regard for where a future heavy vehicle route may be located, the future cost of building such will continue to be increasingly impacted by residential development and the likelihood of such a deviation becoming a reality becomes increasingly dependant on road statistics and political will.

Sooner rather than later there needs to be settlement on a long term traffic solution sympathetic to the needs of Rutherglen and then continuation of the journey of sourcing funds. Coupled with the above is the need for implementation of doable short to medium term traffic management measures.

This project has been and remains to be about minimising risk to all road users both in the short term and the long term. There are two parts to the project. For the short to medium term, continue to work with the existing state road network to improve safety. For the long term, seek to get the majority of heavy vehicles away from the relatively narrow commercial precinct known as Main Street Rutherglen.

During the last 2 years, a study jointly funded by VicRoads and Indigo Shire, has been conducted by consultants Aurecon to look at both the potential short term and long term traffic management options. Aurecon engaged with the community to initially identify 20 routes which were ultimately short listed down to 4 routes for more detailed investigation and relative comparison. These 4 routes are otherwise known as; Kilborn, Parkins, Railway and Herrins.

The detailed assessment of the routes looked at environmental, social, traffic and economic considerations and rated each on a points scale. The rating assessments were then given weightings. Irrespective of whether weightings were applied or remained, the Aurecon result remained the same with its recommendation order being;

1. Railway Reserve route (most preferred by Aurecon) with a Benefit cost ratio (BCR) of 0.14 and cost of \$16.1M
2. Herrins corridor with a BCR of 0.11 and cost of \$26.5M
3. Parkins corridor with a BCR of 0.11 and cost of \$42.2M
4. Kilborn corridor with a BCR of 0.05 and cost of \$51.8M

The aim of the Aurecon report was to assist in the process of identifying the best on balance road routing solution. The intent of Council thereafter was to progress to the stage of route reservation within the Indigo Planning Scheme.

Whilst the above figures on face value would suggest the Railway option is the way forward for Council, discussion in section 4 of this report will provide comment on some of the report's limitations which may cause Council to question the wisdom of accepting and endorsing the Aurecon recommendation as it stands.

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Based on community feedback to-date, whatever route Council favours, there is a fair chance such may draw criticism. There is an opportunity now to recognise the balance between long term traffic needs with the long term community need. However, the obvious collateral is that which ever way one goes, people will be affected. The challenge is to see and pursue the right “on-balance” way forward.

CONSTRAINTS TO PROGRESSING THE PROJECT

Divided community- it almost goes without saying, where there is division there is indecision. VicRoads has stated that to secure any long term solution, the community would need to be behind the proposal that is preferred. For more of the same to continue into the future is to invite more spending, minimalist state/ federal commitment and a lot of people’s lives to be unduly impacted.

Benefit Cost Ration (BCR) – with such low benefit cost ratios as presented in the Aurecon report, it is highly unlikely that state or federal funding would be forthcoming in the near term as this project would need to compete with relatively speaking more needy projects across the nation where the benefits are far in excess of the costs. To put in context the Aurecon BCR figures, the best BCR of 0.14 means that for every hundred dollars of cost, such would generate 14 dollars of benefit over the project life. In short, funding bodies do not generally invest taxpayers’ money in these sorts of uneconomic circumstances. However, the BCR as stated in the Aurecon report does not quantify in dollar terms the full extent of every benefit, so some times social and environmental imperative can out weigh economic arguments.

Thus Council and others should not regard this project on BCR ratings alone and should not see it as being something for the long term “too hard basket”. Unfortunate as such is to acknowledge, a few accident statistics can and does change the analysis and sometimes political will.

VicRoads- VicRoads’ support and involvement in the future of any long term arterial road changes is absolutely necessary for signoff and funding. If such support is not likely to be forthcoming or forthcoming in a very limited capacity as articulated by VicRoads to-date, Council and the wider Rutherglen community need to more actively pursue short to medium term practical solutions along with the political route for the long term outcome.

Other Studies- project development is not a simple and cheap process. Not withstanding the studies (desktop or otherwise), the amount of funding and time expended over the years to-date, before construction, there would need to be detailed environmental and heritage ground studies and route design confirmation to firm the ideal balance between development and the preservation of existing values. The cost of such is beyond that which Council would reasonably consider and really is an issue for VicRoads alone.

COMMENT ON THE AURECON REPORT

When you commission a report, one does not normally go against a finding unless there are some wider issues perhaps not given best regard in the assessment.

After having stepped into the process in detail several months ago, and upon a detailed review of the Aurecon report, and a physical site inspection of potential routes, a number of issues are apparent;

- i. The report weighting system is such that after a few arguable point allocation changes, in terms of priority, the project priorities can easily change. For instance the Herrins route could tie with the Railway route and the author's compromise route between Parkins and Herrins could score higher than all the four routes (see Annexure 2- Matrix Assessment). If one makes use of the existing local road formation in places like Great Southern Road, construction costs could be limited to a less costly formation widening and pavement overlay as opposed to a full green fields construction. With the use of staggered T-intersections, connection with other main roads can be made cost effective. Similarly, in places of environmental sensitivity one could mitigate and minimise impacts whilst still maintaining flora and fauna connectivity by taking out only half a road reserve.
- ii. The report assumes a uniform road safety benefit from all 4 routes. In reality the road safety benefit is likely to be less on the inner routes than the outer routes thereby overstating benefits and potential BCRs on the inner routes. This is because intuitively the likelihood for an incident on the inner routes is higher than outer routes by virtue of the proximity of more public to heavy traffic and the reality of "as-built" arrangements not being as protective as more highly used inner urban design (ie where pedestrian access etc is very restricted etc). As traffic grows and incidents occur, the "road safety benefit" will grow significantly to improve BCR's.
- iii. It is not clear that the Aurecon report took full account for the strategic growth direction of the town to the North east. Such growth direction is identified in the Shire's Municipal Strategic Statement (MSS) coupled with figures 22 & 23 in Rutherglen Residential Lands Study- Oct 2005 (see Annexure 3- Lands Study Oct 2005 report extracts- figures 22- Potential rezoning areas, Figure 23- Future Growth Directions MSS C24 Amendment Map).
- iv. The Kilborn route is the most expensive and is too far out of the way of current traffic movement to be attractive for use by heavy vehicles coming from the Chiltern and Springhurst directions. The UpRiver Road route (see Annexure 7) proposed by a number of community members is even further out of town and less attractive again for use by the Chiltern Springhurst traffic

A peer review of the Aurecon report was commissioned and is shown in Annexure 6. Whilst most of the Aurecon report process has been validated, in view of the above and the wider community view, it is problematic to accept the Railway route recommendation as the definitive best on balance compromise long term solution to removal of the majority of heavy vehicles from Main Street commercial precinct.

