



## INDIGO SHIRE COUNCIL

**NOTICE** is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 10 February 2009** in the **Supper Room, Memorial Hall, Beechworth** commencing at **3.00 pm**.

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

**Brendan McGrath**  
**Chief Executive Officer**

## AGENDA

- 1.0 Welcome - Mayor**
- 2.0 Opening Prayer**
- 3.0 Apologies and Leave of Absence**
- 4.0 Declaration of Pecuniary Interest and Conflict of Interest**
- 5.0 Open Forum**
- 6.0 Condolences**
- 7.0 Confirmation of Minutes**  
Council meeting 20 January 2009
- 8.0 Business Arising (previous Minutes)**

### OUR VISION IS

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

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## **9.0 DEPUTATIONS AND PETITIONS**

### **10.0 SUSTAINABLE COMMUNITIES**

#### **10.1 REQUEST FOR LOAN – YACKANDANDAH RIDING CLUB ERECTION OF COLOURBOND SHED (FILE NO: C262-03 - RLC)**

##### **For Decision**

##### **RECOMMENDATION**

**That Council advise the Yackandandah Riding Club that it is prepared to provide a loan of \$8,000 for the Club to erect a colorbond shed for use at the Yackandandah Sports Park provided that the Club can provide appropriate security to Council for the repayment of this loan.**

##### **SUMMARY**

This report presents a request from the Yackandandah Riding Club for a Community Loan to erect a colorbond shed for use at the Yackandandah Sports Park.

##### **BACKGROUND**

In April 2008 Council resolved to implement a new Community Loans Policy for loans which could be made to community groups for community projects. The previous community loans policy, which was embedded in the Community Grants/Loans Program Policy, was very specific in the interest rate to be charged and in the repayment terms of the loan. Both of these components required re-assessment to keep in line with industry standards and precedents set with community loans granted by Council in 2007.

- Interest Rates – The previous Policy recommended that loans to community groups should be interest free. In adopting the new policy, Council took the position that its core business does not include acting as a lending institution and that there was a real cost to Council in providing a loan to a community group. In 2007 Council provided three loans to community groups at the borrowing rate of the time, which was 6%. These recommendations were considered appropriate and reflected other Council's policies on loans to the community.

The new Community Loans Policy now states:

*“Interest rates and repayment terms will be set by the Council in a consistent*

*manner on a case by case basis.”*

- Repayment Terms – The previous Policy referred to a specific three (3) year repayment term for all loans. Council determined that this specific repayment term may disadvantage smaller clubs/groups with less financial capacity and amended the policy to enable the terms of repayments to be determined on a case by case basis, dependant on the size of the loan and the capacity of the organisation to repay the loan.

The new policy also included some clear statements regarding the status of the applicant group, the purpose of the loan, the benefits of the project to the community and a requirement that the applicant must provide *“a minimum of three personal guarantors for a loan, or provision of a bank guarantee in favour of the Indigo Shire Council to the value of the Loan.”*

The Yackandandah Riding Club has written to Council seeking a Community Loan of \$8,000 to assist in the purchase and erection of a colorbond shed for use by the Club at the Yackandandah Sports Park. The Club is looking to pay the loan off over a five year period.

The Club is very keen to erect the shed as there are currently very limited storage facilities available at the Park to cater for the specific needs of an equestrian club. Other funding options or grants are very limited for this type of project and the option of a Community Loan appears to be the best solution to progress the project.

### **ISSUES**

Council has assisted clubs in the past with community loans. In 2007 Council made the decision to grant loans to the Tangambalanga Netball Club for \$10,000, the Tangambalanga Tennis Club for \$10,000 and to the Rutherglen Golf Club for \$9,000, all at Council’s borrowing rate at the time of 6%.

In May 2008, Council also resolved to offer a loan of \$6,000 to the Wahgunyah Football and Netball Club at an interest rate of 7.5%. This recommended rate was based on the interest rate Council could get from the bank if the money was invested at that time.

For Council to determine an appropriate interest rate applicable to this community loan, the following information needs to be considered:

1. Council’s current borrowing rate is approximately 6.5%
2. To borrow the amount of the loan through an overdraft account would attract an interest rate of around 9.0%
3. If the loan came out of Council’s investments, it could be argued that the interest rate could represent a replacement for what Council could get from the bank if the money was invested ie around 4.0%
4. Not all Councils have a community loans program and of those that do, there is great diversity in their policies
5. Some Councils add an administration fee by increasing the interest rate on the loan by about 1-2%
6. The loan is for a non-profit sporting club to improve their facility

It should be noted that previous recommended interest rates applied to Community Loans have been largely based on Point 3 above and on Council's Community Loans Policy to set interest rates "*in a consistent manner on a case by case basis*". Therefore, it would be reasonable to argue that an interest rate of 4.0% is appropriate in this case.

The Club has requested that the loan be repaid over a five year period. This is considered a reasonable request.

As detailed in Council's Community Loans Policy, the Club will also be required to provide "*a minimum of three personal guarantors for a loan, or provision of a bank guarantee in favour of the Indigo Shire Council to the value of the Loan.*"

**POLICY IMPLICATIONS**

The recommendation in this report is consistent with Council's Community Loans Policy and with the Indigo Shire Council Plan 2006-2010 Objective 5.2: Facilitate the provision of a range of services to meet the needs of the community.

**FINANCIAL & RESOURCE IMPLICATIONS**

Council has not budgeted for providing this loan to the Club, however by applying an appropriate interest rate to the loan there will be little impact on Council's budget.

*Attachment*

**10.2 INDIGO PLANNING SCHEME AMENDMENT C21  
-TANGAMBALANGA (FILE NO: E1240.21 - SSP)**

**For Decision**

**RECOMMENDATION**

**That:**

- 1. Council abandon the part of Indigo Planning Scheme Amendment C21 proposing the rezoning of land to the west of the Kiewa Valley Highway from Farming Zone to Rural Living Zone, with a minimum subdivision size of 10ha, and abandon the introduction of Schedule 5 to the Development Plan Overlay over this land.**
- 2. Council abandon the part of Indigo Planning Scheme Amendment C21 proposing the rezoning of land south of Kiewa East Road from Farming Zone to Residential 1 Zone and abandon the introduction of Schedule 6 to the Development Plan Overlay over this land, with the exception of the land south and east of Gentle Road.**
- 3. Indigo Planning Scheme Amendment C21 be changed in the following manner:**
  - Introduce the standard minimum subdivision sizes with the Rural**

**Living Zone to the Kiewa area east of the Kiewa Valley Highway (instead of a minimum subdivision size of 10ha) with no Development Plan Overlay over this land;**

- **Add clause to Schedule 6 of the Development Plan Overlay to require a Transport Impact Assessment Report to be prepared as recommended by Vic Roads;**
- **Correct typing error in Clause 21.04-1-7 to ensure this clause refers to Murray Goulburn and not Goulburn Murray.**

**4. Indigo Planning Scheme Amendment C21 be referred to an independent Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.**

**SUMMARY**

Council adopted the Kiewa-Tangambalanga Structure Plan in May 2006. This Structure Plan proposes that large parcels of land be rezoned from Farming Zone to Residential 1 Zone (R1Z), Low Density Residential Zone (LDRZ) and Rural Living Zone (RLZ), in the Tangambalanga area. It further proposes amendments to the zoning of land around Kiewa. After adoption of the structure plan the process of rezoning the identified land was initiated. **Attachment A** is a map indicating the land initially proposed for rezoning as part of amendment C21.

As part of this Planning Scheme Amendment process, the amendment was exhibited and a number of submissions were received, including objections and letters of support. This report considers each of these submissions, its impact on the amendment and whether an independent Panel would be required to consider the amendment. Such a panel would be appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

**BACKGROUND**

Following a report to its December 2003 meeting on the potential rezoning of 3 large land parcels in Tangambalanga, Council resolved that a revised Structure Plan needed to be prepared for the Kiewa-Tangambalanga area. This revised structure plan was prepared and publicly exhibited before the revised Kiewa-Tangambalanga Structure Plan was finalised in April 2006 and adopted by Council in May 2006.

The Structure Plan recommends areas suitable for rezoning in terms of proximity to existing infrastructure and development, site constraints and opportunities. In order to implement these recommendations Council's Environment and Development Services Department commenced with a Planning Scheme Amendment process (C21) in June 2006. Indigo Planning Scheme Amendment C21 proposed the following changes to the existing planning scheme:

- a. Rezoning of land in Tangambalanga from Farming Zone (FZ) to Residential 1 Zone (R1Z),
- b. Rezoning of land in Tangambalanga from FZ to Low Density Residential Zone (LDRZ),
- c. Rezoning of land in Tangambalanga and Kiewa from FZ to Rural Living Zone

(RLZ) and updates the schedule to the RLZ to impose a 10ha minimum lot size to that area of land being zoned RLZ in the vicinity of the Kiewa Valley Highway and Jenkins Lane in Kiewa,

- d. Rezoning of land in Kiewa from LDRZ to RLZ;
- e. Replacing the Township Zone (TZ) with more appropriate zonings by rezoning approximately 2.7ha of land from TZ to Business 1 Zone and approximately 24ha from TZ to Residential 1 Zone;
- f. Applying the Development Plan Overlay (Schedule 6) to that land in Tangambalanga being zoned for residential and rural residential purposes;
- g. Applying the Development Plan Overlay (Schedule 5) to that land in Kiewa zoned for rural residential purposes;
- h. Removing the existing Development Plan Overlay (Schedule 3) from land in Kiewa and replaces it with Development Plan Overlay (Schedule 5);
- i. Updating the Municipal Strategic Statement, specifically Clause 21.04-1-7 and the strategic map relating to Kiewa-Tangambalanga; and
- j. Including the Kiewa-Tangambalanga Structure Plan Report as a Reference Document in the Indigo Planning Scheme.

(Proposed rezoning of land is shown on the map included as **Attachment A**)

After public exhibition of Indigo Planning Scheme Amendment C21 a number of submissions were received.

### **PUBLIC EXHIBITION**

Amendment C21 was advertised from 4 May 2007 to 2 July 2007. In response, a total of 7 objections, 2 letters of support and 1 query have been received. One of the objections received was subsequently withdrawn. Copies of the remaining submissions have been circulated to all Councillors previously. A number of submissions were also received from agencies – none of these include objections to the proposed amendment. The following is a summary of the submissions received, a response to the issues raised and a recommendation for each point raised.

<b>Submitter</b>	<b>Support / Objection</b>	<b>Summary of content</b>	<b>Response</b>	<b>Recommendation</b>
1. Resident of Tangambalanga (Kiewa East Road)	Objection	Development on hillside behind submitter's property will be visually prominent	It is proposed to abandon the part of the amendment proposing to rezone this land	Abandon the relevant part of the amendment (this is explained further below)
		Access to proposed residential land in close proximity to submitter's property may affect the amenity of the area	It is proposed to abandon the part of the amendment proposing rezoning of this land	Abandon the relevant part of the amendment

		Small residential lots will alter "ambience" of town	There is no requirement for a proposed subdivision plan to be presented as part of a planning scheme amendment process. Detail design issues such as lot size will be dealt with when the required Development and Subdivision plans are prepared and submitted to the Responsible Authority for approval. The State Planning Policy Framework at Clause 16.01 encourages residential development to provide for a range of lot sizes.	No change to amendment
2. Proponent	Objection	More land should be rezoned to R1Z (specific parcels of land identified)	From a land supply and demand perspective the rezoning of more residential land cannot be justified – this land was not identified in the Structure Plan as suitable for residential purposes.	No change to amendment
		Mapping inconsistencies (Kiewa-Tangambalanga Structure Plan/Indigo Planning Scheme Review/Amendment C21)	Inconsistencies between Amendment C21 mapping and Structure Plan mapping is as a result of the land owner's request to include a parcel of land.  Inconsistencies between Structure Plan mapping and the Planning Scheme Review mapping are as a result of a mapping error in Draft Planning Scheme Review Document.	This part of the amendment is proposed to be abandoned and therefore no corrections are required. (Mapping in the Planning Scheme Review document was corrected prior to adoption)
		Consideration of rezoning of more land to R1Z to allow for access to proposed developments (south of Kiewa East Road on western side of township)	Rezoning of land is not required to allow for access over such land – roads can be built over land in the FZ if required.  Proposed to abandon rezoning of land in this area	Abandon part of the amendment