COMMUNITY FEEDBACK

Annexure 4 shows the summary compilation and analysis prepared by an independent third party on the most recent town wide Council request for feedback on the final Aurecon Report.

A number of things come through from the information and feedback from the public;

- of the four Aurecon routes studied in the final report, most preference is toward the Railway route followed by Herrins followed by the Parkins route
- if the people of Rutherglen are to end up with anything, an external route is favoured over an internal route
- whilst many people expressed varying preferences toward different routes, many more than those preferring the Railway route specifically stated their opposition to the Railway route
- there were many well considered comments to the effect that Council needs to be mindful for the long term irrespective of apparent cost as this is something likely to be built once only
- whilst a considerable number pointed to the UpRiver Road as a possibility alternative route to the four routes studied by Aurecon, at a number of public meetings, Aurecon, Council and VicRoads have attempted to explain why this and the Kilborn route will not work from a traffic management perspective. For some reason the Aurecon report has not communicated well enough the message to the public that the further out one goes around a town, the more costly the route becomes, the lower the BCR and the less likely through traffic will use such routes particularly when such routes are longer than the base case
- people were concerned about alternate routes being too far out of town and the likelihood of loss of through traffic from the commercial precinct if a route was too far out.
- numerous people provided comment to the effect that the right solution was yet to be found irrespective of all the process to date. A number of these suggestions were specifically inspected with members of the public. The main issue with northern suggestions is their impact on the direction of future town development
- extracts of verbatim comment from the public is provided in the Annexure 4 – Summary Report of Community Submissions.

PLANNING AND POLICY IMPLICATIONS

One of the purposes of the Indigo Planning Scheme is to express state, regional, local and community expectations for areas and land use combining local and state initiatives.

The State Planning Policy Framework suggests planning for Infrastructure should enable the infrastructure to be provided in a way “that is efficient, equitable, accessible and timely”. Section 18.01-2 of the State Planning Policy Framework suggests; “Transport routes should be located to achieve the greatest overall benefit to the community and with regard to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity. New transport routes and adjoining land uses should be located and designed to minimise disruption of residential communities and their amenity”.

The Municipal Strategic Statement (MSS) included in the Local Planning Policy Framework of the Indigo Planning Scheme furthers the objectives of the State Planning Policy Framework to the extent such is applicable to the municipality and local issues, and provides elaboration on issues and strategies at a local level

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The existing MSS refers to “Diversion of heavy vehicles around the commercial district” as being one of the three major issues for Rutherglen. The MSS notes as a strategy for bringing such to reality is “ Liaise with VicRoads on the development of a heavy vehicle bypass around the commercial area of town”. The recently adopted C24 Amendment to the Indigo Planning Scheme reiterates as a key issue and challenge,- “High traffic volumes and heavy traffic through the commercial precinct”. However then goes on the state a number of objectives. Two of these objectives are; “protect the existing character of the town and the locality” and “ Reduce the impact of heavy and through traffic on the amenity of the business precinct”

The Planning Scheme Amendment C24 includes a Rutherglen Strategic Map which shows the long vision for residential growth projecting to the north east of the town. This builds on the existing Strategic Framework Map for Rutherglen and reinforces the north east town development direction conclusions of the Rutherglen Residential Lands Study commissioned by Indigo Shire Council from SGS Economics and Planning dated October 2005 (see Annexure 3 – Lands Study Oct 2005 report extracts- figures 22- Potential rezoning areas, Figure 23- Future Growth Directions MSS C24 Amendment Map)

Whilst VicRoads has stated Indigo Shire could in effect create a heavy vehicle deviation at any time by opening up its local roads to B-double traffic, the issue for the Shire is increasing costs to ratepayers of such without any help from the State Government. Once the Shire does as VicRoads suggests, the local roads become more used by through traffic and heavy vehicles diverting from the state road network. The consequence of this change of traffic movement is an increase in shires costs and increased ratepayer liability for road maintenance which otherwise should be paid for by the Victorian State Government seeing such traffic is otherwise being encouraged of a state controlled arterial network and onto a local road linkage

It is fact that when the Federation bridge crossing the Murray river at Corowa/ Wahgunyah was constructed, VicRoads recognised the potential for more vehicle movements occurring down the UpRiver and Gooramadda local roads connecting with the Murray Valley Highway. Funding for local roads impacted by State decisions should have been forthcoming to Indigo Shire Council but the State Government has not delivered funding despite apparently two funding applications by VicRoads. In the mean time, State signage directs traffic onto local roads (see Annexure 5) but the Indigo Shire will not gazette the above referred roads for B-doubles and thereby invite an accelerated state road maintenance cost shift to ratepayers. However it is recognised that ultimately the Upriver/ Gooramadda roads will need upgrading to cater for the east west traffic that avoids the poorer condition and longer route between Corowa and Howlong on the NSW side of the Murray River

If we recognise that at this point in time Indigo Shire is unwilling to shoulder any more State impacted road costs, the problem with making a change to the Indigo Planning Scheme with a route protection overlay which formally enshrines a future heavy vehicle deviation corridor route is that such would ultimately enshrine a change to the state arterial road network and thereby needs to be supported and funded by VicRoads as Manager of State roads. Once supported by VicRoads, land issues associated with any long term corridor reservation could be dealt with directly with VicRoads. To-date, VicRoads via its North East Regional Manager has signalled a commitment to seek funding for further study of the Railway route, but such is only a commitment to apply for funding, such is not a guarantee of funding for progressing this project further. If the Shire is waiting on VicRoads funding before this project can progress, based on current project benefit / cost ratios and the State impacted road Federation project experience, many more years of indecision could be experienced by Council and community, and in the mean time viable routes may be built out with much regard for the future.

What the Shire can pro-actively do now to provide some measure of recognition and planning for the community of Rutherglen and the future development of a heavy vehicle deviation/ bypass, is to recognise a potential future route in the next lot of changes to; the MSS, Rutherglen Strategic Map, and make more specific reference to Council's preferences and land development direction in the Municipal Strategic Statement. Such would be a Strategic Direction which Council refers too, and would not oblige Council to buy land.

FINANCIAL IMPLICATIONS

Short of doing some additional work to firm up a road design for a preferred heavy vehicle deviation location, the funding needed to progress this project through the environmental assessment stage along with other work needed to achieve full Planning Scheme corridor reservation status is likely to significantly exceed \$350k. This has to be a matter for VicRoads in its time.

Council should consider expending only that necessary to gain some value from the current project development for future reflection within the Municipal Strategic Statement. This figure is likely to be \$70k assuming some contribution from VicRoads.

CONCLUSION

Whilst it is in Council's long term planning interest to endeavour to arrive at a preferred route and to decide to allow such be reflected in future changes to the Municipal Strategic Statement, some of the public may want no decision, as a decision without VicRoads support does not allow people with property on any proposed route to make claims on VicRoads.

If there is to be no stated preference position by Council, people cannot get upset about any perceived potential impacts on their properties, and the issue can be VicRoads' to deal with at some point in the future. However the public may be less happy with the outcome when VicRoads does ultimately deal with the future in the context of a town having grown without making planning allowance or consideration for where a corridor might be sited. Bottom line is a "do nothing" approach may well inconvenience a great many more people in the future in the absence of planning effort now.

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From having read the reports, listened to the public and travelled a number of the potential routes, it is this officer's view that the Parkins route or perhaps better still a derivative between Parkins and Herrins is the best on balance long term position for Council to be pursuing, particularly in the context of traffic coupled with long term town development.

In the short to medium term, more work should be done with VicRoads to make the best of the situation we have at hand in Main Street. Whilst VicRoads has not been enthusiastic toward traffic lights, it is suggested that a case could be put. Also the parking in Main Street is something that can be looked at with a view to removing some to alternate locations on well sign posted areas one street back, and in its place making more pedestrian crossing points with standout kerbs with good sight distance in either direction. The trial of the "virtual speed hump" (ie painted markings on the road) could be more effective with the use of rumble strips. Whilst VicRoads is against rumble strips there is case precedent for such in our region adjacent to housing on state roads such as at Baranduda. Combine the above with continuation of the 40km/hr signs in Main Street, coupled with the periodic use of speed trailers may well be what is needed to maximise safety now for the people of Rutherglen.

In summary, whilst Council should advocate for the long term best traffic solution consistent with Council's desired growth framework for the town, there are short to medium term traffic management techniques that may help now with any perceived safety issues associated with Main Street Rutherglen. Continued dialogue with VicRoads will be needed to manage perceived risks over the short to medium term.

Annexures 1 to 7:

- Annexure 1- Revised Parkins Compromise Route & Indicative Costing
- Annexure 2- Approximate Matrix Assessment for the Revised Parkins Route
- Annexure 3- – Lands Study Oct 2005 report extracts- figures 22- Potential rezoning areas, Figure 23- Future Growth Directions MSS C24 Amendment Map)
- Annexure 4- Summary Report of Community Submissions
- Annexure 5 Existing Signage on State Arterial Road Federation Way directing traffic onto Local UpRiver Road
- Annexure 6- CPG Consulting Peer Review of the Aurecon Final Report
- Annexure 7- Map of the wider region showing the proximity of Upriver road

12.2 CAPEX DELIVERY TO END OF MAY 2010

File No. : 09/1841 - Jamie Heritage - Manager Project Delivery/Andre Kompler - General Manager Major projects & Programs

For Decision

RECOMMENDATION

That Council endorse the Capital Works Monitor as presented.

INTRODUCTION

The Capex monitor is provided to Council on a quarterly basis as a means of informing progress to date on Capital Works progress. Note that this report relates to the status of Capital Works and the Capital Works Monitor for the month of May 2010.

BACKGROUND

This 2009 /10 financial year has a target capital spend of \$15.19M associated with 114 projects plus the additional 11 projects that have been funded from additional sources such as developer contributions. Within this total spend there are included a carry over of 54 project works from previous years worth \$6.32 M.

As it stands there are projects that have overspent or have overspends of budget by 10%. The status of “over and underspends” would normally be listed in this quarterly report/ monitor update. In the future, significant over or underspends will be brought to Council’s attention on a more regular basis via a monthly exception report provided as part of the Finance report.

The major exceptions and explanations are listed in the Capital Works Monitor for projects as follows:

- Cap 638 Wahgunyah Foreshore Masterplan
- Cap 230 Municipal Office Designs
- Cap 554 Fleet Purchase New
- Cap 762 Beechworth Skate Park
- Cap 306 Beechworth Transfer Station Design
- Cap 748 Yackandandah Public Hall
- Cap 629 Baarmutha Park Combined Clubrooms
- Cap 768 Beechworth Courthouse Ventilation
- Cap 567 Steel Rd Industrial Estate
- Cap 543 Tangambalanga Community Centre
- Cap 611 Chiltern Floodway Improvements

Whilst Council's accounting system recognises what expenses have been processed for payment, the reality of actual progress is better understood when one looks at works on an accrual basis. As things stand, many projects have been completed and based on the value of accrued progress invoicing yet to be received, at the end of May \$11.33M of work was completed.

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Based on contracts let, work planned and remaining, it is expected that end of financial year Capital Expenditure should be near \$12.9M. Such levels of expenditure would see achievement of the Council's planned target of 80% and better. The exact extent of carryovers into the year 2010/11 on certain projects will be clearer upon receipt of final invoices.

It should also be noted there are some vagaries with the current expenditure tracking regime which will need changing for future years Capital project management. Some of Council's Budget has included works for which grant funding was not guaranteed or for which third party stakeholder approval has not been forthcoming making for such works to be unachievable. Also the Council adopted budget as reflected in the Capital Monitor includes budget allowance for "works in-kind", in the form of non cash components. These "in kind" non cash components are not recorded in the Power Budgets accounting package for tracking of project budget and thus are not factored into the project manager's "Full Year Forecast 2009/2010" of project expenditure potentially understating project delivery achievement. The other issue associated with accounting's non recognition of "works in-kind" is that a true reflection of total project expenditure is not apparent. For example, consider the Tangambalanga Community Centre, such is seen in the Capital Monitor and in Power Budgets as being underspent. The reality is the project will be marginally over spent if all the envisaged "works in-kind" materialise.