		<p>Previous objection to Structure Plan:</p> <ul style="list-style-type: none"> <li>- Visually exposed land incorrectly mapped</li> <li>- 2 sections of land omitted – please include</li> <li>- Poor mapping</li> <li>- Rezone some land ASAP</li> <li>- Use of land excluded from rezoning to be determined</li> <li>- Staging of rezoning / development required</li> <li>- Impact of drainage on access to land</li> <li>- Need for the rezoning of additional land for industrial purposes</li> </ul>	<p>These comments were considered as part of the structure plan process and replied to on 7 April 2007.</p> <ul style="list-style-type: none"> <li>- 200m contour used to determine visually exposes land</li> <li>- Sufficient land has been identified for future residential development</li> <li>- Structure plan mapping is designed to be conceptual and to be used by Council</li> <li>- In the process of rezoning land</li> <li>- Land will remain in the FZ</li> <li>- DPO6 specifically designed to avoid leap frog development and other issues raised</li> <li>- Drainage issues will be dealt with at development plan / subdivision stage</li> <li>- Council currently negotiation the possible development of land currently zoned Industrial</li> </ul>	<p>No change to amendment</p>
		<p>Concerns regarding sewer and effluent run off from proposed RLZ areas– impact on adjacent land and soil and water quality – require reticulated water and sewerage to RLZ</p>	<p>Reticulated water &amp; sewer not required on RLZ as it is a rural zone providing for residential use in a rural setting. Water and effluent disposal systems would be considered at development plan / subdivision stage and when planning permits for dwellings are considered. These systems will have to be to the satisfaction of the responsible authority. The proposed DPO5 specifically requires effluent disposal and water supply to be addressed. The Local Planning Policy Framework, especially Clause 22.03.4 will further assist with ensuring the use of suitable effluent disposal systems.</p>	<p>No change to amendment</p>
<p>3. Resident of Kiewa - Kiewa Valley Highway</p>	<p>Objection</p>	<p>Minimum subdivision area of 10ha along KV Highway (western side) – want smaller minimum subdivision size</p>	<p>The RLZ and minimum subdivision size of 10ha are proposed for this area to recognise the existing fragmented nature of the area. The 10ha minimum subdivision size is introduced to minimise future development in an attempt to retain the area in it current state. Should this minimum subdivision size be removed significant new development would be possible in this area. The area is not suitable for this type of development and from a land supply and demand point of view this rezoning could then not be justified.</p>	<p>Abandon the part of the amendment proposing to rezone land to the west of KV Highway from FZ to RLZ with a minimum subdivision size of 10ha</p>

4. Resident of Kiewa - Kiewa Valley Highway	Objection	Minimum subdivision size of 10ha inappropriate (western side of KV Highway) as to provision of reticulated services is possible. Property is connected to reticulated water and close to reticulated sewerage	The RLZ and minimum subdivision size of 10ha are proposed for this area to recognise the existing fragmented nature of the area. The 10ha minimum subdivision size is introduced to minimise future development in an attempt to retain the area in it current state. Should this minimum subdivision size be removed significant new development would be possible in this area. The area is not suitable for this type of development and from a land supply and demand point of view this rezoning could then not be justified	Abandon the part of the amendment proposing to rezone land to the west of KV Highway from FZ to RLZ with a minimum subdivision size of 10ha
5. Resident of Kiewa - various properties	Objection	Minimum subdivision size of 10ha on western side of KV Highway – no strategic basis Minimum subdivision size negates rezoning DPO unwarranted	The RLZ and minimum subdivision size of 10ha are proposed for this area to recognise the existing fragmented nature of the area. The 10ha minimum subdivision size is introduced to minimise future development in an attempt to retain the area in it current state. Should this minimum subdivision size be removed significant new development would be possible in this area. The area is not suitable for this type of development and from a supply and demand point of view this rezoning could then not be justified.	Abandon the part of the amendment proposing to rezone land to the west of KV Highway from FZ to RLZ with a minimum subdivision size of 10ha. Abandon the introduction of the DPO over this land
		No objection to RLZ east of KV Highway if permit for subdivision is approved	The intent of the Kiewa Tangambalanga Structure Plan was to prevent further subdivision in this area due to effluent disposal problems in this area close to the Kiewa River. The same outcome can be achieved by the minimum subdivision sizes in the current schedule to the RLZ.	Introduce the RLZ to this area with the existing schedule to the RLZ which sets a minimum subdivision size of 2ha with and average of 4ha. No DPO is necessary for this area.
		Minimum subdivision size of 10ha on eastern side of KV Highway. DPO5 is superfluous		
		Parcels omitted from proposed RLZ – should be included	No change to zoning proposed. Rezoning not strategically justified and considered outside of the scope of this amendment.	No change to amendment
6. Resident of Tangambalanga - Kiewa East Road	Objection	Proposed rezoning of land to R1Z which was not included in the Structure Plan	Area included by mistake	Abandon this part of the amendment
		Property incorrectly recorded	An administrative error has occurred in the amendment documentation, but this property is correctly included in the mapping.	Correct error
		Vehicular access to proposed R1Z inadequate	The part of the amendment relating to this specific area is proposed to be abandoned	Abandon relevant part of amendment

How will sewerage, stormwater drainage and access to electricity be dealt with?		
Development will affect views		
Residential development will lead to overlooking		
Development of visually exposed area not desirable		
Placement of garbage bins		
Additional cost of connecting proposed residential areas to utility services	The developers will bear the cost of connection to, and required augmentation of services	No change to amendment
Water tanks used by Murray-Goulburn (MG) could be impacted by development	The part of the amendment relating to this specific area is proposed to be abandoned	Abandon relevant part of amendment
Possible aboriginal burial ground present on subject land – Aboriginal reserve between 1862 and 1873? (this matter is discussed in detail below)	<p>This matter has been further investigated by two of the three proponents affected. Reports prepared show that an aboriginal reserve did exist here and the site assessment shows further potential that this area may be significant from Aboriginal cultural heritage point of view. The report prepared makes recommendations relating to further site assessment and management work to be undertaken before development occurs here.</p> <p>In relation to the third affected proponent, no research has been carried out in relation to this land. The location of a former aboriginal reserve on part of the land indicates that it is likely that this land is significant from an aboriginal heritage point of view, but because no further research has been carried out it is impossible to determine the extent of the significance and how this may affect the development potential of the land.</p>	<p>Change the amendment to include a requirement in the schedule to the DPO to include cultural heritage management recommendations and require relevant landowners to enter into a Section 173 agreement which will ensure future owners of the subject land are fully aware of the cultural heritage issues in the area and that this may affect future development here.</p> <p>Abandon this part of the amendment</p>

		Supply of vacant residential land – current development not fully completed	Current figures show that only a very limited number of vacant residential lots remain in Tangambalanga. The State Planning Policy Framework at Clause 14.01 states that authorities should plan to accommodate projected population growth over at least a 10 year period. There is a clear undersupply of residential land in this locality.	No change to amendment
		Light industrial land required. Rezone lot in centre on town	Business 1 Zone caters for light industry. Centre of town not appropriate for industrial zoning. Council currently negotiation the possible development of vacant land currently zoned Industrial 1 Zone	No change to amendment
7. Proponent	Support	Supports rezoning of specific land	None	No change to amendment
8. Proponent	Support	Supports rezoning of specific land	None	No change to amendment
9. Property owner Tangambalanga – Huon Road	Query	Will change from TZ to R1Z affect existing use rights (Bus Depot) – reply 29 May 2007	Rezoning does not affect existing use rights, but could affect future development of site	No change to amendment
10. North East Water (NEW)	Comments	Reticulated water available – augmentation required  Reticulated sewerage available – augmentation required  No issues with DPO5 and DPO6  Rezoning of properties to RLZ will not have major affect on NEW properties/facilities	None	No change to amendment
11. Vic Roads	Comments	Access to arterial roads to be minimised and rationalised (Vic Roads will provide planning permit conditions)  No objection provided: A clause to be included in DPO6 for Transport Impact Assessment Report.	Agreed	Add clause to DPO6 to require Transport Impact Assessment Report

12. NECMA	Comments	No objection	None	No change to amendment
		Rezoning affect land outside flood related overlays in IPS	None	No change to amendment
		Four designated waterways within proposed RLZ. Any works in or over these require permit from NECMA.	None	No change to amendment
		Encouraging 30m vegetated buffers along waterways in DPO (see Clause 15.01 of the IPS)	Clause 15.01 mentions that these types of buffers should be encouraged <i>where possible</i> . DPO6 already requires buffers to be identified, the extent of these will be determined when the development plan is done.	No change to amendment
		Require stormwater management plans as part of DPO	The Local Planning Policy Framework at Clause 22.03-11 requires these plans in appropriate circumstances.	No change to amendment
		Section of Jenkins lane and portion of Lot 2 PS500368 are subject to inundation	Agreed. As currently indicated on Planning Scheme maps.	No change to amendment
13. GMW		Waterway issues should be identified at early stage in planning process	This will be dealt with at Development Plan and subdivision stage.	No change to amendment
		Typing error in Clause 21.04-1-7	Agreed	Correct error

*Aboriginal Reserve:*

One of the submissions received suggested that an Aboriginal reserve may have existed in this area in the past and that the area may be significant from an aboriginal heritage perspective.

Since July 2007 Council Officers have been in contact with Aboriginal Affairs Victoria and the relevant proponents of the rezoning regarding the Aboriginal reserve. It has been confirmed that such a reserve did exist in the Tangambalanga area and the boundaries of the former reserve have been identified (see map enclosed as **Attachment B**).

This is significant for two reasons. Firstly, the Indigo Planning Scheme includes an *Aboriginal Cultural Heritage Local Policy* at Clause 22.03-7. This policy specifically requires Council to consider Aboriginal cultural heritage issues when considering the rezoning of land. Secondly, the regulations related to the Aboriginal Heritage Act 2006 requires a Cultural Heritage Management Plan (CHMP) to be prepared if a high impact activity (such as large-scale residential development) is planned to take place in an area of cultural heritage sensitivity. Such a CHMP is only triggered when subdivision takes place, but under the specific circumstances of this amendment and the Local Policy

mentioned above it was considered appropriate to require an assessment of the potential impacts on Aboriginal cultural heritage to be prepared before land was rezoned.

Affected proponents were asked to undertake further investigations into the matter to enable Council officers to determine whether it is appropriate to proceed with the rezoning of the affected land. Two of the affected proponents have chosen to undertake the required research, while the third affected proponent has chosen not to undertake any research.

Research undertaken included a field survey of the affected land. The final report prepared includes recommendations for further work to be done prior to development taking place and management recommendations relating to Aboriginal heritage items discovered on the land. Based on these findings it is considered likely that the aboriginal heritage significance of this place will not exclude the future development of the land and that cultural significance can be protected and managed through the inclusion of a requirement in the schedule to the Development Plan Overlay that ensures that any development plan prepared for the subject land will include recommendations from a Cultural Heritage Management Plan. It is further considered that the interests of future landowners can be protected by requiring the relevant land owners to enter into an agreement with Indigo Shire Council under Section 173 of the Planning and Environment Act 1987 which provides notification to future landowners by way of an endorsement on the title, that:

- i. A former aboriginal reserve was located on the subject land;
- ii. A *Preliminary Indigenous Archaeological Assessment* report has been prepared for this land and it contains management recommendations;
- iii. The implementation of these management recommendations may be the responsibility of the landowner;
- iv. The *Preliminary Indigenous Archaeological Assessment* report recommends that a program of test pitting be undertaken on the land;
- v. The Indigo Planning Scheme contains a requirement for a Cultural Heritage Management Plan (CHMP) to be approved by Aboriginal Affairs Victoria before a Development Plan is approved;
- v. Findings from the required CHMP may have an affect on the future development of the land.

In relation to the third affected proponent who chose not to undertake any research relating to the Aboriginal cultural heritage significance of his land, it should be noted that in the absence of specific research relating to this land, it is unclear whether the land is suitable for rezoning as it can not be determined to what extent the Aboriginal cultural heritage significance of items on the land may affect the future development of the land. Without this information the potential impact of future development on the Aboriginal cultural heritage significance in the area can not be considered as required by the State and Local Planning Policy Framework contained in the Indigo Planning Scheme. It is therefore proposed to abandon the proposed rezoning of this land. If this land is not rezoned as initially proposed, some of the adjoining land proposed for rezoning becomes isolated and difficult to service and therefore it is also proposed to abandon the proposed rezoning of these parcels of land. This proposal is shown on the map enclosed as **Attachment C**.

*Summary:*

The map included as **Attachment D** shows the recommended changes to the proposed rezoning.

**CONCLUSIONS**

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

- Change the amendment in the manner requested;  
OR
- Refer the amendment to an panel;  
OR
- Abandon the amendment or part of the amendment.

In light of the above comments, it is recommended that part of the amendment be abandoned, that some changes be made to the amendment and that the remaining parts be referred to an independent Panel for consideration.

After the independent Panel considers the remaining parts of the amendment, the matter will be reported to Council with recommendations. Council will then be in a position to consider adoption of the amendment with appropriate changes.

*Attachment A: Map of land currently proposed for rezoning*

*Attachment B: Approximate boundaries of former Aboriginal Reserve*

*Attachment C: Rezoning proposed to be abandoned - former Aboriginal reserve*

*Attachment D: Recommended changes to proposed rezonings*

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

**For Decision**

**RECOMMENDATION**

- 1. Indigo Planning Scheme Amendment C35 be altered in the manner recommended by the Panel Report;**
- 2. Indigo Planning Scheme Amendment C35, altered as recommended by the Panel Report, be adopted and submitted to the Minister for Planning and Local Government for approval in accordance with Section 31 of the Planning and Environment Act.**
- 3. That the findings of the Community Reference Group be reviewed with a view to a submission being put to the State Government for possible future re-use of the site.**
- 4. That Council explore opportunities for grant funding to develop concepts for re-use of the site.**

**SUMMARY**

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

As part of this disposal process, it has been identified that the land needs to be rezoned from Public Use to more appropriate non-public use zone or zones. An amendment to the Indigo Planning Scheme is required for such as rezoning to take place. Planning Scheme Amendment C35 proposes to change the zoning of the subject land from Public Use Zone 3 – Health and Community (PUZ3), Public Use Zone 2 – Education (PUZ2) and Residential 1 Zone (R1Z) to Mixed Use Zone (MUZ) and R1Z. The existing zoning of the subject site is shown in Figure 1 below, while the proposed new zoning is shown in Figure 2.

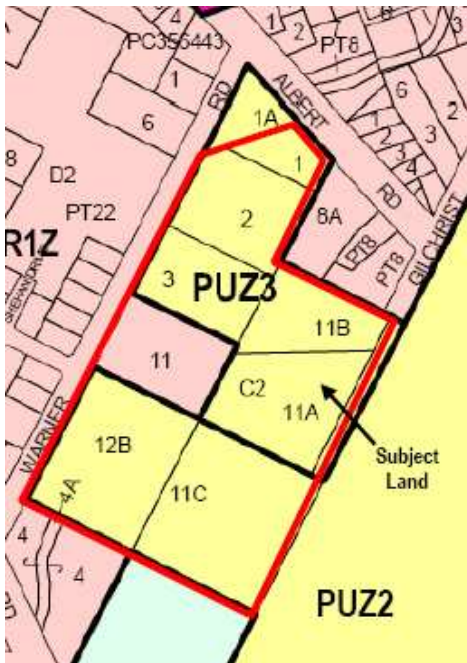


Figure 1: Existing Zoning

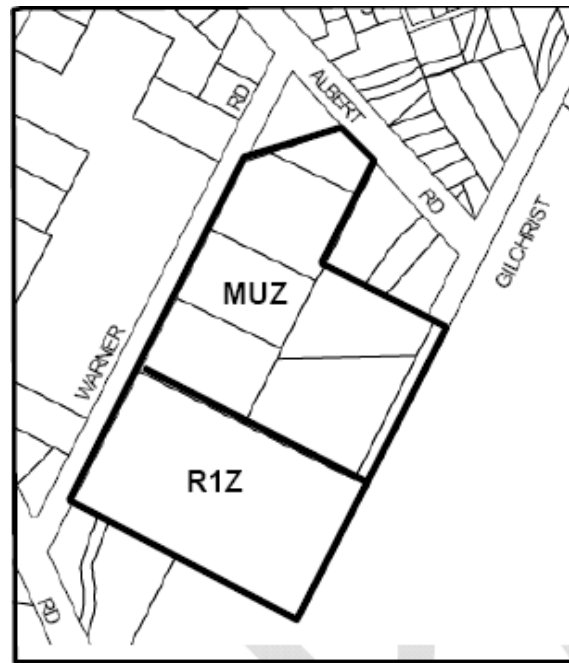


Figure 2: Proposed Zoning

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



Figure 3: Proposed Environmental Audit Overlay

At the meeting of May 2007 Council considered a report in relation to the rezoning of the former Ovens and Murray Hospital for the Aged site and Council resolved to:

- Request authorisation to commence preparation of amendment C35 from the Minister for Planning.
- Prepare and exhibit amendment C35 once authorisation was received.

Authorisation to commence preparation of amendment was received on 19 October 2007 and the amendment was subsequently exhibited in December 2007 and January 2008.

In response to the exhibition an objection was received and at its meeting of 11 November 2008, Council resolved to refer the matter to an Independent Panel.

The Panel hearing was held on 19 December 2008. The final report of the Panel was received on 23 January 2008.

### **PANEL REPORT FINDINGS**

A full copy of the Panel Report was provided to each Councillor. The following is an extract of the Panel Report.

“The Panel recommends that the exhibited Amendment be adopted with the following change:

- *Extend the Environmental Audit Overlay to cover the southern portion of the site (Crown Allotments 11C and 12B Section C2 Parish of Beechworth) to be zoned Residential 1.”*

This recommendation is in-line with the recommendation reported to Council in November 2008, when Council resolved to change the amendment by introducing the Environmental Audit Overlay to the land mentioned in the Panel’s recommendation

above. This proposed change is indicated in Figure 4 below.



Figure 4: Proposed Environmental Audit Overlay (extended)

A Community Reference Group was established in 2007 to explore possible re-use options for the site. It is appropriate at this time to revisit work of this Group and consider options for possible re-use. It is suggested that Council explore funding opportunities to develop concepts for re-use.

**CONCLUSION**

The Panel Report for Indigo Planning Scheme Amendment C35 (former Beechworth Hospital) has been released and it recommends that the amendment be adopted with a change.

This recommendation is considered reasonable and in-line with previous Council decisions. It is therefore recommended that Indigo Planning Scheme Amendment C35 be adopted with the change as recommended by the panel.

It should be further noted that Section 26 of the Planning and Environment Act requires the Planning Authority to make the Panel Report available for public inspection once it has decided whether or not to adopt the amendment or within 28 day of receiving the report. The report was released for public inspection on 6 February 2009.

*Attachments*

**10.4 SUSTAINABLE COMMUNITIES PROJECTS – FEBRUARY 2009**

**For Information**

Projects underway are shown in the following table.

<b>Project</b>	<b>Current actions</b>
<b>STRATEGIC PLANNING</b>	
Amendment C21 - Kiewa-Tangambalanga	Report in this agenda.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<p>Major review finalised and adopted by October 2007, then submitted to the Minister for Planning.</p> <p>Planning Scheme amendment (C24) to implement initial matters finished public exhibition finished on 15 August 2008. 45 submissions were received. These include acknowledgment, support, requests for minor changes and objections.</p> <p>At the November 2008 meeting Council resolved to request appointment of an Independent Panel to review unresolved submissions. A direction hearing for this Panel held on 19 December 2008, Panel hearing 4 and 5 February 2009.</p>
Amendment C35 – Former Beechworth Hospital site	<p>This amendment proposes to rezone this site to residential and mixed use zones and introduce an Environmental Audit Overlay over part of the site. The public exhibition period ended 11 January 2008. Three submissions in total received.</p> <p>Following negotiations one substantive issue remained. This was the subject of an Independent Panel hearing on 19 December 2008. Report received from Independent Panel. Report in this agenda.</p>
Amendment C36 – Chiltern Flood Study	<p>Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study. Exhibition period ended 24 June 2008.</p> <p>Two submissions were received. Issues raised in submissions were addressed by NECMA and revised mapping prepared. One further submission was received following this and a further revision to mapping is currently under discussion.</p>

	<p>The matter will be reported to Council with a recommendation to proceed to Independent Panel.</p>
<p>Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth</p>	<p>This amendment proposed to rezone land zoned Public Use Zone 7 to Industrial 1 Zone and from Public Conservation and Resource Zone to Farming Zone. Both rezoning will enable the Crown to dispose of the land to adjoining land owners.</p> <p>The public exhibition period closed 24 November 2008. One issue has been raised in the process – this is an issue of a water main that may need to be relocated. Once this matter has been resolved the amendment will be reported to Council.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme C49 – Old Beechworth Gaol</p>	<p>This amendment introduces a Schedule to the existing Development Plan Overlay over the site.</p> <p>Conditional authorisation to proceed to advertise the amendment has been received from DPCD and conditions have now been satisfied.</p> <p>Public exhibition from 31 January to 6 March 2009.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<p>Phase 1: Identified biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</p> <p>Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 report to be presented to Council March</p>
<p>Interim car parking policy (Indigo Planning Scheme Amendment C42)</p>	<p>Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration. Will not be progressed until later in 2009.</p>
<p>Rural Land Use Strategy</p>	<p>Coomes Consultants appointed to undertake the strategy. Initial consultation phase completed. Issues and opportunities paper finalised. Draft strategy now being prepared.</p> <p>A second round of public consultation will be held in March/April 2009.</p>

Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.
<b>STATUTORY PLANNING</b>	
VCAT Appeals	<ul style="list-style-type: none"><li>○ P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Application still yet to be notified to the community. Listed for mention on 2 February 2009. Likely to take some additional time to resolve preliminary matters.</li><li>○ PP05-281 Appeal by O &amp; Z vonWilpert against Council's refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing dates set and adjourned. New hearing date set for 11 March 2009 in Beechworth.</li><li>○ PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 &amp; 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter proceeded to hearing.  A second appeal was also lodged. This was against Council's failure to determine a development plan that was submitted on 28 April 2008. This matter was joined with the subdivision matter.  Hearing was 29 and 30 October. Decision withheld and expected December 2008. Still awaiting decision.</li><li>○ PP08-4185 Appeal by V &amp; P Lehmann against Council's refusal of an application for a dwelling at Beechworth Road, Chiltern. Hearing set for 10 March 2009 in Beechworth.</li></ul>

<b>HERITAGE SERVICES</b>	
2009 Indigo Heritage Awards	Advertising for nominations for annual heritage awards to commence end of January 2009.
<b>NATURAL RESOURCE MANAGEMENT</b>	
Community Water Grants – Round 3	Racecourse Road site – weed control and revegetation project completed – financial audit to be organised
North East Greenhouse Alliance	<p>Focus of the group has been change in structure &amp; preparing for membership to be broader and include industries and businesses and represent the wider community.</p> <p><u>Update on Projects:</u></p> <ol style="list-style-type: none"> <li>1. Alternate Fuels <ul style="list-style-type: none"> <li>• Running down remaining stock of mineral diesel prior to use of biodiesel</li> <li>• Alternate fuels &amp; transport report finalised; position statement on biofuels finalised – both documents to be posted on NEGHA’s website</li> </ul> </li> <li>2. Adaptation <ul style="list-style-type: none"> <li>• Response regarding success of Expression of Interest submitted to <i>Green Precincts Fund</i> expected first quarter</li> </ul> </li> <li>3. Sustainable Lighting <ul style="list-style-type: none"> <li>• NEGHA provided submission to ESC regarding decision on Energy Efficient Public Lighting Charges</li> </ul> </li> </ol>
Lake Sambell	<ul style="list-style-type: none"> <li>• New committee has been re-elected</li> <li>• Rock beaching to occur near boardwalk – permit yet to be obtained</li> <li>• Sealing around tunnel entrance –quote obtained for materials, works scheduled into west maintenance crew</li> <li>• Special meeting scheduled with members of the Committee and key Council staff to decide details of rebuilding bird hide that was significantly damaged by four young offenders</li> </ul>
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> <li>• Rock beaching of eroded bank still yet to occur – NECMA permit needed.</li> <li>• Signage still yet to be developed, fabricated &amp; installed</li> </ul>
Isaac Park	<ul style="list-style-type: none"> <li>• Area being monitored for brush-cutting and weed spraying</li> <li>• Planting in upper gully floor to occur in Autumn</li> </ul>