In summary, Capital income and expenditure is affected via:

- grants not received in some cases.
- grants not being received to the full value outlined by Council's Budget
- several projects having come in under budget or are coming in under budget and the scope has been widened to accommodate the required spend outlined by the grants.
- the scope review of several projects. Such has been changed in order to save Council dollars, hence the initial overspend, but in the long term the eventual cost to Council will be less, e.g. Chiltern Street Scape, Asphalt Pavement.
- This year more designs having been done in house in regard to preparation for project delivery in subsequent years.

KEY IMPLICATIONS

The Capital Works Monitor is aimed at providing:

- Limited Carryover
- Reach a goal of Council's Spend Expectations
- A Tool to monitor and communicate Capital Works position to Council.
- Identify Under & Overspends

On this basis Council needs to review the Monitor on a quarterly basis and be advised of major exceptions in between quarterly reports.

FINANCIAL IMPLICATIONS

Project underspends and overspends in this year's capital works budget have largely been accounted for via scope adjustments and internal project funds reallocation within the Council approved project suite so that the intended number of projects and project intent is achieved.

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Where there has been the need to occasion substantial over expenditure on account of building industry market forces driving up tenders well in excess of reasonable design estimates, Council has been alerted to such (i.e. Federal Government Stimulus Package work for Baarmutha Park Beechworth).

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Council Plan targets will be achieved subject to the limitations inferred above.

Appendix:
Capital Works Monitor

12.3 RLCIP ROUND 3 FUNDING

File No.: Andre Kompler - General Manager Major Projects & Programs

For Decision

RECOMMENDATION

That Council endorse the allocation of RLCIP Round 3 funding according to the following needs split:

Wahgunyah river trail alteration in the vicinity of the Wahgunyah recreation reserve and completion of river trail surface sealing on trails between the Flower farm and Federation bridge – \$125,000

Installation of shade sail structures over 2 playground structures in the Shire (i.e. Kiewa & Yackandandah) – \$44,000

INTRODUCTION

The Federal Government last month announced Round 3 funding allocations under its Community Infrastructure Program. The amount to be allocated to Indigo Shire is the same as the Round 2 allocation, namely \$169,000. Applications for specific projects to be covered by the allocation opened on July 5 2010 and need to be submitted to Canberra by the end of July 2010. Generally, once Canberra accepts a project, Council is obliged to deliver the project within the constraints and scope of works definition identified in the project application. There are no guarantees that project scopes can be changed at the Federal level after formal Federal project approval and ministerial announcement. These Federal funds are available to be spent up to the end of 2011.

PROJECT PROPOSAL BACKGROUND

With each round of Federal RLCIP funding, funding application requirements and details requested by the Feds pertaining to specific projects have become increasingly onerous to the point that now it is not a good use of officer time to be putting up for Federal consideration numerous small projects with minimal detail as done in Round 1 of the RLCIP funding. Round 2 project applications required; detailed scope, estimates broken down by plant, labour, materials, work split between contractor and internal works delivery, indigenous content, specific area location, designs, plans and layouts, cash flow, quotations etc etc.

For this third round of funding it is proposed that the Shire aim to complete a small number of projects which allow the continued role out of past themes and completion of works in areas where funding otherwise was not available or not enough in the past.

(a) The River Trails at Wahgunyah

Most of the major trails inclusive of the rail trails around Beechworth are bitumen sealed presenting a surface that is user friendly to both pedestrian and cyclists alike. Unsealed tracks provide less amenity, are less popular with users and present significant maintenance issues associated with ongoing weed eradication and surface rectification.

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As will be seen in the Annexure, there is an existing unsealed walk and bike trail along the foreshore of the Murray River between the Federation and John Foord Bridges. The river trails around Wahgunyah remain unsealed on account of past funding constraints. Consequently the asset surface is eroded quicker making for increased maintenance and there have been issues with control of noxious weeds and tyre puncturing.

Also another need relates to part of a trail between the Wahgunyah recreation reserve and Wahgunyah which was initially built next to the existing gravel access road and separated from the road with guide posts. If there is to be a return to town trail loop from the Flower farm, such needs to be rebuilt as a separate path well away from the existing road on account of the trail having been damaged beyond reasonable maintenance by virtue of its close proximity adjacent to the rec reserve traffic route.

These issues have been raised by the Wahgunyah community on a number of occasions. Accordingly this work is put forward to help provide a similar standard of trail surface across the Shire in recognition of bicycle tourism and explicit community request.

(b) Shade Sails for Shire Playgrounds

Within the major towns of the Shire, there are three playground parks remaining to have shade sails placed over elements of the playground furniture. These parks are located at Tangambalanga, Kiewa and Yackandandah. Whilst the ideal is to have such sails over all the major park playground furniture, and to also have good quality furniture in place, such is always going to be subject to funding availability and relative need. In this instance the two parks likely to receive the most use are at Tangambalanga and Yackandandah in light of other nearby amenity and newish playground equipment installed in the last 12 months. To facilitate park consistency and park improvement, shade sail provision at the Tangambalanga and Yackandandah parks is proposed in this round of funding.

FINANCIAL IMPLICATIONS

The above two projects account for the full amount of RLCIP Round 3 funding. Whilst the works will be scoped to fit within the defined budgets, if there are unforeseen cost increases at tender and construction stages, operational budgets will accommodate minor expense variations on the \$169k budget.

POLICY IMPLICATIONS

Both the above projects fit with stated Council Plan objectives pertaining to improving built infrastructure and parks

CONCLUSION

Several projects worthy of completion have been put forward as suggestions for the good use of recently announced Federal funding as part of RLCIP Round 3. Endorsement of projects by Council is suggested before project applications are lodged at the end of July 2010.

Attachment:
PowerPoint presentation printed as slides

13.0 GOVERNANCE

13.1 NORTH EAST TOURISM BOARD

File No.: Brendan McGrath – Chief Executive Officer

For Decision

RECOMMENDATION

That Council authorises the Chief Executive Officer to sign the attached Memorandum of Understanding for the North East Victoria Regional Tourism Board.

INTRODUCTION

This report summarises a number of meetings that have been held between the Chief Executive Officers (CEO's) and relevant Tourism Managers/Officers of the six councils in the North East region, representatives from Mt Buller, Mount Hotham and Falls Creek Alpine Resorts and also staff and Board Members of Tourism Victoria, in relation to a proposal originally put forward by Tourism Victoria for a Regional Tourism Board structure. It also reflects the work done by the Regional Tourism Steering Committee since February 2010. This was also the topic of a briefing to Council in February 2010.

BACKGROUND

In 2009, Tourism Victoria announced a proposal to develop a series of regional tourism boards in various geographic regions that would replace a range of tourism organisations whom they are currently dealing with.

As a result of this announcement, the CEO's of Alpine, Indigo and Wangaratta councils, who have a long established working relationship based on several existing working projects and programs, met to discuss this concept and discuss what this would mean for the region and what our approach to this proposal ought to be.

Following this discussion, a meeting was held between the CEO's and Tourism Managers/Officers of these three municipalities (along with the acting CEO from Towong, who was invited to participate in this conversation as well due to synergies particularly with the Alpine and Indigo municipalities) to further flesh out this concept. Discussions were also held, at or shortly after that point, with CEO's from Mansfield and Benalla to ascertain their level of interest.

It was agreed that the concept of a "Regional Board" was worth pursuing. This was purely based on the provision that everyone is and remains comfortable with the general principles surrounding the concept.

As a result of these discussions, seven key principles were agreed upon. These include:

1. Desire for a Regional Board comprising representatives from Towong Shire Council, Rural City of Wangaratta, Indigo Shire Council, Alpine Shire, Mansfield Shire and Benalla Rural City
2. Requirement for Local Government Board Representation from each of the councils
3. Skills based representation from key industries, food and wine, cycling, touring, Alpine adventure (snow) and cultural events

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4. All authorities with an as of right membership on the board shall contribute funding in an equitable manner to be determined by the board
5. The focus of the board is to be on strengthening and enhancing and growing the existing key product strengths as well as identifying new opportunities
6. Tourism Victoria recognise this board is the Regional Board and direct all funding and marketing activities through the board
7. The Board to be responsible for the charter, governance structure and the appointment of staff

Subsequent to this meeting, a discussion was arranged between staff representatives of Tourism Victoria and a board member and the CEO's of the six municipalities involved. Tourism Victoria gave an overview of the rationale for establishing these boards, which included issues such as:

- reducing the number of groups Tourism Victoria dealt with
- having a focus on employment yield and visitation
- a desire to close down various campaign committees and shift the focus across to the Regional Tourism Board
- acknowledgement of the fact that the board structures would slightly change on a region-by-region basis
- importance of establishing local ownership
- a commitment that all funding from Tourism Victoria would be directed through the board
- a suggestion that this structure would be reviewed in 2012
- a focus on the growth and development of existing tourism development products as well as new potential products

The seven key principles (outlined earlier) that the municipalities developed were tabled and outlined. It was subsequently agreed by Tourism Victoria that they were a sound set of principles, which could form the basis of a solid starting point.

Following on from these discussions at a further meeting of the municipalities and Tourism Managers/Officers and the Alpine Resort Boards, it was agreed the group should work toward the MOU for consideration by each of the councils and boards, which if accepted, would enable the group to start to work on regional tourism issues until such time that the formal board structure and membership are resolved.

A Regional Tourism Steering Committee was established in February 2010 and has developed the MOU and funding model over several meetings since then.

KEY IMPLICATIONS

Whilst it is generally agreed by parties involved to date that this is a positive proposal and worth pursuing, there will no doubt be some issues that will be uncovered during the process of establishing the formal board structure.

There are, for example, a vast range of groups which all operate within the tourism sector at the moment across these municipalities. Whilst many of these key organisations support the concept of a Regional Tourism Board, it is likely that some of them will feel disenfranchised and underrepresented by this new structure.

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One of the seven key principles outlined earlier in this paper was that each of the representative councils should have representation on the board, as opposed to a straight skills-based arrangement. Tourism Victoria representatives had some reservations around this, with a clear preference for straight skills-based appointments. However, they did indicate they were willing to run with this as an option and that it was something that could be considered at the 2012 review of the Regional Tourism Board structure. It is highly likely by the time of that review, that each of the participating authorities will be relatively comfortable with the way the board is operating (so long as it is operating effectively) and that this may well be a factor that could change the make-up of the board in the longer term.

The other discussion that has been raised as part of this broader plan is the question of the role of specific member Council tourism staff. The role of the Regional Board is not in any way intended to replace the role of individual staff but rather to compliment their work. It is envisaged it would focus entirely on regional initiatives across the member organisations and that the locally based staff would continue, and to a degree, be freed up to focus on important local tourism projects and initiatives.

FINANCIAL IMPLICATIONS

Each of the participating member authorities will need to contribute financially both to the operation of the board and for marketing activities, in fact this is one of the key principles agreed to i.e. “that all authorities with an as of right membership to the Board will need to contribute funding in an equitable manner”.

Contribution by Tourism Victoria is also essential and again one of the key principles agreed to was that “Tourism Victoria recognise that all funding and marketing activities in this region would be directed through that board” as part of the consideration of the draft MOU and ultimately the board structure.

Discussions between several of member councils have indicated that most councils do not believe they have many, if any, additional resources to put into the board, but rather see that their existing resources would be directed through the board rather than individual activities currently being funded and undertaken. In our case, we have budgeted the flat \$30k governance contribution determined by the steering group and our ‘normal’ regional marketing contributions.

POLICY IMPLICATIONS

As outlined earlier, each of the member councils and boards would need to adopt the Regional Tourism Board MOU and commit to directing all of the regional efforts and activities through this board in order for it to be effective.

In addition, Tourism Victoria would need to commit to directing all funding and marketing activities through this structure. Tourism Victoria has indicated it is happy to comply with this requirement.

CONCLUSION

Discussions to date by the member councils and Alpine Resort representatives (the steering committee) would suggest that this is a worthy initiative that warrants progression and further investigation.

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It is suggested that we finalise the MOU to enable some formal initiatives to get underway. To facilitate this each representative has been asked to take the MOU to their boards and Council members with a view of getting formal resolution confirming their commitment to this key regional tourism initiative.