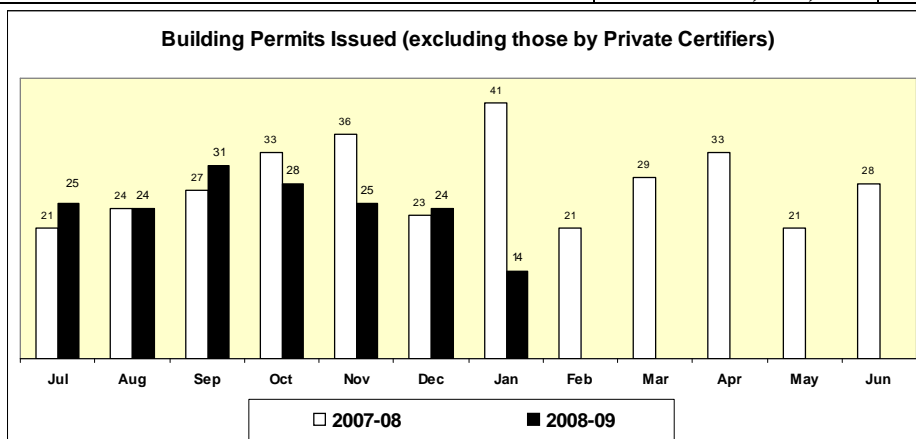
Community Woodlot Program	No change - Hydraulic shearing of large timber in the Yackandandah, Chiltern and Stanley woodlots to make timber more accessible (jointly funded by DSE) occurred December 2008.
Roadside weed initiative	No change – assessments not required until next autumn
Roadside weeds	<ul style="list-style-type: none"> <li>• \$20K secured from DPI to undertake roadside weed spraying with focus on Serrated Tussock, Gorse, Broom and Blackberry</li> <li>• \$15K secured from DPI to undertake roadside weed mapping – funds will value add to Roadside Conservation Value reassessment project</li> </ul>
Eco-Awareness Group	<ul style="list-style-type: none"> <li>• A meeting was held 19 November, in Yackandandah. Action Plan scheduled for review February 2009. Next meeting scheduled for February 2009 New committee to be selected for operation of next two years</li> <li>• Industry Placement Student (Danielle Cleland - 3<sup>rd</sup> Year CSU) developing staff awareness materials to support implementation of Action Plan</li> </ul>
Community awareness	Industry Placement Student reviewing schools program
Upper Sandy Creek School revegetation project	No change – will monitor weeds/grass in site later in year.
Sustainable Water Use Plan	Potential funding source (RDV) being investigated for the extension of use of waste water in Rutherglen.
Code of Forest Practice	Consultant engaged (Mal Miles) to fulfil statutory role of monitoring adherence to the Code of Forest Practice
Environmental Advisory Committee	<ul style="list-style-type: none"> <li>• Inaugural meeting held Wed 10<sup>th</sup> December</li> <li>• Next meeting scheduled for Wed 11<sup>th</sup> Feb – group will confirm Instrument of Delegation that will then go to Council for adoption</li> </ul>
Roadside Management Plan	<ul style="list-style-type: none"> <li>• Roadside Partnership Program (education about roadside management) almost complete –remaining elements include an education event for all participants &amp; completion of evaluation report by CSU</li> <li>• Roadside Conservation Value reassessment project – methodology confirmed and project brief released to consultants</li> </ul>
Greenhouse Action Plan	Industry placement student compiling list of all possible actions for shortlisting
Environment Strategy	Environmental Projects Officer (EPO) has started – has attended workshop with other Councils also developing Environment Strategy.

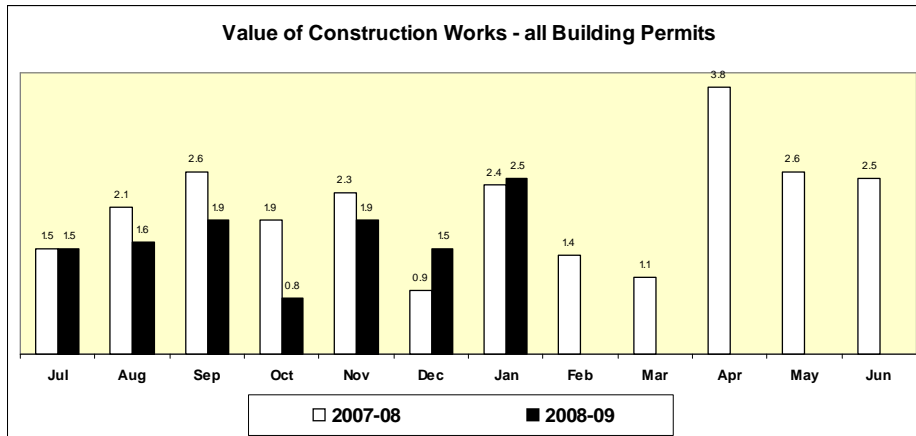
<b>ENVIRONMENTAL HEALTH SERVICES</b>	
Environmental Local Law	<ul style="list-style-type: none"> <li>• Draft reviewed local law on exhibition until 27 February 2009.</li> <li>• Stakeholders meeting 17 February 2009.</li> </ul>

**10.5 BUILDING STATISTICS – 1 TO 28 JANUARY 2009 (PM)**

**For Information**

<b>Property Locality</b>	<b>Description</b>	<b>Project Value</b>	<b>Approval Date</b>
Beechworth	New Building	\$5,000	05/01/09
Chiltern	Other	\$7,100	05/01/09
Beechworth	New Building	\$41,358	05/01/09
Beechworth	Extension	\$25,000	08/01/09
Rutherglen	Re-erect Building	\$10,000	12/01/09
Beechworth	Dwelling	\$167,942	13/01/09
Beechworth	Extension	\$90,000	14/01/09
Tangambalanga	Demolition	\$1,000	15/01/09
Yackandandah	Change of Use	\$11,000	15/01/09
Rutherglen	New Building	\$1,130,000	16/01/09
Wahgunyah	Dwelling	\$63,690	19/01/09
Wahgunyah	Dwelling	\$63,690	19/01/09
Wahgunyah	Dwelling	\$63,690	19/01/09
Yackandandah	Extension	\$70,000	20/01/09
Rutherglen	Dwelling	\$215,963	22/01/09
Yackandandah	Dwelling	\$208,000	27/01/09
Chiltern	Extension	\$87,140	28/01/09
Beechworth	Alteration	\$55,000	28/01/09
Beechworth	Dwelling	\$223,000	28/01/09
<b>Total</b>		<b>\$2,538,573</b>	





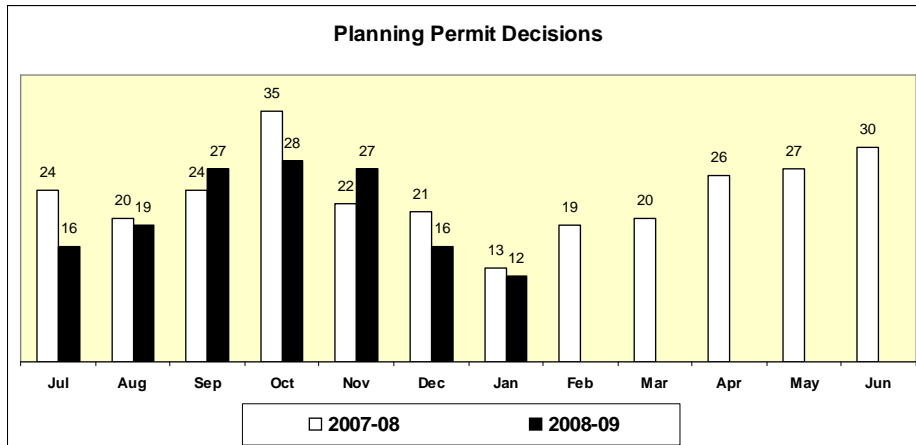
<b>Building Permits</b>	<b>Jan 2009</b>	<b>Financial Year To Date</b>	<b>Same Period 2008</b>
<b>Number Issued (excluding Private Certifiers)</b>	14	171	205
<b>Value of Works (including Private Certifiers)</b>	\$2.5M	\$11.7M	\$13.7

**Note:** January 2009 building statistics do not include applications determined on 29 & 30 January

**10.6 PLANNING STATISTICS – 1 TO 28 JANUARY 2009 (PM)**

**For Information**

<b>Appl. No</b>	<b>Locality</b>	<b>Proposed Use</b>	<b>Project Value \$</b>	<b>Decision</b>
PP084366	Chiltern	Demolition - Convent Building	0	Withdrawn
PP084386	Chiltern	Railway Platform including Vegetation Removal	805,000	Approved
PP084392	Staghorn Flat	2 Lot Subdivision	0	Approved
PP084395	Beechworth	Paint Front Fence	0	Approved
PP074133.2	Beechworth	Extension to Bed and Breakfast Accommodation, Carport, Parking Area and Fencing	0	Approved
PP084420	Beechworth	External Blinds	1,100	Approved
PP084431	Norong	Horse Training Track	8,400	Approved
PP084432	Kiewa	Relocate Driveway	0	Approved
PP084436	Beechworth	Carport	4,000	Approved
PP084440	Huon	Driveway Entrance	2,500	Approved
PP084441	Beechworth	Signage	1,900	Approved
PP084443	Beechworth	Signage (Accommodation)	450	Approved
PP090004	Yackandandah	Additions to Unit 2 - Retirement Village	70,000	Approved
<b>Total</b>			<b>\$893,390</b>	



**Note:** Figures do not include withdrawn applications or those determined not to require a permit.

Determination	Jan 2009	Financial Year To Date	Same Period Financial Year 2008
Issued	11	112	151
Refused	0	3	6
Amended	1	30	2
<b>TOTAL</b>	<b>12</b>	<b>133</b>	<b>146</b>

**Note:** January 2009 planning statistics do not include applications determined on 29 & 30 January

**10.7 SUSTAINABLE COMMUNITIES PROGRESS REPORT – FEBRUARY 2009 (CPM)**

**For Information**

**PROJECT ACTION/ PROGRESS**

<b>Drought Strategy Committee</b>	The first meeting of this Committee for 2009 was held on 29 January. Funding for the Drought Support worker across Indigo, Wangaratta, Towong, Alpine and Wodonga has been continued until 30 June 2009. The committee has identified key priorities for the coming year.
<b>Skate Park Upgrade Fundraiser</b>	i86 committee members in Beechworth have been involved in planning and promoting a Fundraising BMX Jam to be held at the Beechworth Skate Bowl in Harper Ave on 7 February 2009. The event is for all ages where local kids will have the opportunity to showcase their skills. Activities will run from 4-8pm and a gold coin donation covers the entire program.

<b>FReeZA – Youth Event Yackandandah Folk Festival</b>	As part of this year’s Yackandandah Folk Festival, the local i86 committee members will be holding an all ages Youth Event with local and national acts.
<b>Chiltern Theatre Project</b>	Theatre workshops are planned for commencement in April 2009 for Chiltern, Rutherglen and Barnawartha aimed at young people aged between 12-18years. The Continuing Education Centre, in partnership with Indigo Shire Council, have scheduled weekly workshops that culminate with a public performance in November. The session will cover diverse performance skills, including juggling, improvisation, songwriting, Commedia Dell Arte’, theatre sports and script writing.

## **11.0 OPERATIONS AND ASSETS**

### **11.1 STRATEGIC BICYCLE PLAN UPDATE 2008 (FILE NO: T629 – GMOA)**

#### **For Decision**

#### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Strategic Bicycle Plan Update 2008 Final Draft.**
- 2. Incorporate the Priority Projects from the Bicycle Plan Update into the 10 year Forward Capital Works Program for consideration (where not already included).**
- 3. Undertake a review of priorities and recommendations on an annual basis and a major review of the document on a 4 year basis.**

#### **SUMMARY**

The Strategic Bicycle Plan was first developed in 2003 and has been reviewed and expanded in 2008 to provide guidelines for and a strategic approach to the development of bicycle linkages.

#### **BACKGROUND**

The Strategic Bicycle Plan which was initially developed in 2003 and focused on major linkages between the townships and within townships. In reviewing and updating the document in 2008 the scope was broadened to include a range of community township linkages and linkages to outlying low density residential and rural residential areas. The review included detail costings of identified routes to enable inclusion in the Forward Capital Works Program and provide a basis for application for funding. The process of

community consultation via general advertising and direct mailing to interest groups has resulted in some excellent submissions and has generated considerable community discussion. Importantly the Bicycle Plan picks up priorities from Council's adopted Recreation Plan. The document does not address in detail cycle tourism or mountain biking as they are addressed specifically in the Cycle Tourism Strategy and the Recreation Plan. There have been a number of submissions on specific linkages and where possible these have been incorporated into the document where not already identified.

A meeting of cycling group representatives was held in Beechworth on the 30 October to discuss the Strategic Bicycle Plan Update, in particular mountain biking and cycle tourism. The meeting recognised that the Strategic Bicycle Plan is not the appropriate document to develop detailed concepts for these activities however did discuss in detail the concept of a cycle friendly culture. Simple concepts such as distance signage for cyclists and signage to make motorists aware of the presence of cyclists can greatly assist in promoting the growth of cycling and making linkages safer for cyclists. Representatives at that meeting also indicated their willingness to sit on a Bicycle Reference Committee to generally promote and develop all forms of cycling in the Shire.

### **COMMUNITY CONSULTATION**

The process of direct mail out to special interest groups and the general advertising in accordance with Council's communication strategy has resulted in good community response.

### **POLICY IMPLICATIONS**

Funding to enable the development of bicycle networks will form the basis of a development of Capital Works Programs including funding applications and for discussions with community groups and developers.

### **FINANCIAL & RESOURCE IMPLICATIONS**

Construction of the bicycle networks develop will need to be undertaken over many years with careful use of Council and grant funding. A number of the priority projects are already the subject of grant applications.

*Attachment  
Strategic Bicycle Plan Update 2008*

**11.2 CHILTERN TOWN CENTRE REVITALISATION PROJECT**  
**(FILE NO: D670.1-02 – GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council commences all statutory procedures:**

- 1. For the purchase of land to facilitate the extension of Green's Lane onto Main Street, Chiltern.**
- 2. In relation to declaring part of the current Drainage Reserve off Greens Lane Chiltern as a Road Reserve.**
- 3. In relation to declaring part of the Road Reserve as closed with the intention of selling the closed section to adjoining neighbours.**
- 4. In relation to proceeding with the subdivision of the properties at 56 Conness Street and 39 Main Street including Council acquisition of sections to facilitate the land acquisition in 1. above and in relation to providing the closed roadway sections to the owners of 56 Conness Street and 39 Main Street.**

**SUMMARY**

The Council has been pursuing the proposals to construct car parking at the rear of the Chiltern IGA Supermarket and provide direct access to this carpark and the rear of the supermarket via an extension of Green's Lane onto Main Street. Agreement is very close with owners and the Community Reference Group to now proceed with this project.

This agenda item needs to be also considered in conjunction with the Confidential Item later in the agenda where details of discussions with individual owners affected by the proposals are also presented for the Council's consideration.

**BACKGROUND**

Ideas to redevelop and refurbish the Chiltern Commercial area have been gathered from several studies undertaken in Chiltern since 2003 and ongoing discussions with the community.

In 2006/07 Council acquired land at the rear of the Chiltern IGA Supermarket to provide off street car parking to service the supermarket and other commercial properties. This was the first step in proceeding with a plan to improve all the narrow laneways via a combination of reconstruction of those to be used for vehicular traffic and to refurbish others that might be closed to vehicular traffic as public open space areas.

The proposal also included improving drainage, kerb and gutters, footpaths, street lighting, street furniture, etc in a staged development that would be undertaken over a

number of years as funds were made available from a combination of Council, Community and Government sources.

A more detailed report on all the proposals is available which will help everyone understand the proposals and many of the difficulties involved in this project. One can see that there are still many decisions to be made following detailed consultation with property owners throughout the area. This report has been presented to the Chiltern Community and sent to all property owners affected by any of the ideas and discussed at a public meeting.

Council Officers are at the stage now where they have completed the first step in acquiring land to facilitate the extension of Green's Lane onto Main Street. This has involved much discussion with the Department of Sustainability & Environment (DSE), Vic Roads and two directly affected owners from whom Council will need to acquire land.

The first stage of works will involve:

1. Re reservation of the current Drainage Reserve that goes from the current Green's Lane to Main Street as a Road Reserve – this is being done by Council under the guidance of DSE.
2. Completion of negotiations with the two property owners and Council motions to proceed with land acquisition.
3. Re-subdivision of the two private properties and the former Drainage Reserve allowing Council to purchase and exchange land which will allow for Green's Lane to extend through to Main Street along a portion of the former Drainage Reserve and part of the private property.
4. Formal advertising of Council's proposals to close Martins and Green's lanes to vehicular traffic entering to and from Conness Street.
5. Completion of engineering drawings for:
  - a. the improvements to the drain from Main Street to Rohner Street
  - b. The development of Green's Lane from the western extremity of the IGA supermarket to Main Street and the adjacent carpark between Green's lane and the drain to the south.
  - c. The redevelopment of former Green's Lane entering onto Conness Street and Martins Lane from Green's lane to Conness Street.
6. Completion of public consultation of aspects of the proposal that directly affect Stage One including type of footpath surface, lighting, street furniture, etc.

The extent of the actual works to be constructed in Stage One will depend on all the items above and the available finances. Works will be undertaken by a combination of

Council's works staff and contractors and is expected to commence by mid March where agreements have been reached.

**COMMUNITY CONSULTATION**

Consultation has included several studies since 2003 which involved the Chiltern Community:

1. The "Chiltern Urban Design Framework" undertaken by 4D Form P/L Architecture & Urbanism, RBA Architects & Conservation Consultants P/L, O'Neil Pollock & Associates P/L
2. The "Chiltern & Barnawartha – Our Future Project" undertaken by a combination of in-house staff and consultants from 2005-2008 which led to:
3. "Chiltern – Urban Design Framework and Strategic Plan" by Peter Tesdorpf & Associates

Information was sent to all affected property owners and community groups in Chiltern in September 2008 and was followed by a public meeting on 6 November 2008. The meeting was generally in favour of the ideas put forward (as out lined in the attached report which also includes comments from the public meeting and subsequent meeting). A Community reference Group was formed from the meeting and has met twice since then.

Ongoing discussions have been held with property owners directly affected by the Green's lane proposal since March 2008 and a summary of this is included in a confidential report pending legal advice to both Council and the owners.

**POLICY IMPLICATIONS**

This report recommends actions that have resulted from previous Council decisions, budget allocations and grant provisions for capital works in improving Chiltern's central business area.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The Council commenced financing this project in a capital Works allocation in the 2005/06 budget which was partly used for acquisition of land for the car parking.

Budget in 2006/07 was \$40,000 being IGA contribution \$100,000, \$200,000 from grants and \$100,000 from Council.

Budget in 2008/09 is an additional \$170,000 from a grant from Regional Development Victoria. The grant application has been lodged.

A copy of the Advisory Committee Minutes of 28 January 2009 are attached.

*Attachment*

**11.3 TENDERS – SPRING STREET AND MULHOLLAND DRIVE,  
BEECHWORTH CONSTRUCTION (FILE NO: Q08/18 – AM)**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. Authorise Council’s General Manager Operations and Assets to negotiate with the recommended tenderer for the construction of works for Spring Street and Mulholland Drive and subject to the outcome of these negotiations, the Chief Executive Officer be authorised to accept a Tender from McPhersons Earthmoving for the Spring Street and Mulholland Drive, Beechworth construction, up to \$250,000 excluding GST.**
- 2. Sign and Seal Contract documents in relation to the works, Contract Q08/18, subject to 1 above.**

**SUMMARY**

Tenders were called for the reconstruction of approximately 300m of Spring Street with construction works along Mulholland Drive (100m). The works are to be completed with part-funding from a Special Charge Scheme.

This report provides an overview of the tender process including evaluation and recommends accepting the tender of McPhersons Earthmoving (Contractor) subject to successful negotiations on the scope of works.

**BACKGROUND**

The proposed Spring Street and Mulholland Drive works include new pavement, sealing and drainage pipe, pits and works to these Beechworth streets.

Council received six tenders for the works.

The tendered scope of works incorporated the works as scheduled to the participants of the Special Charge Scheme. The tendered prices significantly exceed cost estimates for the project.

**CONSULTATION**

This project was identified in Council’s Capital Works Program with this information placed on public exhibition for community comment.

The contract works are part of the Spring Street Special Charge Scheme and as such have been the subject of considerable community input and hearings over many years. Residents / landowners that will help contribute to the cost of the scheme have been consulted extensively with as part of the Special Charge Scheme process. The Special Charge Scheme was adopted by Council at the October 2008 meeting.

**POLICY IMPLICATIONS**

Tenders were called in accordance with Councils Tendering Policy.

The evaluation panel is familiar with the capability of the majority of the tenderers. All tenderers are considered comparable in experience and ability to carry out the works.

**FINANCIAL & RESOURCE IMPLICATIONS**

The recommended tender is \$270,700 (Excluding GST).

The budget for the project is \$222,000 including construction and design works. This amount consists of \$100,000 from Special Charge Scheme contributions (approximately 25 contributors) and \$122,000 from Council.

The \$270,700 tender contains a \$10,000 contingency sum and a \$18,400 cost for a sub-surface drainage item which is not required as part of the agreed works. It is thought that further cost savings can be identified in negotiations with the recommended contractor.

It is unlikely that the contract price can be brought within the \$222,000 budget.

**TENDERS RECEIVED**

Six tenders were received as detailed on the attached confidential Tender Assessment sheet. The two lowest tenderers were separated by 1.7% in contract value.

*Attachment*

**11.4 TENDERS – UPGRADE OF KIEWA BONEGILLA ROAD  
(FILE NO: Q08/01 –OM)**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. That Council’s General Manager Operations and Assets be authorised to negotiate with the lowest tenderer for the construction of priority works within the available budget for Kiewa Bonegilla Road Reconstruction and subject to the outcome of these negotiations**
- 2. Accept the Tender from GW and BR Crameri P/L up to the sum of \$1,065,000 for the Reconstruction of Kiewa Bonegilla Road and then.**
- 3. Sign and Seal Contract documents in relation to the works, Contract Q08/01.**

**SUMMARY**

Tenders were called for the reconstruction of approximately 4.2km of Kiewa Bonegilla Road from the Kiewa Fire Station towards Bonegilla.

This report provides an overview of the tender process including evaluation and recommends accepting the tender of \$1,065,000. (Contractor) subject to successful negotiations on the scope of works.

**BACKGROUND**

The Kiewa Bonegilla Road reconstruction includes road widening, realignment and resurfacing to raise the standard of the road to a B-double standard.

Council received tenders from four tenderers for the works.

The tendered scope of works incorporated all potential works and it was known at the time that costs were likely to exceed budget. The tendered prices nonetheless still exceeded expected costs. The scope of works can be modified and still achieve the principal aim of making Kiewa Bonegilla Road acceptable for B-doubles however this will need to be achieved within the available budget.

Cattle underpasses will be negotiated with two land owners.

**CONSULTATION**

This project was identified in Council's Capital Works Program and, as part of the budget process, is placed on public exhibition for community comment.

To add to this there has been consultation of residents whose property will be directly affected through land acquisitions.

**POLICY IMPLICATIONS**

Tenders were called in accordance with Councils Tendering Policy.

The evaluation panel is familiar with capability of all tenderers. All tenderers are considered comparable in experience, quality and ability to carry out the works. Price therefore becomes the varying factor.

**FINANCIAL & RESOURCE IMPLICATIONS**

The Lowest conforming tender is \$1,906,152.75 (Excluding GST).

The budget for the project is \$1,065,000 construction works plus project management.

The \$1,906,152.75 tender contains a \$200,000 contingency sum.

The works are funded through Council's 2008/09 Capital Works Program using \$593,800 from the Federal Government's Roads to Recovery Program and \$593,800 from Regional Development Victorias Local Roads to Market Program. There is no Council contribution to this project.

**TENDERS RECEIVED**

Four tenderers submitted both conforming and non-conforming tenders as detailed on the attached confidential Tender Assessment sheet. (Tender Documents were sent to twenty

three prospective tenderers). GW & BR Cramer P/L has tendered the most competitive price of \$1,906,152.75 (plus GST).

*Attachment*

**11.5 DISPOSAL OF LAWN MOWERS (FILE NO: M609.5 - GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. Donate a second hand Toro Mower (Plant No. 65) to the Beechworth Correctional Centre for utilisation on mowing public areas within Indigo Shire.**
- 2. Provide \$1,500 from the Council's Discretionary Fund towards the cost of the mower and that the balance of cost be obtained from the Plant Replacement Reserve.**

**SUMMARY**

The Beechworth Correctional Centre (BCC) undertakes a range of community work including a variety of garden maintenance works on public areas within the Shire. The Toro mowers have been replaced and the effective cost to Council of providing one of these mowers to the BCC is \$3,000.

**BACKGROUND**

Council replaces its large area mowers on a three year cycle. Council has four such mowers located in principal towns all of which are replaced concurrently. The Toro brand mowers have not proved popular and we are unable to obtain reasonable trade in values and consequently the mowers were advertised for private sale.

The Toro mowers have proved to be high maintenance units and have been replaced with heavier duty mowers. They are not suitable for rough terrain. In discussions with the Operations Manager of the Prison, he has identified that the mowers would be fit for purpose for the BCC Community Programs and that the prison is currently not in a position to purchase the mower to replace their fifteen year old hand mowers.

Work undertaken by BCC Community Program is of great benefit to the community and in many areas completes work which would otherwise have been undertaken by Council at cost.

**POLICY IMPLICATIONS**

Council is free to utilise discretionary funds as it sees fit. Council's Plant Replacement Reserve evolves from ongoing charges under plant hire to pay for plant depreciation. Given the benefit to maintenance of town areas which would otherwise need to be undertaken by Council's Town Teams, then a subsidy is acceptable.

**FINANCIAL & RESOURCE IMPLICATIONS**

Council could otherwise sell this mower for in the order of \$3,000. The mowers have been regularly maintained and have relatively low hours for this type of equipment. The cost of \$3,000 is on the basis that the mower would be provided to the BCC on an ‘as is basis’ and without any ongoing maintenance responsibilities by Council.

**11.6 CAPITAL WORKS – PROGRESS REPORT – TO 29 JANUARY 2009 (GMOA)**

**For Information**

<b>Project</b>	<b>Actions</b>
<b>Subdivisional works by developers</b>	<ul style="list-style-type: none"><li>• Red Hill Road Estate Havelock Road, Stage 2 works in progress. 95% complete.</li></ul> Subdivisional construction works are currently very quiet.
<b>Plant</b>	Replacement program on schedule. New ride on mowers (Kubota) and used loader (CAT) in service. Old mowers and loader sale by tender closes 28 Jan Tenders out for new small trucks. Minor plant trials 29 Jan. Investigations to compile specification for tender of new Tractor ongoing. New skidsteer and all purpose trailer on order from Nelmac Engineering.
<b>Rutherglen Wine Bottle</b>	Water Tower Committee has a letter drafted and will ask for meeting with NEW. Planning Permit for works yet to be submitted by NEW.
<b>Murray to Mountains Rail Trail</b>	Design plans have been completed. Agreement reached on access. Preparing tenders for rail removal between Federation Way and Rutherglen.
<b>Chiltern Floodplain Works</b>	Presently investigating options for a dry detention basin upstream of the town. Valuations have indicated that an acquisition of a potential site is possible within budget. Works in Conness St and at Lake Anderson are being investigated. Improvements to culverts and channels through town completed.
<b>Havelock Road area stormwater re-use</b>	Wetlands awaiting final works on waterways permit approval from NECMA. Gordon Gibson Nominees collating final information. Plants orders have been placed.
<b>Ready/Soles Street drainage</b>	Tender for drainage works closed 28 January 2009. Tender review in progress.

<b>Chiltern Commercial Area Parking</b>	Reached agreement on land purchase, detail design at draft stage. Application made for additional \$170,000 grant in 08/09. Steering Committee second meeting has finalised all streetscape components. Planning permit to be applied for.
<b>Rutherglen Heavy Vehicle Deviation.</b>	Report released for public comment. Public Information meeting held 18 November, over 100 attendees. Tenders have closed for consultants for detail planning study. Three tenders received - decision this week.
<b>Tangambalanga Multi-Purpose Activity Centre</b>	Tender for building works closed 28 January 2009 with Tender review in progress. \$50,000 DPCD funding yet to be confirmed.
<b>Yackandandah Supermarket Car parking</b>	Works in Hammond Street commenced. Road widening works to be undertaken in conjunction with bus stop improvement works.
<b>Wahgunyah-Moodemere Walking Trails</b>	Cultural Heritage preliminary survey for proposed route nearing completion. Survey completed. Working through other planning permit requirements. Condition approval from DSE, as Public Land Manager, has been obtained providing that Council agree to become the Land Managers for this parcel of land. Final meeting required with committee to discuss design details. Planning Permit to be submitted this week.
<b>Yackandandah Museum</b>	Reconstruction works completed. Final contract claim expected February 2009.
<b>Former Beechworth Methodist Church Roof</b>	Contractor selected and agreement entered. Works unable to start until late May due to other commitments. Expected 4-5weeks works duration.
<b>Tangambalanga Industrial Estate</b>	Regional Development Victoria (RDV) formal funding application amended and re-submitted January 2009. Land valuation on Tangambalanga industrial land forwarded to land owner for review.
<b>Yackandandah Industrial Estate Depot</b>	Regional Development Victoria (RDV) formal funding application amended and re-submitted January 2009. Funding application incorporates Tangambalanga Industrial Estate and the Yackandandah Depot and Steel Road sites.
<b>Wahgunyah Boat Ramp</b>	Further positive discussions with Corowa Shire and others. Full report to the March Council meeting.

<b>Osborne’s Flat Hall Upgrade</b>	<p>Two Potential sources of State Government funding were finally identified just prior to Christmas.</p> <p>Department of Planning &amp; Community Dev (DPCD) - \$50,000 grant application submitted and under consideration.</p> <p>Regional Development Victoria (RDV) \$70,000 expression of interest submitted. Approval obtained 1 Jan to submit formal application – currently being prepared.</p>
<b>Offices Project</b>	<p>Applied for \$1.5m from Green Precincts Fund to enhance environmental aspects of project. Applications closed 22 November 2008.</p>

**11.7 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 29 JANUARY 2009 (GMOA)**

**For Information**

<b>Project</b>	<b>Description of Works</b>
<b>GENERAL MAINTENANCE</b>	
<b>Road Maintenance &amp; Parks and Gardens</b>	<p>A new apprentice gardener has been appointed for the Beechworth team and will commence on Monday the 12 January.</p> <p>Maintenance in general, additional roadside slashing and weed spraying to commence on non high risk days.</p>
<b>Indigo Waste Management</b>	<p>Green waste mulching has recently been completed at the Beechworth Transfer Station and at the former Yackandandah &amp; Chiltern Transfer Stations.</p>
<b>Fire Prevention</b>	<p>Fire Hazard inspections are continuing to be undertaken as required.</p>
<b>Animal Control &amp; Local Laws</b>	<p><b>Works</b> (in hours and out of hours).</p> <p>With the warmer conditions animal impounds have been slower, although we are still experiencing numerous occurrences of stock on roads, during the night time hours. The unit has been collecting Local Law fines that have been issued by the Victorian Police for Consuming Alcohol on Public land, this has been a challenge.</p> <p>Unfortunately shop keepers/owners are slipping into their old ways and not complying with the Trading Places document. Nick McDonald shall be visiting these retailers during the month of February.</p>

<b>POOLS</b>	
<b>Indigo Pools</b>	The Indigo Shire pools are receiving huge bather load. Staffing levels are also high to ensure a good measure of fun and safety during the season. We are looking at Budgets and analysing where we will be sitting financially, on the closing date being the 9 March 2009.
<b>EXTERNAL PRIVATE CONTRACTS</b>	
<b>Buller Gas</b>	Invoices for Dec. have been issued. Construction of development on the mountain continues to be slow. Maintenance continues. The New Gas Safety Case for Buller Gas has been submitted to Energy Safe Vic.
<b>Falls Creek Waste</b>	The new waste/recycle collection contract for Falls Creek has been advertised and will be assessed by staff over the next couple of weeks. Because of the late advertisement of this tender the current contract has been extended, at the request of Falls Creek management, until 31 May 2009.
<b>East Gippsland Waste</b>	The summer holiday period is generally a very busy time at most of the transfer stations notably Metung, Bruthen, Marlo, Buchan Genoa & Bemm River. Extra clearances have been carried out at these sites along with large increases in the volumes of recycling collected.

**12.0 CORPORATE SERVICES**

**12.1 COUNCIL MEETING TIMES & LOCATIONS (FILE NO. M211 - GRM)**

For Decision

**RECOMMENDATION**

1. That Council approves the following schedule for Council meetings, briefings and community forums for 2009:-

<i>Date</i>	<i>Briefing</i>	<i>Council Meeting</i>	<i>Community Forum</i>	<i>Venue</i>
<b>February</b>				
Tuesday, 10	1:45-3:00 p.m.	3:00-6:00 p.m.		<i>Beechworth</i>
Tuesday, 17	4:00-6:30 p.m. (Office Briefing)			<i>The Shed, Yackandandah</i>
Tuesday, 24	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>March</b>				
Tuesday, 3	MAV Fundamentals			<i>Wangaratta</i>
Tuesday, 10	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Kiewa/Tangambalanga</i>
Tuesday, 17	Optional			
Tuesday, 24	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 31	4:00-7:00 p.m. (Rural Land Use Strategy)			
<b>April</b>				
4-7	Budget Workshops			
Tuesday, 7	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 14	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Rutherglen</i>
15 & 16	Budget Workshops			
Tuesday, 21	Optional (Possible Council Plan Submissions)			
Tuesday, 28	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>May</b>				
Tuesday, 5	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 12	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Chiltern</i>
Tuesday, 19	Optional			
Tuesday, 26	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>June</b>				
Tuesday, 2	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 9	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Yackandandah</i>

<b>Tuesday, 16</b>	<b>Optional (Potential Budget Submissions)</b>			
<i>Date</i>	<i>Briefing</i>	<i>Council Meeting</i>	<i>Community Forum</i>	<i>Venue</i>
<b>Tuesday, 23</b>	<b>4:00-6:00 p.m.</b>			<b><i>The Shed, Yackandandah</i></b>
<b>Tuesday, 30</b>	<b>Potential Special Meeting to adopt Budget</b>			
<b>July</b>				
Tuesday, 7	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 14	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Beechworth</i>
Tuesday, 21	Optional			
Tuesday, 28	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>6 MONTH REVIEW</b>				
<b>August</b>				
Tuesday, 4	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 11	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Kiewa/Tangambalanga</i>
Tuesday, 18	Optional			
Tuesday, 25	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>September</b>				
Tuesday, 1	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 8	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Rutherglen</i>
Tuesday, 15	Optional			
Tuesday, 22	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 29	Optional			
<b>October</b>				
Tuesday, 6	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 13	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Chiltern</i>
Tuesday, 20	Optional			
Tuesday, 27	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>November</b>				
Tuesday, 3	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 10	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Yackandandah</i>
Tuesday, 17	Optional			
Tuesday, 24	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
<b>December</b>				
Tuesday, 1	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>
Tuesday, 8	2:00-3:00 p.m.	3:00-6:00 p.m.	7:00-8:30 p.m.	<i>Beechworth</i>
Tuesday, 15	Optional			
Tuesday, 22	4:00-6:00 p.m.			<i>The Shed, Yackandandah</i>

*\*NB: Briefing and Council meeting finishing times are subject to variation.*

- 2. That Council approves the change in meeting times and venues to be advertised widely.**

**BACKGROUND**

At Council's meeting on 20 January 2009, officers were directed to establish a timetable on meetings based on the premise that Ordinary meetings be held on the second Tuesday of each month commencing at 3:00 p.m. and to be held at locations rotated around the Shire. It was also determined that the next Ordinary meeting be held at Beechworth, and that that the process be reviewed after six months.

In determining the program it is recommended to Council that the Council meetings and ensuing Community Forums be held in the 5 main towns of the Shire. At officer level we believe it is reasonable for members of the community to travel to the main towns for Community Forums.

We also believe it would be difficult to hold Council meetings in some of the more remote areas of the Shire as it would disenfranchise residents at the opposite end of the Shire.

**SUMMARY**

This Report recommends venues and dates/times for Council's meetings in 2009.

**12.2 TOURISM & MARKETING - PROGRESS REPORT – FEBRUARY 2009 (TMM)**

**For Information**

**Project                      Actions**

<b>Cycle tourism update</b>	During February, the committee behind Murray to Mountains Cycle Tourism will run focus group discussions in Melbourne with representatives of our key cycling target markets Including road riders, mountain bikers and Rail Trail users. The focus will be on understanding what marketing mediums are consumed by these groups, how they decide where to ride, and why they have or have not visited the region. The outcomes from these focus groups will then provide key data that to convert into our marketing strategy for 2009-2010.  Businesses throughout Indigo Shire are being encouraged to embrace cycle tourism and join in the Wheelie Good Business program, an initiative of Murray to Mountains Cycle Tourism. The program will help businesses market themselves as Cycle Friendly through the use of the Wheelie Good Business logo on their premises, marketing collateral and online. Decals and image files will be sent to all businesses that have attended the Business of Cycling morning teas and/or meet the criteria below of having water available for cyclists, knowing details of local cycle specialists (at least having a bike pump available), knowing where the local cycling routes are and providing
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	secure bike storage – this varies depending on the type of business. For a café/winery, the bikes need to be visible, for accommodation providers the bikes must be able to be locked away.
<b>Events</b>	<p>Beechworth is preparing for the inaugural <b>Romance Festival</b> on Saturday, February 14. Much of the program is centered around LaTrobe at Beechworth with a lunch, concert, romance expo and romance acting workshops.</p> <p>Organisers of Yackandandah's <b>Spring Migration Festival</b> in September have confirmed the dance party will be held at La Trobe at Beechworth in 2009. The dance party has outgrown the capacity of the Yackandandah Hall and organisers were seeking a larger venue. The "Who's yer daddy Father's Day Market" will remain in Yackandandah on the Sunday and other supplementary events throughout the region are being investigated.</p>
<b>Burke Museum grant</b>	Independent consultants undertaking an operational review of Beechworth's Robert O'Hara Burke Museum were conducting interviews with stakeholders in the last week of January. The review, supported by a \$15,000 grant from Regional Development Victoria, will include a review of the services provided from the museum, the organisational structure and staffing requirements, the vision and working action plans, and the fees and charges. The project will take into account Indigo Shire Council's financial limitations, responsibility as custodians of the collection, relationship with the wider community and priority for quality heritage tourism experiences. A report to Council is expected in March.

## **13.0 FINANCE**

### **13.1 DECEMBER 2008 FINANCE REPORT (FILE NO: M064 – FM)**

#### **For Information**

For the December 2008 Financial reports, two new columns have been added to most reports (shaded in pale green) which show:

- i. The Year End Forecast as at November 2008
- ii. The variance or change in Year End Forecast from November to December

The new columns can be used to highlight movements in expected Year End position over the last month.

Items worthy of highlighting in the December report are:

- Year to Date Council Operating Finances are \$461k favourable to Budget. This compares to a \$539k favourability YTD at the end of November
- The December Year End Forecast is for Council to have a Net Deficit of \$1.302M which is almost \$300k favourable to Budget. This is an improvement of \$224k over the November Year End estimate and driven by:
  - \$157k improvement Assets and Infrastructure
  - \$30k in Community Planning
  - \$42k in Finance
- The \$157k favourable improvement in Infrastructure and Assets Year End position comes from two areas. Firstly, after discussion and agreement with the external auditors, it has been agreed to adopt the Roads depreciation forecasts from the Maloney's system (rather than Finance Dept depreciation Schedule) which has contributed \$101K reduction in Year End forecast. Secondly, Plant & Equipment and Fleet costs have been revised to reflect reduced fuel and oil costs for the remainder of the year. The resulting savings in Fleet costs will be transferred and reflected in the respective CC's when the January forecasts are prepared
- The \$30k savings in Community Planning stem from correction of Budget forecast errors that flow through to the Year End position
- The \$42k savings in Finance come from removal of excessive audit fee and Bad Debts forecasts for the remainder of the year

During January, we will take a closer look at the project grants to ensure that the balance of any anticipated unexpended grants at 30 June 2009 are forecast correctly to ensure that they do not artificially favourably overstate the Year End Forecast.

*Attachments*

## **14.0 GOVERNANCE**

## **15.0 NOTICE OF MOTION**

### **15.1 ECO TOURISM FACILITY – CHILTERN MT. PILOT NATIONAL PARK (FILE NO: C296-02 - CR V ISSELL)**

TAKE NOTICE that I intend to move the following motion:

**“That:**

**Indigo Council commission a study into the feasibility of developing an eco-tourism facility for the Chiltern Mt. Pilot National Park.**

#### **SUMMARY**

The Chiltern Mt. Pilot National Park is the only national park with the boundaries of our Shire. The major national road and rail transport routes run directly through the centre of

the national park.

There has been increasing conversation in the shire about a national park oriented facility at Chiltern. For example, an interpretation centre and/or ecotourism accommodation facility have been mentioned.

This is a brilliant asset and we need to at least explore the possibilities at a time when there is increasing interest in the adventure based, conservation and passive recreation possibilities of this park. It would be a valuable asset and additional feature and drawcard for Chiltern and the shire.

**Cr. Vic Issell  
Indigo Shire Council  
25 January 2009**

**OFFICER'S COMMENTS**

This would be a worthwhile project for consideration in the upcoming Council Plan and Budget. We do not currently have funds allocated for this. It is also suggested that this would need to be in partnership with Parks Victoria.

**15.2 TRADING PLACES POLICY (FILE NO: M201.1-02 – CR V ISSELL)**

**TAKE NOTICE** that I intend to move the following motion:

**“That:**

**A review of Indigo Shire’s Trading Places Policy is undertaken.”**

**SUMMARY**

The Trading Places policy was implemented well over a year ago. Having had a chance to implement and consider the impact of the policy, it is timely to review the success of its implementation and to consider ways in which it could be improved.

At the 2<sup>nd</sup> September 2008 Ordinary Council meeting, a Petition was presented to council expressing concern with the operation of the policy. The number of petitioners, 38, represented a substantial number of Beechworth traders. I am personally aware of others who expressed concerns who were not on the list of petitioners.

As we have diverse shopping centres across the shire, it is important to consider local circumstances as we endeavour to develop a policy that suites all circumstances.

It is good practice to review the implementation of policies some time after they have been implemented. In the light of substantial concern from the Beechworth retail sector, there is an even greater imperative.

**Cr. Vic Issell  
Indigo Shire Council**

**25 January 2009**

**OFFICER'S COMMENTS**

A review of this policy is considered worthy by Officers. Recent advice from both Council's solicitors and insurers suggest that to remove the requirement for a clear path of access from the building line would expose Council to potential liability. The review may provide suggestions as to how we can assist businesses with this issue.

**15.3 OFFICE ACCOMMODATION (FILE NO: E971 – CR L GOLDSWORTHY)**

**TAKE NOTICE** that I intend to move the following motions:

**“That:**

- 1. That the ownership of the land that the present Shire Office is situated on at the rear of the Beechworth Memorial Hall is clearly established”.**

**COUNCILLOR L GOLDSWORTHY**

**30 January 2009**

**15.4 INDIGO SHIRE FINANCES (FILE NO: M064 – CR L GOLDSWORTHY)**

**TAKE NOTICE** that I intend to move the following motions:

**“That:**

- 1. That a subcommittee of Council is formed under Section 86 of the Local Government Act, 1989, to ensure the well being of Indigo Shire's finances. As a basis for their charter they should as a minimum examine;**
  - The present financial status of the Indigo Shire;**
  - The grants and other funding sources that are currently in place or as they are being proposed;**
  - The potential to access other funding sources;**
  - The full extent of any current or future liabilities that will impact on Council finances; and**
  - The full extent to which the 'Out of Shire' businesses benefit the Shire.**

**To facilitate this committee full and unrestricted access should be provided to all and any financial reports of the Indigo Shire Council and subordinate bodies.**

- 2. That this recommendation should not limit the scope of their role, but that a charter should be construction within 3 months and put before the Indigo**

**Shire Council for ratification.**

- 3. That the Indigo Shire Finance Committee is composed of three councillors and the Indigo Shire Finance Manager.**
- 4. That the Indigo Shire Finance Committee report to the Indigo Shire Council on a monthly basis of proceedings.**
- 5. That as per Section 87 (8) of the Local Government only those members of the Indigo Shire Council have voting rights on the Indigo Shire Finance Committee.**

**COUNCILLOR L GOLDSWORTHY  
30 January 2009**

**OFFICER'S COMMENTS**

This is potentially a duplication of the responsibilities of Council's Audit Committee. It would be possible for this to be a specific project undertaken by the Audit Committee. In relation to point 3 it is appropriate that the Chief Executive Officer determine the most appropriate staff resources for this exercise. A report on Council's private works and their benefit to the Shire is scheduled to come to Council shortly for its consideration.

**15.5 INDIGO SHIRE COMMUNICATIONS (FILE NO: M450.7 – CR L GOLDSWORTHY)**

**TAKE NOTICE** that I intend to move the following motions:

**“That:**

- 1. That Council confirm Cr Ali Pockley, Cr Vic Issell and Cr Larry Goldsworthy as its representatives on the Indigo Shire Communications Committee”.**

**COUNCILLOR L GOLDSWORTHY  
30 January 2009**

**15.6 EMPLOYMENT OF CONSULTANTS – CR A POCKLEY**

TAKE NOTICE that I intend to move the following motion:

**“That:**

- 1. Due to both public and staff concerns on Council’s employment of consultants and the method that they are currently chosen, a policy be drawn up to set out clearly and unequivocally, how Council will equitably employ consultants by:**
  - Seeking initial expressions of interest from consultants by advertising in local and regional press;**
  - Creating a register of consultants;**
  - Applying Council policy of using local consultants where possible;**
  - Setting the policy of not employing ex-staff members for a period of time, say 3 years, after their leaving Council employ to mitigate any conflicts of interest;**
  - Any conflict of interest/personal interest by an employing Manager be declared to the CEO/Council prior to engagement”.**

**COUNCILLOR A POCKLEY**

29<sup>th</sup> January, 2009

**OFFICER’S COMMENTS**

This Notice of Motion is quite consistent with a range of actions that are currently being undertaken as follows:

- Council’s Purchasing procedure (which governs the engagement of consultants as well as other procedures) is currently being reviewed.
- We have recently advertised for Expressions of Interest for tradespeople, plant operators and consultants with a view to updating our current register.
- The current staff Code of Conduct already requires staff to formally declare any potential conflict of interest.
- A restriction of three years relating to engagement of ex staff as consultants is seen as unnecessarily restrictive. Council should engage the most appropriate people at the best value for works. The intellectual knowledge, knowledge of communities, processes and policies that ex staff have is often a substantial advantage both financially as well as in terms of timeliness of project delivery.

**15.7 OFFICE ACCOMMODATION PROJECT (FILE NO: E971 – CR B GAFFNEY)**

TAKE NOTICE that I intend to move the following motion:

**“That:**

**All work towards a new shire office complex cease immediately”.**

The annual report showed that Indigo Shire had outstanding borrowings of between \$3.2 m and \$3.3 m.

These loans were taken out over a period of years on fixed interest for what appears is fixed terms.

Many of these loans were taken out to pay for the day to day running of Council e.g  
Superannuation Liability

Amenity blocks transfer stations)

I am sure the loans were taken out in good faith after looking at other ways of funding the projects.

Some of these loans we will be paying off until 2011 2012 2013 2014 2016 and even 2017.

On reading Council Meeting Agenda I cannot find where any Councillor ever moved a Notice of Motion for a new consolidated office project.

In preparation for the new consolidated office project Council engaged a number of consultants for a cost of around \$120000. Almost all of the advice given by these consultants e.g the Suter Report and the Kwong report was ignored by Council

Council pushed on regardless.

The Kwong report was headed "INDIGO SHIRE COUNCIL OFFICE CONSOLIDATION PROJECT FUNDING STRATEGY". It was prepared by Charles Kwong b. econ MBA CA

It is a very thorough and comprehensive report.

A couple of excerpts from that report -

Page 6

"Indigo does not have much cash or equivalent holdings at its discretion"

"Indigo has head room of \$1.7m only for new borrowings before breaching the best practice limit".

"We have further reviewed the properties in the asset register and found none that is surplus to the need of operations."

Page 9

"Without the grants and contributions Indigo could be stretched to have the financial capacity to maintain its infrastructure."

Page 10

Under the heading "Conclusion"

"Indigo would be financially stressed if it were to undertake more major projects without substantial rate increases".

Page 13

"New borrowings is the main remaining option assuming Local Government Victoria would approve".

"Borrowing with Risk Mitigation Measures may expose Indigo to unacceptable risks".

Pressing ahead with a new consolidated office complex is likely to make Indigo a basket case.

**COUNCILLOR B GAFFNEY**

**30 January 2009**

**OFFICER'S COMMENTS**

The following are some comments provided for the purposes of clarity.

- Loans are predominantly taken up for capital works and very occasionally for unforeseen expenses (which the Superannuation Liability is a good example).
- In relation to Council Resolutions on this matter, the Council adopted a Council Plan with a key objective to "undertake a detailed feasibility study into the provision of an integrated Council headquarters with a view to reducing duplication and overheads and to provide adequate Council meeting facilities".
- Councillors have received a package of information on this matter and there is a briefing scheduled for later in February to discuss this issue.

**16.0 COMMITTEE AND DELEGATES REPORTS****16.1 JANUARY DIARY – CR P GRAHAM****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting details</b>
3 Jan	3.30 pm	Official Welcome, Henry Handel Richardson Anniversary, Chiltern
4	11.00 an	Inaugural HHR Oration by Angela Neustatter, Chiltern
5	2.00 pm	Weekly meeting with CEO, Beechworth
6	10.00 am	Australia Day / Emma George Junior Sporting Scholarship Awards Meeting, Beechworth
12	4.00 pm	Meeting with D Cords re Rutherglen Gold Battery, Rutherglen
13	11.30 am	Meeting with Yackandandah Tourism
	1.30 pm	Council Briefing Meeting, Yackandandah
	6.30 pm	Special Meeting of Council, Yackandandah
15	9.30 am	Meeting with Lake King Caravan Park Operators
	1.00 pm	NevRWaste Executive Meeting, Wangaratta
16	10.30 am	Meeting with Chiltern 150 Gold Celebration Committee, Chiltern
	6.00 pm	Pre Opera in the Alps BBQ at La Trobe
17	6.00 pm	Opera in the Alps, La Trobe, Beechworth
20	3.30 pm	Pre Australia Day Awards Presentations, Beechworth
	7.00 pm	Council Meeting, Chiltern
25	Various	150 <sup>th</sup> Anniversary of Gold in Chiltern
26	Various	Australia Day, attend celebrations at Rutherglen, Chiltern, Kiewa, Yackandandah and Barnawartha
27	12 noon	Meeting re Burke Museum Review, Beechworth
	2.00 pm	Managers Briefing Legal Issues, Beechworth
	6.30 pm	Council Plan Community Workshop, Beechworth
28	7.00 pm	Councillors Dinner, Barnawartha
29	10.30 am	Discussions David Moyle re 130 <sup>th</sup> Rail celebration, Rutherglen
	6.30 pm	Council Plan Community Workshop, Yackandandah
30	4.00 pm	On site inspection, Beechworth Gallery

**Cr Peter Graham OAM**

10 February 2009

**16.2 JANUARY DIARY – CR P CROUCHER****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting details</b>
6 Jan		Discussions with Senior Staff Beechworth & Yackandandah
20	2.00 pm	Managers Briefing, Chiltern
	7.00 pm	Council Meeting, Chiltern
21	6.30 pm	Council Plan Community Workshop, Rutherglen
22	11.00 am	Indigo Tourism Advisory Committee Meeting, Chiltern
	6.30 pm	Council Plan Community Workshop, Chiltern
26	11.00 am	Australia Day Celebrations, Kiewa
	5.30 pm	Australia Day Celebrations, Yackandandah
27	2.00 pm	Legal Issues Workshop, Beechworth
29	6.30 pm	Council Plan Community Workshop, Yackandandah

**Cr Peter Croucher**

10 February 2009

**16.3 JANUARY DIARY – CR B GAFFNEY****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting details</b>
5 Jan	1.00 pm	Meeting with D Montgomery, Beechworth Office
7	3.00 pm	Meeting with K Biglin, Beechworth Office
13	2.00 pm	Managers Briefing Meeting, Yackandandah
	6.30 pm	Special Meeting of Council, Yackandandah
15	10.30 am	Meeting with D Adams, Rutherglen
17	11.00 am	Meeting with constituent
19	10.30 am	Meet with Governor Beechworth Correctional Centre
20	2.00 pm	Managers Briefing, Chiltern
	7.00 pm	Council Meeting, Chiltern
22 Jan	Full day	Attend MAV Maximising the Mayoralty, Melbourne
	7.00 pm	Meeting with CEO Regional Development Victoria, Wangaratta
23	9.45 am	Meeting with CEO, officers of RDV, Beechworth
24	12 noon	Meeting with constituent
25	11.00 am	Meeting with constituent
26	8.00 am	Australia Day Breakfast and Presentations, Beechworth
27	2.00 pm	Legal Issues Workshop, Beechworth
	6.30 pm	Council Plan Community Workshop, Beechworth
28	11.45 am	Meeting with constituent
	6.30 pm	Councillors meeting, Barnawartha
29	6.30 pm	Council Plan Community Workshop, Yackandandah
30	4.00 pm	Onsite meeting Beechworth Gallery

**Cr Bernard Gaffney**

10 February 2009

**16.4 JANUARY DIARY – CR VIC ISSELL****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting detail</b>
1 – 12 Jan		Leave
13	4.00 pm	Briefing Meeting, Yackandandah
	6.30 pm	Special Council Meeting, Yackandandah
17	8.00 pm	Opera in the Alps, Beechworth
20	4.30 pm	Council briefing, Chiltern
	7.00 pm	Ordinary Council Meeting, Chiltern
22	6.30 pm	Community Planning Workshop, Chiltern
23	10.00 am	Councillor duty, Beechworth
24	1.00 pm	Beyond the Bends Art Show, Stanley
25	5.00 pm	150 <sup>th</sup> Anniversary, Chiltern
26	8.00 am	MC Australia Day Celebration, Beechworth
	10.30 am	Australia Day Celebration, Chiltern
27	5.00 pm	Meeting re Burke Museum, Beechworth
	6.30 pm	Community Planning Workshop, Beechworth
28	7.00 pm	Council Dinner, Barnawartha
29	2.00 pm	Indigo Drought Committee meeting, Yackandandah
30	10.00 am	Councillor duty, Beechworth
	4.00 pm	Constituent issue, on site inspection, Beechworth

**Cr V Issell**

10 February 2009

**16.5 JANUARY DIARY – CR A POCKLEY****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting details</b>
4 Jan		Henry Handel Richardson anniversary, Chiltern
11	9.00 am	Rutherglen Farmers' Market
13	2.00 pm	Managers' Briefing, Yackandandah
	6.30 pm	Special Council Meeting, Yackandandah
15	4.30 pm	Indigo Heritage Advisory Committee, Yackandandah
19	1.30 pm	Meeting with Susan Cheetham and new Heritage Advisor, Terri O'Brien, and visit to the Museum and points of interest/concern in Yackandandah
	4.00 pm	Meeting with Rex Fuge and Suzanne Grant with new Heritage Advisor, Terri O'Brien and Planning Officer, Kath Oswald, and visit to the Athenaeum and points of interest in Chiltern
20	1.00 pm	Managers' Briefing, Chiltern
	7.00 pm	Council Meeting, Chiltern
21	11.00 am	Round the Bend, Art Exhibition, Stanley
	6.30 pm	Community Round Table, Rutherglen

22	12.00 pm	Indigo Tourism Advisory Committee, Chiltern
25	9.00 pm	Chiltern 150 year anniversary – attendance of film
26	8.00 am	Australia Day celebrations, Beechworth
	6.30 pm	Australia Day celebrations, Yackandandah
27	9.00 am	Conversation with consultants regarding planning study on Burke Museum, Beechworth
27	2.00 pm	Presentation on legal issues affecting Councillors, Beechworth
	6.30 pm	Community Round Table, Beechworth
28	6.30 pm	Councillors' Get Together, Barnawartha
29	6.30 pm	Community Round Table, Yackandandah
30	4.00 pm	Planning meeting (Beechworth Gallery), Beechworth

**Cr Ali Pockley**

10 February 2009

**16.6 JANUARY DIARY - CR MURDOCH**

<b>Date</b>	<b>Time</b>	<b>Function</b>
12 Jan	2:00 pm	Managers Briefing, Yackandandah
	6:30 pm	Special Meeting of Council, Yackandandah
14	5:30 pm	Meeting Re- Council Plan Roundtables, Chiltern
19	1:00 pm	Meeting with constituent
20	1:00 pm	Briefing Meeting , Chiltern
	7:00 pm	Council Meeting , Chiltern
21	6:30 pm	Council Plan Roundtable Meeting, Rutherglen
22	6:00 pm	Council Plan Roundtable Meeting, Rutherglen
25	12:00 pm	150 <sup>th</sup> Gold Celebrations, Chiltern
26	10:00 am	Australia Day Celebrations, Chiltern
	5:00 pm	Australia Day Celebrations, Yackandandah
	7:45 pm	Australia Day Celebrations, Barnawartha
27	2:00 pm	Council Briefing, Beechworth
	6:30 pm	Council Plan Roundtable Meeting, Beechworth
28	6:00 pm	Councillor Dinner, Barnawartha
29	6:30 pm	Council Plan Roundtable, Yackandandah

**Cr Barbara Murdoch**

10 February 2009

**16.7 JANUARY DIARY – CR L GOLDSWORTHY****For Information**

<b>Date</b>	<b>Time</b>	<b>Function / Meeting details</b>
5 Jan	11:00 am	Infrastructure Discussion, Yackandandah
13	2:00 pm	Council Briefing Meeting, Yackandandah
	7:00 pm	Special Council Meeting, Yackandandah
20	1:00 pm	Council Briefing Meeting, Chiltern
	7:00 pm	Council Ordinary Meeting, Chiltern
26	8:00 am	Australia Day Presentation, Beechworth
27	1:00 pm	Induction Program, Legal Issues, Beechworth
	6:30 pm	Community Round Table Forum, Beechworth
28	7:00 pm	Councillors get together, Barnawartha
29	11:00 am	MAV – Emergency Management Presentation, Yackandandah
	6:30 pm	Community Round Table Forum, Yackandandah
30	4:00 pm	On site inspection at "The Beechworth Gallery"

**Cr Larry Goldsworthy**

10 February 2009

**17.0 GENERAL BUSINESS**

**18.0 CONFIDENTIAL**

PURSUANT TO SECTION 77(2)(c) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO SECTION 89(2)(d) CONTRACTUAL MATTERS OF THE LOCAL GOVERNMENT ACT 1989..



.....  
**Brendan McGrath**  
**CHIEF EXECUTIVE OFFICER**  
10 February.2009

**18.1 CHILTERN FLOOD MITIGATION WORKS (FILE NO: W120.1 – GMOA)**

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



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**Brendan McGrath**  
**CHIEF EXECUTIVE OFFICER**  
10 February.2009

**18.2 CHILTERN TOWN CENTRE REVITALISATION PROJECT – OWNER DISCUSSIONS (FILE NO: D670.1-02 – GMOA)**