Attachment:
Memorandum of Understanding

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13.2 COUNCIL ADVISORY COMMITTEES REPORT

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

For Decision

RECOMMENDATION

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

Committee	Date of Meeting
Indigo Tourism Advisory Committee	Nil
Indigo Environmental Advisory Committee	9 June 2010
Heritage Advisory Committee	17 June 2010
Arts & Cultural Advisory Committee	7 June 2010
Disability Advisory Committee	20 June 2010
Finance Committee	Nil
Audit Committee – revised version with Chairpersons report	19 April 2010
Burke Museum & Historic Precinct Advisory Committee	2 June 2010
Beechworth Memorial Hall Committee of Management – Business Plan	12 May 2010

That the following Advisory Committee resolutions be noted by Council.

Committee	Resolution	Moved	Seconded	Officers Comments
Indigo Heritage Advisory Committee	Demolition by neglect - That Deb Kemp submit to Council a report regarding the committee's concerns and ask for a response as to what may be able to be done to address this problem.	Paul Bowman	Rex Fuge	Heritage Advisor to discuss issue in detail with the Committees representatives & present a report in the future if required.
Indigo Environmental Advisory Committee	That Indigo Shire Council passes a motion agreeing to the proposal put forward by the WATCH group – that the Victorian Government begins by 2012 a rapid and sustained low carbon transition enabling Hazelwood power station to be closed by 2015. This would require Council to write to the state government asking for a pre-election commitment to replace Hazelwood power station with clean energy.	Ali Pockley	All – no objections	Report being presented to the August Council Meeting.

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INTRODUCTION

A copy of the minutes, reports and business plan (as applicable) from the abovementioned meetings is appended to this agenda.

BACKGROUND

Please refer to the appended minutes.

IMPLICATIONS

There are no key, financial or policy implications.

CONCLUSION

Not applicable.

Attachments:

Indigo Environmental Advisory Committee Minutes – 9 June 2010
Indigo Heritage Advisory Committee Minutes – 17 June 2010
Arts & Cultural Advisory Committee Minutes – 7 June 2010
Indigo Disability Advisory Committee Minutes – 20 June 2010
Audit Committee Minutes & Chairpersons Report Minutes – 19 April 2010
Burke Museum & Historic Precinct Advisory Committee Minutes – 2 June 2010

14.0 NOTICES OF MOTION

14.1 BEECHWORTH AND DISTRICT HOCKEY CLUB

TAKE NOTICE that at a meeting of Council to be held on 13/07/2010 I intend to move the following motion:

That the Indigo Shire Budget for 2010/11 is altered to reflect a \$13,000 contribution to the Beechworth and District Hockey Club Inc to develop a Strategic Plan, design plans and ground analysis for a hockey field.

EXPLANATORY COMMENT:

The Beechworth and District Hockey Club have been playing for 12 years and in that time they have grown to be the largest sporting club in the Indigo Shire. They have players that come from around the district and range in age from 7 to about 60 years old. Through the efforts of the club they have produced a number of age state champion teams and individuals, with an under 16 representative in the Australian team last year to visit China and he was named Australian player of the tour.

They are a family club that has survived without a home field or club rooms and they need the support of the Council to help create a Strategic document that will aid in obtaining a grant to build a home ground.

We heard a passionate and articulate presentation from Karen Jones about the ability of club to continue in the long term and to raise funds to support their efforts in this endeavour. They are in this for the long term and we should take this opportunity to support our community in being active. An objective in our Council Plan, at 4.6, is to 'Enhance the health and wellbeing of the community' and the strategy to do this is to 'Encourage healthy and active lifestyles in our community through a range of strategic plans'. This is an ideal opportunity to act on our own goal and support the Hockey club to achieve theirs.

.....
Cr Larry Goldsworthy

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OFFICERS COMMENTS:

This item is a budget submission and will be considered at item 10.1 in this agenda.

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14.2 RURAL RATE 1

TAKE NOTICE that at a meeting of Council to be held on 13/07/2010 I intend to move the following motion:

That the ‘Rural 1 Rate’ be reduced from a 75% differential to 73%.

EXPLANATORY COMMENT:

The Rural 1 Rate differential is currently set at 75%, which is a 25% discount to the general rate. We have heard from a number of farmers both through verbal and written submissions with first the rating strategy and then the budget on how they are presently under severe financial hardship. We know that farming and associated agricultural industries are major employers in the Indigo Shire. According to the Council Plan, Agriculture, forestry and fishing account for more than 10% all jobs in the Shire.

Manufacturing another 15%, of those, our 2 major industries, Uncle Tobys and Goulburn Murray rely heavily on the farming products.

Reading the Rural Land Use Strategy there are 635 properties between 40 and 80 hectares and 720 properties over 80 hectares and their contribution to the rates in this years budget is 1.648 million dollars. The total dollar value of rates is 7.179 million so roughly 23 percent is raised from Rural 1 properties. Some of the farmers from larger properties complain of having to pay rates in the vicinity of 5 to 10 thousand dollars.

The land revaluation has shown an increase of 9% on average of the CIV of all rural properties in the shire. The average increase across the shire was a 5% increase in value so rural land holders will be paying a greater share of the rate burden, at least over the next 2 years. At the moment the Rural 1 ratepayers are going to average an 9.7% increase in their rates.

For objective 3.3 of The Council Plan, one of the Strategies is to ‘Encourage value-added agriculture, viticulture and horticulture activity’. The action item is to engage with industry ‘to identify mechanisms and processes to enhance the viability and future of the sectors’. We have engaged with the farmers through the Rating Strategy and Budget process and they have told us they need assistance. A 2% addition to the discount already offered will mean the rate differential will be 73%. This will still mean an increase in the rates of Rural 1 property owners, but instead of 9.7% increase it will be 6.8%.

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Cr Larry Goldsworthy

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14.3 RESIDENTIAL 2 (HOME INDUSTRY) RATE

TAKE NOTICE that at a meeting of Council to be held on 13/07/2010 I intend to move the following motion:

That the 'Residential 2 (Home Industry) Rate' be removed from the Indigo Shire Budget 2010/2011.

EXPLANATORY COMMENT:

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. It was important not to have a 'knee jerk' reaction to the comments and get some well rounded consideration of the matter by way of a Rating Strategy. 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 initially excluded the Residential 2, Home Industry Rate as it was basically too difficult to administer in its present form.

The staff have clearly stated that the current definition is too loose and therefore too difficult to administer and apply in an equitable manner. The differential only provides an extra \$35,000 in the distribution of the 'rating pie'. So to remove it from the budget now will have no impact other than to redistribute the burden to other categories.

No net gain or loss to the Shire.

I believe the justification for the rate exists, but it needs to be rebadged, redefined and borne out in the Rating Strategy so that it would be equitable and efficient.

The main issue with this differential is that there is a requirement on Council under Section 161(2)(a)(i) of the Local Government Act and it states:

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;

The budget document does not provide for all of the requirements as detailed above and if there is a court challenge, not only are we highly likely to lose it, we cannot then after the fact, redistribute the burden to the other categories because those rates will have already been declared.



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Our rates officer finds it difficult to make it work, our chief financial officer is telling us it is too difficult to administer and the Managing Director of the department has told us numerous times the definition ‘needs tightening up’. At some stage it might be worth listening to them and if that fails speak to some of those that are affected by it.

.....
Cr Larry Goldsworthy

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

15.1 CR GAFFNEY - MAYOR

DATE	TIME	FUNCTION/EVENT
1 June	1.30pm	Meeting with Local MP's, Supper Room, Beechworth
	4pm	Council Briefing Meeting, Supper Room, Beechworth
2	6.30pm	Wooragee Neighbourhood Watch Meeting, Wooragee
3	12.30pm	Rostrum, Commercial Club, Albury
7	9am	Meeting with CEO, Beechworth
	9.30am	Rutherglen Wine Experience Meeting, Rutherglen
8	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
10	10am	Victorian Grants Commission Meeting, Yackandandah
	1pm	Meeting with Mayors of Towong/Wodonga, Wodonga
	5pm	North East Local Government Network Meeting, Benalla
11	9.30am	Meeting with Barry Phillips, Presidents Room, Beechworth
	4.30pm	Ned Kelly Meeting, Beechworth
	6pm	The Charity Art Sale, Uniting Church, Beechworth
15	9am	Meeting with CEO, CEO Office, Beechworth
	6.30pm	Community Forum, Centenary Hall, Wooragee
16	12pm	Annual Area Commanders Luncheon, South Bandiana
	4pm	Finance Committee Meeting, Beechworth
17	7pm	Council of Local Government Welcome Dinner, Canberra
18	9am	Council of Local Government Plenary Meeting, Canberra
19	6.30pm	Lions Changeover Dinner, Senior Citizens Hall, Chiltern
21	9am	Meeting with CEO, CEO Office, Beechworth
	11am	Lake Anderson Meeting, Chiltern
	6pm	Meeting with Beechworth Golf Club, Beechworth
22	10am	Kerferd Oration Meeting, La Trobe, Beechworth
	4pm	Council Briefing Meeting, The Shed, Yackandandah
23		Judging for Tidy Towns 2010, Wahgunyah
	6pm	Community Grants Committee Meeting, The Shed, Yackandandah



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28	10am	Meeting with CEO, CEO Office, Beechworth
29	4pm	Special Council Meeting, The Shed, Yackandandah
30	1.45pm	Hume Region Stakeholder Briefing, Wodonga

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15.2 CR POCKLEY – DEPUTY MAYOR

DATE	TIME	FUNCTION/EVENT
1 June	1.30pm	Meeting with Local MP's, Supper Room, Beechworth
	4pm	Council Briefing Meeting, Supper Room, Beechworth
2	6pm	Burke Museum S86 Meeting, Burke Museum, Beechworth
3	4 pm	Meeting with Operations & Assets Manager, Yackandandah
7	9am	Media Training with Roberta Baker, Shire Office, Beechworth
	6pm	Arts & Cultural S86 Meeting, Victoria Hotel, Rutherglen
8	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
9	6pm	Environmental Advisory Committee Meeting, Chiltern
10	10am	Junior Council Meeting, St Josephs, Beechworth
	3.30 pm	Meeting with Burke Museum Manager and member of Re-enactment Group
11	4.30 pm	Meeting with Mayor and Beechworth Re-enactment Group members
	6pm	The Charity Art Sale, Uniting Church, Beechworth
	7pm	Chiltern Art Exhibition, Chiltern
12	4.30 pm	Women In Harmony Concert, Uniting Church, Beechworth
13	2 pm	Winery Walkabout, Rutherglen – Celebrity Grape Stomp
14	2pm	Glenrowan Food and Wine Festival
17	7.30am	VicTrack Breakfast, Café Grove, Wodonga
	1.30pm	Heritage Awards Sub Group Meeting, Yackandandah
	3pm	Indigo Heritage Advisory Committee Meeting, Yackandandah
	5 pm	Meeting with Cr Croucher and Anna McKinlay, Beechworth Health Service about Active Travel in the Indigo Shire
18	10am	Australian Local Government Women's Association Meeting, Benalla
	6pm	Councillor Dinner at Rutherglen High School, Rutherglen
19	7 pm	Film Night – Beechworth Sustainability Group, Beechworth Neighbourhood Centre
20	10.30 am	Regent Honeyeater Walk, Chiltern Forest and trip to view progress at Greening Chiltern project

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	4 pm	Yackandandah Folk Festival think tank and general get together, Court House, Yackandandah
21	6.15 pm	Beechworth Neighbourhood Centre – Auspicing workshop
22	4pm	Council Briefing Meeting, The Shed, Yackandandah
23	6.30pm	Christine Nixon Visit, Bruarong Hall, Bruarong
24	11 am	Inspection of stone bridge, Yackandandah High Street with VicRoads and Yackandandah & District Heritage Society members
	12pm	Judging for Tidy Towns 2010, Shire Offices, Beechworth
28	6.15 pm	Beechworth Neighbourhood Centre, committee of management meeting
29	4pm	Special Council Meeting, The Shed, Yackandandah

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15.3 CR GRAHAM

DATE	TIME	FUNCTION/EVENT
1 June	1.30pm	Meeting with Local MP's, Supper Room, Beechworth
	4pm	Council Briefing Meeting, Supper Room, Beechworth
2	All Day	Veterans Affairs, Melbourne
3	All Day	Veterans Affairs, Melbourne
5	11am	Assist Rutherglen RSL, Rutherglen
7	9.30am	Murray Darling Association Meeting, Albury
8	8am	Veterans Affairs, Melbourne
	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
9	All Day	Veterans Affairs, Melbourne
15	12pm	nevRwaste Meeting, Wangaratta Business Centre, Wangaratta
	6.30pm	Community Forum, Centenary Hall, Wooragee
18	6pm	Dinner at Rutherglen High School, Rutherglen
21	1.30pm	Indigo Disability Advisory Committee Meeting, Yackandandah
22	9am-5pm	Judging for Tidy Towns 2010, Rutherglen
	4pm	Council Briefing Meeting, The Shed, Yackandandah
24	All Day	Hume Economic Development Network Conference, Wangaratta
25	6.30pm	Rutherglen Rotary Changeover Dinner, Memorial Hall, Rutherglen
29	4pm	Special Council Meeting, The Shed, Yackandandah

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15.4 CR CROUCHER

DATE	TIME	FUNCTION/EVENT
1 June	10.30am	Chiltern Play Group, Chiltern
	1.30pm	Meeting with Local MP's, Supper Room, Beechworth
	4pm	Council Briefing Meeting, Supper Room, Beechworth
2	2.30pm	Rutherglen Primary School, Rutherglen
	7pm	Wahgunyah Foreshore Plan, School of Arts, Wahgunyah
3	12.30pm	Rostrum, Commercial Club, Albury
7	10am	Upper Murray Regional Library Meeting, Wodonga
8	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
9	7.30pm	Coulston Park Meeting, Tangambalanga
10	10am	Junior Council Meeting, St Josephs, Beechworth
15	6.30pm	Community Forum, Centenary Hall, Wooragee
17	12.30pm	Rostrum, Commercial Club, Albury
	3pm	Indigo Heritage Advisory Committee Meeting, Yackandandah
18	6pm	Dinner at Rutherglen High School, Rutherglen
19	6.30pm	Chiltern Lions Club Changeover Dinner, Chiltern
21	1.30pm	Indigo Disability Action Committee, Yackandandah
22	4pm	Council Briefing Meeting, The Shed, Yackandandah
23	6pm	Community Grants Committee Meeting, The Shed, Yackandandah ²⁴
24	12pm	Judging for Tidy Towns 2010, Shire Offices, Beechworth
28	10am	Upper Murray Regional Library Meeting, Wodonga
29	4pm	Special Council Meeting, The Shed, Yackandandah

15.5 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT
8 June	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
11	6.00pm	Uniting Church Art Sale, Beechworth
12	2pm	Chiltern Art Show, Chiltern
15	6.30pm	Community Forum, Centenary Hall, Wooragee
16	4pm	Finance Committee Meeting, Presidents Room, Beechworth
17	3pm	Heritage Advisory Committee Meeting, Yackandandah
22	4pm	Council Briefing Meeting, The Shed, Yackandandah
29	4pm	Special Council Meeting, The Shed, Yackandandah

ORDINARY COUNCIL MEETING AGENDA – 13 JULY 2010

15.6 CR ISSELL

DATE	TIME	FUNCTION/EVENT
1 June	4pm	Council Briefing Meeting, Supper Room, Beechworth
7	6.00pm	Arts & Culture Committee meeting, Rutherglen
8	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
8	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
11	9.30am	Murray Arts Board meeting, Wodonga
11	6pm	The Charity Art Sale, Uniting Church, Beechworth
12	4.30pm	Choral Concert, Uniting Church, Beechworth
15	6.30pm	Community Forum, Centenary Hall, Wooragee
18	6pm	Dinner at Rutherglen High School, Rutherglen
19	various	Meetings with constituents, Beechworth
22	4pm	Council Briefing Meeting, The Shed, Yackandandah
25	10am	Meeting with constituent, Chiltern
29	4pm	Special Council Meeting, The Shed, Yackandandah

ORDINARY COUNCIL MEETING AGENDA – 13 JULY 2010

15.7 CR MURDOCH

DATE	TIME	FUNCTION/EVENT
1 June	1.30pm	Meeting with Local MP's, Supper Room, Beechworth
	4pm	Council Briefing Meeting, Supper Room, Beechworth
2	4pm	Meeting Constituent, Beechworth
2	7pm	Meeting Wahgunyah Foreshore Planning, Wahgunyah
4	2pm	MAV Professional Advisory Group Meeting, Melbourne
6	9am	Clean Up Day Lake Anderson, Chiltern
8	2pm	Council Briefing Meeting, Senior Citizens Hall, Rutherglen
	3pm	Council Meeting, Senior Citizens Hall, Rutherglen
	6.30pm	Community Forum, Senior Citizens Hall, Rutherglen
9	10am	Meeting CEO, Mayor, Beechworth
10	10am	Victorian Grants Commission Meeting, The Shed, Yackandandah
11	7pm	Visual Arts Display, Chiltern
15	6.30pm	Community Forum Wooragee
16	4pm	Finance Committee Meeting, Beechworth
17	9am	Meeting Lake Anderson Committee, Chiltern
18	10am	ALGWA Meeting, Benalla
	6pm	Dinner Rutherglen High School Restaurant Program, Rutherglen
21	3.30pm	Judging for Tidy Towns 2010, Chiltern
24	9.45am	Judging for Tidy Towns 2010, Beechworth
22	4pm	Council Briefing Meeting, The Shed, Yackandandah
23	6.30pm	Christine Nixon Visit, Bruarong
27	10am	Lions Chiltern Chase and Chiltern Market, Chiltern
29	4pm	Special Council Meeting, The Shed, Yackandandah



16.0 GENERAL BUSINESS

Nil.

17.0 CONFIDENTIAL

17.1 SALE OF INDUSTRIAL LAND PURSUANT TO THE LOCAL GOVERNMENT ACT 1989 (LGA89)

File No.: 09/2450 - Terry Chubb - Economic Development Officer

PURSUANT TO SECTION 89(2) (e) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO PROPOSED DEVELOPMENT MATTERS.



.....
Brendan McGrath

CHIEF EXECUTIVE OFFICER

13 July 2010

Meeting Concluded:

Next Meeting: