



INDIGO SHIRE COUNCIL

NOTICE is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 12 May 2009** at the **Senior Citizens Hall, Chiltern** commencing at **3.00pm**.



Brendan McGrath
Chief Executive Officer

AGENDA

- 1.0 Welcome - Mayor**
- 2.0 Opening Prayer**
- 3.0 Apologies and Leave of Absence**
- 4.0 Declaration of Pecuniary Interest and Conflict of Interest**
- 5.0 Open Forum**
- 6.0 Condolences**
- 7.0 Confirmation of Minutes**
Council Meeting 14 April 2009
- 8.0 Business Arising (previous Minutes)**

OUR VISION IS

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

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9.0 DEPUTATIONS AND PETITIONS

There are no deputations and petitions to report.

10.0 SUSTAINABLE COMMUNITIES

10.1 SECTION 173 AGREEMENT - (08/4347) (MSD)

For Decision

RECOMMENDATION

That Council as the relevant Responsible Authority resolve to enter into the subject Section 173 Agreement with the owner of the following land and to sign and seal the appropriate documentation:

- A) Crown Allotments 40 and 41 Section P2 Parish of Beechworth, 136 Old Stanley Rd Beechworth.**
- B) Crown Allotments 21 and 21B Section J2 Parish of Beechworth, 68 Stanley Rd Beechworth.**
- C) Lot 2 Plan of Subdivision 300120T, 278 Sanatorium Rd Allans Flat.**

INTRODUCTION

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

Such agreement, made under Section 173 of the Planning and Environment Act, is legally binding and is registered against the Title of the land. That is, it runs with the land so that subsequent owners are also bound to the terms of the agreement. This agreement can be removed from the Title at some later date only with the consent of the Responsible Authority (in this case Council).

COMMENT

In the Agreement referred to, the responsibility of making application on behalf of Council to the Registrar of Titles office for the registration of the Agreement and the payment of all legal costs is that of the other party entering into the Agreement with Council.

BACKGROUND

- A) Owner: DF Goonan**

Planning Permit 08/4347 relates to the proposed use and development of a dwelling on the subject land. As the basis of the justification for the dwelling was the development and maintenance of an organic horticultural enterprise, the permit was issued on the basis that the owner of the land enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide for:

- (a) the re-establishment of the orchard of apples, quinces and almonds located towards the north west corner of the subject site covering an area of approximately 6 hectares, to Council's satisfaction prior to the construction of a dwelling; and

- (b) the execution of the 4 year renovation plan – task list and timeframe as submitted by the applicant.

B) Owner: GE & DM Cordy

Planning Permit 08/4450 relates to the certification of a procedural plan of subdivision concerning the subject land. Prior to the issue of the Statement of Compliance for the subdivision, the owners are required to enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 to ensure:

- (a) that the land shall not be used or developed for accommodation purposes including a dwelling as defined by the Planning Scheme before or until reticulated potable water supply and sewer services are provided to the land.

C) Owner: R Corbett

Planning Permit 09/0013 relates to the subdivision of land zoned Rural Living on Sanatorium Road, Allans Flat. The permit was issued subject to Conditions, one of which was that the landowner must enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which ensures that:

- (a) habitable buildings are located within the approved Building Envelope only, and
- (b) the spray drift buffer along the eastern boundary of the subject land as depicted on the Development Plan endorsed as being prepared to the satisfaction of the Responsible Authority on the 15/04/2009 is maintained along the eastern boundary of lot 2.

Attachment:

A - Locality/Site Plan – PP08/4347 Old Stanley Rd, Beechworth.

B - Locality/Site Plan – PP08/4450 68 Stanley Rd, Beechworth

C - Locality/Site Plan – PP09/0013 278 Sanatorium Rd, Allans Flat.

10.2 GREENHOUSE ACTION PLAN (ENVIRONMENTAL PROJECTS OFFICER/NATURAL RESOURCE MANAGEMENT OFFICER – E352-06)

For Decision

RECOMMENDATION

That Council formally adopts the Greenhouse Action Plan and incorporates its recommendations into core business throughout all operations.

SUMMARY

Milestone 3 of the Cities for Climate Protection (CCP) Program – the development of a local action plan to reduce corporate and community greenhouse gas emissions – has been completed. This report seeks Council's adoption of the plan that has been developed.

BACKGROUND

The Greenhouse Action Plan (the plan) has been developed through an initial inventory of Indigo Shire Council's corporate and community greenhouse gas emissions, formal adoption of a reduction target and setting of a range of actions to achieve the reduction targets. This development has followed the Cities for Climate Protection (CCP) program milestone approach.

The plan highlights that the majority of corporate greenhouse gas emissions are contributed from energy use associated with council-owned buildings (37.2%), streetlights (36.4%) and council plant and fleet (24.2%). For the community sector the plan highlighted agriculture as being the greatest source of emissions, with electricity from residential, commercial and Industry also a large contributor.

The plan outlines four main objectives across the corporate and community sectors:

1. Reduce greenhouse emissions and encourage energy efficiency in all council operations;
2. Monitor and report on councils greenhouse gas emissions and progress towards reaching target reduction;
3. Partner with others to achieve greater efficiency in reducing greenhouse gas emissions; and
4. Increase awareness and facilitate community action.

CONSULTATION

A range of consultation has occurred throughout development of the Greenhouse Action Plan. Firstly key staff and managers were consulted when the 20% reduction target was proposed, which was followed by a briefing report to Council in June 2007, and then a report for decision in September 2007 where the 20% reduction target was endorsed.

In developing the list of actions a workshop was held, facilitated by CCP, with key staff and Councillors (Vic Issell and Barbara Murdoch). In addition, proposed actions were discussed with individual staff and further actions were 'workshopped' with the Environmental Advisory Committee at a special meeting on Wednesday 25 March 2009. The draft document was presented at the Council briefing meeting on 28 April 2009 where feedback from Councillor's and General Managers was received.

In addition to a multitude of grammar and minor content changes, the main changes made to the draft document in response to feedback received have been:

- Expansion in information provided on likely changes for the region;
- Expansion in information provided on the demographics of the municipality;
- Inclusion of information regarding greenhouse gas accounting;
- Amendment of some actions to make them more qualitative and ambitious; and
- Addition of actions within the community sector.

POLICY IMPLICATIONS

The Greenhouse Action Plan will set out Council's policy on reducing greenhouse gas emissions. In particular, it should provide a guide as to how Indigo operates as a

business, in that greater emphasis must be given to the consideration of the energy requirements of our assets when maintenance, upgrading or procurement occurs. Furthermore, the plan sets a strong commitment to undertake reporting on our greenhouse gas emissions, which may likely become a legislative requirement in the future.

There is also a strong component of supporting community in their actions to reduce greenhouse gas emissions. It is envisaged that this will be achieved through the provision of information, support in the delivery of programs offered by other organisations, as well as in the facilitation of programs for residents to undertake individual action.

FINANCIAL & RESOURCE IMPLICATIONS

The Greenhouse Action Plan identifies a number of actions that will focus on the top emission producers in Council. It is recognised that achieving enhanced efficiencies in Council assets will not only reduce emissions, but potentially generate significant long term financial savings.

Although funding for the implementation of many actions will be sought through Federal and State Government funding opportunities, Council should routinely consider the longer term costs of assets, particularly in terms of energy and electricity costs, as assets are turned over or routinely maintained.

The main resource implication for Council will be staff time (NRM team), who would be required to investigate suitable funding streams for identified actions, liaise with internal staff regarding implementation, as well as ensure reporting on emissions.

Attachment - Greenhouse Action Plan

10.3 PLANNING APPLICATION IAN JACK, 109 MC SWEENS ROAD INDIGO VALLEY (FILE NO: PP08-4449 - STP - EDSM)

For Decision

SUMMARY

Application No: PP084449

Applicant: Ian Jack

Subject Land: The subject site is known as 109 Mc Sweens Road Indigo Valley and contained 12 parcels of land. The land is described as:

Crown Allotment 1, 2, 2A, 3 and 7, Section G, Parish of Wooragee

Crown Allotment 1 and 2, Section H, Pariah of Wooragee

Crown Allotment 4, 4A, 5A, 5B, 5C and 5D, Section I, Parish of Wooragee.

Purpose:

The application is for the following uses:

a winery;

an olive processing (Rural Industry);

produce sales (Retail and cellar door sales);

Six dwelling envelopes;

re-subdivision of land into 6 lots and creation of common property.

Date application lodged: 18 December 2008

Subject site land area: 244 hectares

Current use of subject site: The site is currently use for the production of olives and wine, shedding and other farm infrastructure is located to the middle of the subject site.

RECOMMENDATION

That Council approve planning Application PP084449 and issue a Notice of Decision to Grant a Planning Permit for the use and development of Crown Allotment 1, 2, 2A, 3 and 7, Section G, Parish of Wooragee, Crown Allotment 1 and 2, Section H, Pariah of Wooragee and Crown Allotment 4, 4A, 5A, 5B, 5C and 5D, Section I, Parish of Wooragee, for a winery, olive processing (Rural Industry), use and construction of 6 dwelling envelopes and for the re-subdivision of the land into 6 lots and the creation of common property in accordance with the following conditions.

1. AMENDED PLANS REQUIRED

1.1 Before a plan of subdivision can be certified, amended plans consistent with the plans endorsed by the CFA but with the building envelopes of proposed Lots 2 and 6 deleted, must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must be amended as follows:

- (i) The plan of subdivision must be amended to create a restriction with the following words:
"Creation of Restriction"

Upon registration of this plan, the following restriction is to be created:

Land to Benefit: Lots 1, 2, 3, 5 and 6 on this Plan.

Land to be Burdened: Lots 1, 2, 3, 4, 5 and 6 on this Plan.

Description of Restriction: The registered proprietor or proprietors from time to time of Lots 1, 2, 3, 4, 5 and 6 on this plan of subdivision shall not at any stage:

- (ii) The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with this application but modified to show:
 - (a) All bearings, distances, levels, lot numbers, lot sizes, reserves and easements.
 - (b) The headland between the plantings on Lot 2 and 3 must be protected by a carriageway easement.

1.2 Before the *use and/or development* hereby approved starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with this application but modified to show:

- (i) the location of all building/s and works (including water tanks) proposed to be erected or constructed on the land;
- (ii) the dimensions and elevations of all building/s proposed to be erected or constructed on the land;
- (iii) the nature of all external materials and finishes of all such building/s (including the roofing and above ground water tanks), and;
- (iv) the location of road access points and driveways;

2. LAYOUT NOT ALTERED

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

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

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

- (i) No native vegetation to be removed outside the nominated building and effluent envelopes.
- (ii) Water entitlements cannot be sold off.

4. SOIL AND WATER MANAGEMENT

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

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

5. EXTERNAL FABRIC

- (i) The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of non-reflective, neutral "earthy" colours to blend with the landscape and preserve the visual amenity of the area.
- (ii) Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:
 - (a) galvanised or natural colour bonded metal cladding; and/or
 - (b) treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved, to the satisfaction of the Responsible Authority.

6. ON-SITE EFFLUENT DISPOSAL

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

7. CELLAR DOOR SALES

- (i). This permit shall be subject to the issue of an appropriate liquor licence by Liquor Licensing Victoria and adherence to any conditions on that license.
- (ii). Hours of operation shall not be extended beyond the ordinary trading hours for an on-premises liquor license without the written consent of the Responsible Authority.

- (iii). The uses are to be conducted in such a manner as to ensure that the environment of the surrounding locality is not adversely affected, disturbed or disrupted by virtue of the existence or operation of these uses.

8. RURAL INDUSTRY

(i) Amenity

The processes carried on, the materials used or stored, machinery employed or transportation of materials, goods and commodities to and from the premises will not cause injury or prejudicially affect the amenity of the locality by reason of the appearance of such building, works or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.

(ii) Hours of Operation

Without the prior written consent of the Responsible Authority, the use hereby permitted shall operate only between the hours of :

- Monday to Saturday 6 am to 8pm
- The manufacturing plant must not operate on Anzac day, Christmas and Easter Friday.

9. SEDIMENT CONTROL

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

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

Conditions required by Assets & Operations

11. WORKS WITHIN THE ROAD RESERVE

The applicant must note that prior to the commencement of any works required as a condition of this approval within McSweens Rd, an application for consent for "Works within Road Reserves" (formerly known as a road opening permit) is to be obtained by the works manager, in accordance with the Road Management Act 2004.

12. ROAD IMPROVEMENTS – MCSWEENS ROAD

- (i) The applicant/owner must undertake road improvements to McSweens Road from Indigo Creek Road to the point of access to the property to an R3 standard in accordance with the Indigo Shire Council Road Hierarchy.

- (ii) Prior to Certification of the Plan of Subdivision all design plans relating to the proposed works must be submitted to and approved by the responsible authority. Prior to the issuing of the Statement of Compliance all works must be completed in accordance with approved plans.
- (iii) On the completion of works and a further a twelve month maintenance period the road will be handed over to Indigo Shire Council and will be maintained by Council from that time.
- (iv) The road must be constructed to the approval of the Assets Manager, and generally must be constructed to ensure the following minimum requirements are provided for:-
 - a) 6.8m pavement width, 200mm depth (minimum) of approved crushed rock
 - b) 0.9m shoulders, 50mm depth (minimum) of approved crushed rock
 - c) 3.0m verge or as otherwise agreed
 - d) Drainage, culverts and headwalls to a 1 in 5 ARI.
 - e) Culverts over designated waterways designed to the 100 yr ARI, based on a whole of catchment analysis
 - f) Sight distance improvements on the road crest at 870 metres from the Indigo Valley Road
 - g) Works to the approaches to the single lane culvert over Indigo Creek, including queuing space at a point providing sufficient sight distance of oncoming traffic, and 'give way to oncoming traffic' signage
 - h) A dust suppression seal of 150 lineal metres in the vicinity of the dwelling at 15 McSweens Road.

13. ROAD CONSTRUCTION – INTERNAL ROADS

The applicant/owner must construct the internal roads servicing the development as either a public road or common property access.

13.1 Internal Road – Public Road Standard, McSweens Road to Lot 2 and servicing accommodation and product sales

- (i) The applicant/owner must undertake road improvements to the internal road to an R3 standard in accordance with the Indigo Shire Council Road Hierarchy.
- (ii) Prior to Certification of the Plan of Subdivision all design plans relating to the proposed works must be submitted to and approved by the responsible authority. Prior to the issuing of the Statement of Compliance all works must be completed in accordance with approved plans.
- (iii) On the completion of works and a further twelve month maintenance period the road will be handed over to Indigo Shire Council and will be maintained by Council from that time.
- (iv) The road must be constructed to the approval of the Assets Manager, and generally must be constructed to ensure the following minimum requirements are provided for:-
 - a) 20m minimum width road reserve
 - b) 6.8m pavement width, 200mm depth (minimum) of approved crushed rock

- c) 0.9m shoulders, 50mm depth (minimum) of approved crushed rock
- d) 3.0m verge or as otherwise agreed
- e) Drainage, culverts and headwalls to a 1 in 5 ARI.
- f) Culverts over designated waterways designed to the 100 yr ARI, based on a whole of catchment analysis

13.2 Internal Road – Public Road Standard, Lot 2 to Lot 5

- (i) The applicant/owner must undertake road improvements to the internal road to an R5 standard in accordance with the Indigo Shire Council Road Hierarchy.
- (ii) Prior to Certification of the Plan of Subdivision all design plans relating to the proposed works must be submitted to and approved by the responsible authority. Prior to the issuing of the Statement of Compliance all works must be completed in accordance with approved plans.
- (iii) On the completion of works and a further twelve month maintenance period the road will be handed over to Indigo Shire Council and will be maintained by Council from that time.
- (iv) The road must be constructed to the approval of the Assets Manager, and generally must be constructed to ensure the following minimum requirements are provided for:-
 - a) 20m minimum width road reserve
 - b) 4.8m pavement width, 100mm depth (minimum) of approved crushed rock
 - c) 0.6m shoulders, 50mm depth (minimum) of approved crushed rock
 - d) 3.0m verge or as otherwise agreed
 - e) Drainage, culverts and headwalls to a 1 in 5 ARI.
 - f) Culverts over designated waterways designed to the 100 yr ARI, based on a whole of catchment analysis
 - g) A court bowl or hammer head at the southern extent of the road suitable for a three point turn by a single unit truck

13.3 Internal Road – Common Property Access

- (i) Alternatively the applicant may construct the internal road from McSweens Road to the point of access to Lot 5 as a common property access. Where any part of the internal road is constructed as a common property access the following standards apply –
 - a) Prior to the Certification of the Plan of Subdivision plans and specifications must be prepared by a suitably qualified engineer, to be submitted to and approved by the Responsible Authority. Design must address road safety aspects including those relating to traffic volume and speed. Specifically the design must include –
 - b) 20m wide common property.
 - c) Road pavement designed to an all weather standard with a minimum 15 year design life.
 - d) Drainage culverts and headwalls to a 1 in 5 ARI.

- e) Culverts over designated waterways designed to the 100 yr ARI, based on a whole of catchment analysis
- e) A court bowl or hammer head at the southern extent of the road suitable for a three point turn by a single unit truck
- f) Prior to Statement of Compliance –
- g) all works must be supervised by a suitably qualified engineer and completed in accordance with the approved plans. Upon completion of works a written statement must be supplied to the responsible authority by the supervising engineer that all works have been carried out in accordance with the approved plans.
- h) the applicant/owner must submit for approval by the responsible authority a Road Maintenance Management Plan detailing a proactive maintenance program of inspection and repair. The Management Plan must, as a minimum, identify the owner corporation as being responsible for the implementation of the plan, and identify intervention levels and a frequency of response. The applicant must determine and implement arrangements through a mechanism on title to ensure that future owners of Lots 3, 4, 5 and 6 are aware of the requirements of the management plan and ensure that the workings of the management plan remain ongoing.
- i) A road built as a common property access will not be supervised during construction by Indigo Shire Council, does not become a Council asset, and will not be maintained by Council.

14. RECYCLING AND WASTE COLLECTION

- (i) The applicant/owner must note that the responsible authority does not provide recycling and waste collection on common property accesses. In such cases recycling and waste collection will occur within the road reserve adjacent to the common property access.
- (ii) Should a common property access be created, prior to the Statement of Compliance the applicant/owner must provide a hard stand for bins adjacent to a public road at a point accessible by collection trucks. The hard stand must be of sufficient size for 1 bin per lot using the hard stand. A court bowl or hammer head suitable for a three point turn by a single unit truck must be provided at this point.

15. POINT OF ACCESS

Prior to the commencement of any on-site works the location of the point of access must be determined to the satisfaction of the Responsible Authority.

16. VEHICLE CROSSINGS

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

17. CAR PARKING

- (i) Prior to the consent to certification a detailed design of onsite car parking facilities for retail and cellar door sales is to be submitted to the responsible authority for approval. Design must address car parking layout, pavement type, site drainage, and car space delineation and should address provision for delivery and waste removal vehicles where required.
- (ii) Prior to the issuing of the statement of compliance car park facilities must be constructed in accordance with the approved plans by the applicant with all works to be supervised by a suitably qualified practitioner.
- (iii) Construction will not be supervised by Council and as such these assets do not become the property or responsibility of Council.

18. ENVIRONMENTAL MANAGEMENT

Prior to the commencement of any on-site works plans for the management of sediment pollution must be prepared and submitted to the responsible authority for approval. Plans and subsequent works must be prepared and undertaken in accordance with EPA Publication 275 "*Construction Techniques for Sediment Pollution Control*".

19. STORMWATER DRAINAGE

- (i) The discharge of concentrated stormwater drainage into the road drains or culverts will not be permitted.
- (ii) All stormwater emanating from the developments approved by this permit must be disposed of within the curtilage of the property.
- (iii) The natural gullies traversing Lots 1 to 6 appear to have substantial catchments and the propensity to carry large peak stormwater flows. Any works related to the subdivision or the development associated with this permit must make adequate provision for the conveyance of flood flows and prevention of soil erosion. Any culverts or works within these gullies must make provision for a 100 year ARI storm. All works to be constructed in accordance with approved plans.

20. SIGNAGE AND INTERSECTION LINE-MARKING

Prior to the issuing of the statement of compliance the applicant must provide road signage and Intersection line-marking in accordance with approved plans and specifications.

21. FEES

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

22. PLANS TO BE SUBMITTED

- (i) Prior to the consent to certification detailed construction plans and specifications for roads, pathways and drains must be prepared and submitted for approval to the satisfaction of the Responsible Authority. All designs must be to GDA94 and the Australian Height Datum. All

works constructed or carried out must be in accordance with the approved plans or any subsequent approved variations to these plans.

- (ii) Prior to the Statement of Compliance being issued, as built documents of roads pathways and drainage works must be submitted to Council in the following format:-
- (iii) Plans:- Electronic:- .dwg format – 1:1 scale
Hard Copy:- A1 Paper
- (iv) Schedule & Specification: -Electronic: - MS Word
Hard Copy:- A4 Paper

23. CONDITIONS REQUIRED BY NORTH EAST CATCHMENT MANAGEMENT AUTHORITY

- (i) All dwellings and other new buildings must be located at least 30 metres from designated waterways in accordance with the provisions of the Victorian Planning Provisions and their associated values.
- (ii) Septic systems or other means of effluent disposal for the proposed dwellings and any accommodation units must be set back a minimum of 60 metres from waterways.
- (iii) Effluent disposal for the proposed accommodation units, winery, olive processing and product sales facilities must be designated and constructed in a manner that avoids the potential for off site waterway contamination, to the satisfaction of the Responsible Authority, the EPA and the North East CMS.
- (iv) Any /all construction activities (including access tracks, pipeline construction, water storages) on or over designated waterways must be referred to the North East CMS for separate approval in accordance with the provisions of the Water Act (Bylaws).
- (v) Any/all construction activities must be undertaken in a manner that ensures that sediment and storm water run-off is captured and treated in accordance with best practice guidelines and does not cause detriment to the water quality of any streams downstream of the subject property.

24. CONDITION REQUIRED BY GOULBURN-MURRAY WATER

- (i) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- (ii) All water supply easements must be identified on any plan of subdivision submitted for certification.
- (iii) The building and wastewater disposal envelopes must be identified on any plan of subdivision submitted for certification.
- (iv) All building envelopes must be located at least 30 metres from any waterways.
- (v) All wastewater disposal envelopes must be located at least 60 metres from any waterways.
- (vi) All domestic wastewater must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.
- (viii) The wastewater disposal areas must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted

away. Reserve wastewater disposal fields of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

- (ix) Construction must follow sediment control principles outlined in “Construction Techniques for Sediment Pollution Control” (EPA, 1991).

25. CONDITION REQUIRED BY SP AUSNET

- (i) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- (ii) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- (iii) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
- (iv) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of “Power Line” in the favour of “SPI Electricity Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- (v) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
- (vi) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- (vii) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- (viii) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- (ix) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- (x) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- (xi) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

26. CONDITIONS REQUIRED BY THE CFA

Conditions relating to subdivision

1 Roads

Prior to the issue of a Statement of Compliance:

- (i) Roads shall be constructed to provide emergency vehicle access to all lots from McSweens Road. Roads must be constructed to a standard so that they are assessable in all weather conditions and capable of accommodating a vehicle of 15 tons for the trafficable road width.
- (ii) The vertical and horizontal alignment of the roads shall be designed to accommodate a design vehicle equivalent to the Austroads Design Service Vehicle – 12.5m radius.
- (iii) Provision shall be made within 60 metres of the end of all dead-end roads (whether or not created by stage development) for turning this design vehicle to the satisfaction of the Responsible Authority. (A three point turn is acceptable).
- (iv) Roads shall have either a trafficable width of 6 meter or alternatively have a trafficable width of 4.0m with passing bays at minimum intervals of 200m. The combined width of the passing bay and the through must be a minimum of 6m and a length of at least 20m.
- (v) Bridges must be design in accordance with the Australian Bridge Design Standard AS 5100 – 2004 to carry a rigid truck of at least 15 tonne.

2. Water supply requirements

- (i) A static water supply, such as a tank must be provided for each dwelling.
- (ii) This static water supply must meet the following requirements:
 - a) A minimum of 10 000 litres on-site static storage must be provided on the lot and maintained solely for fire fighting.
 - b) The water supply must be located within 60 metres of the dwelling.
 - c) Fire brigade vehicles must be able to get within 4 metres of the CFA outlet on the tank (as described in condition No.1.3)
 - d) The water supply must be readily identifiable from the building to appropriate signage (see Appendix A Figure 1) must point to the water supply. All below-ground water pipelines must be installed to the following depths.
 - subject to vehicle traffic - 300mm
 - under houses or concrete slabs- 75 mm
 - all other locations – 225 mm
 - All fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive or non-combustible materials or protected from the effects of radiant heat and flame.
- (iii) If the static water supply is above ground the following additional standards apply:
 - a) All above ground static water supplies must be provided with at least one 64 mm 3 thread /25 mm x 50 mm nominal bore

British Standard Pipe (BSP), round male coupling (see Appendix A Figure 2).

- b) All pipe work and valving between the water supply and the outlet must be no less than 50 mm nominal bore.
- c) If less than 20 meter from the building, each outlet must face away from the building to allow access during emergencies.

3. Access requirements

- (i) Access to the dwelling must be designed to allow emergency vehicles access from the Road on Common Property. The minimum design requirements are as follows:
 - a) curves in must have a minimum radius of ten metres;
 - b) the average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres;
 - c) dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- (ii) If the access from the Common Property Road to the dwellings and water supply, including gates, bridges and culverts, is greater than 30m long, the driveway:
 - a) must be designed, constructed and maintained for a load limit of at least 15 tonnes, and
 - b) be all weather construction; and
 - c) must provide a minimum trafficable width of four metres, and
 - d) be clear of encroachments four metres vertically (see Appendix A:Figure 3).
- (iii) If the access from the Common Property Road to the dwelling is longer than 100 metres, a turning area for fire fighting vehicles close to the dwelling must be provided by either:
 - a) a turning circle with a minimum radius of ten metres; or
 - b) by the driveway encircling the dwelling; or
 - c) a “T” head or “Y” head with a minimum formed surface of each leg being eight metres in length measured from the centre point of the head, and
 - d) four metres trafficable width (see Appendix A:Figure 4).
- (iv) If the length of the access is greater than 200 metres, passing bays must be provided. Passing bays must be 20 metres long and must be provided every 200 metres, with a trafficable width of 6 metres (see Appendix A:Figure 5).

4. Vegetation Management Requirements

- (i) The wildfire management plan dated 14 April 2009 must be endorsed as part of the Permit.
- (ii) The vegetation management areas indicated on the attached endorsed plan shall be maintained to the following standard.

Inner Zone

A distance of ten metres around the proposed dwelling must be maintained to the following requirements during the declared "Fire Danger Period" to the satisfaction of the responsible authority.

- a) Grass must be no more than 100mm in height.
- b) Leaf litter must be less than 10 mm deep.
- c) There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.
- d) Dry native shrubs must be isolated in small clumps more than 10m away from the dwelling.
- e) Trees must not overhang the roofline of the dwelling.

Outer Zones

Vegetation in outer zones, as specified in the relevant endorsed plan must be maintained to the following requirements during the declared "Fire Danger Period" to

- a) Grass must be no more than 100mm in height.
- b) Leaf litter must be less than 20 mm deep.
- c) There must be no elevated fuel on at least 50% of the outer zone area.
- d) Clumps of dry native shrubs must be isolated from one another by at least ten metres.

27. EXPIRY DATE

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

- (i) The Plan of Subdivision is not certified within two years of the date of this permit.
- (ii) The dwellings hereby approved have not started within two years of the date of certification of the plan of subdivision.
- (ii) The dwellings hereby approved is not completed within two years of the date of commencement

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

BACKGROUND

Description of the site:

The subject site is located within the Indigo Valley approximately 14.5 km from Barnawartha and 4.8 km from Yackandandah. Indigo Creek Road, being a sealed road is the main access road to the site. McSweens Road is a short gravel pavement road located to the southern side of the valley. The bridge crossing over the Indigo Creek has recently been upgraded.

The site is cradled within a small valley. The general fall of the land is to the north. The property shares 3 boundaries to the Chiltern-Mt Pilot National Park which rises to the south and south west of the site with a dramatic granite hillside.

There are five dams on the site. Four are located within the spring belt on the property while a fifth dam provides a water retention function within the main valley floor of the property.

Established native vegetation covers part of the site in four main stands, each abutting a different boundary to the site.

Significant areas of established horticulture and viticulture plantings (45 hectares olives and 8 hectares wines) are located on the site. Efficient irrigation infrastructure has been established to all planted areas.

An internal road runs centrally throughout the site.

Views from the property are to the north down the Indigo Valley towards Barnawartha.

Surrounding land use:

The surrounding country is cleared undulating grazing land. A number of properties in the area have been established with more intensive forms of agriculture. Several vineyards and olive groves have been established in the locality. The range of property sizes is 33 to 118 hectares. Generally properties are around 40-80 hectares.

Zoning of surrounding land:

Land abutting the subject property to the south, east and west is zoned "Public Recreation and Conservation Zone" and the land abutting the subject property to the north west is zoned "Farming Zone".

PROPOSAL

The proposal is for the use of a winery, olive processing (Rural Industry), use and construction of 6 dwelling envelopes and for the re-subdivision of the land into 6 lots and the creation of common property.

Production

The site has significant areas of established plantings already under production. There are plans for increased areas of both vines and olive plantings and for some cherries. This will occur on the 110 hectares of cleared land available for expansion.

The additional plantings will be for vines (30 ha), 15 hectare of cherries and the remaining 60 hectares for either olives or vines. Investment in mechanical harvesting equipment has eliminated the need for contract harvesting of olives.

Processing

Production of wine and olive oil has occurred with the use of mobile crushing facilities or fruit processing off site. A purpose built facility will be established to house the olive oil and wine making processing and storage on site. A mobile plant will be used.

The mobile olive oil processing plant has been purchased and it is planned to be commissioned in early 2009. The plant was part funded through the Food Processing in Regional Australia Program, as an innovative way to manage small scale production economically. The plant will be used by other growers in the region.

To date there has been an investment of over \$500 000 in new technology solutions. The mobile plant will provide for new business opportunities and be a benefit to other growers in the region.

Sales and Merchandise

The region has a well established tourism market. The project has the opportunity to provide for a small shop to promote and sell produce. The sites location being part way between the tourism centres of Beechworth and Rutherglen wine tourism district will complement the existing rural based tourism developments in the Indigo Valley.

The property has a number of important environmental sites with stands of Warby Swamp gums and natural wetlands containing diverse understorey in the "break of slope" spring areas on the site. The conservation of the sites provides a unique opportunity for the education and enjoyment of visitors to the property. It is also complementary to the adjacent Chiltern-Mt Pilot National Park which forms an attractive back drop to the property and produce sales area.

Re-subdivision of the property

The re-subdivision of the property will be necessary to achieve a workable land tenure arrangement that acknowledges land constraints, established viticultural and horticultural plantings, and the establishment of common property within the development to address access rights and servicing.

The 12 existing crown allotments are proposed to be re-subdivided down to 6 allotments. The number of lots and alignment of boundaries have been developed following a site analysis and design response. Each allotment contains established plantings, areas for additional plantings and water supply protected by easements.

Access to the lots is via a central roadway which will remain as a common property area. The ongoing management of the road will be the responsibility of the lot owners, and not Indigo Shire Council.

A number of easements will be created over the main water supply bodies. The actual rights to the water will be controlled separately.

A copy of the proposed plan of re-subdivision is included at Attachment 2.

Grazing

Grazing of sheep and cattle is presently carried out on the balance of the land. It is expected that this farming practise will be progressively reduced as the land take up for the intensive expansion of horticulture and viticulture on the properties occurs.

Management

The Owners Corporation Act 2006 enables a formal management structure between the land owners within the development to provide a mechanism to manage the shared infrastructure on the site.

The main purposes of the new Act are:

- (a) To provide for the management, powers and functions of owners corporations;
- (b) To provide for appropriate mechanisms for the resolution of disputes relating to owners corporations; and Victoria, and;
- (c) To amend the Subdivision Act 1988 in relation to the creation of owners corporations.

The Act provides a means of legally binding the land owners within the development to share and co-operate with common infrastructure, participating in the operation of the property. This includes:

- Water capture and supply system;
- Internal roadways and car parking areas, and;
- Ongoing obligations to land owners within the subdivision

Legal right to the licensed water entitlements will be managed under a separate water syndicate, with the new land owners being required to buy into the syndicate at the time of purchasing a property.

Subdivision

Lot 1 has an area of 40.05 hectares. A planning permit is not required for the use of a dwelling on this lot as the area is greater than 40 hectares. However a building envelope has been chosen for the lot to avoid the potential for a dwelling to be sited in a poor location, or where valuable established plantings exist. Lot 1 is heavily constrained by a large area of native vegetation however the submitted plan has incorporated an additional cleared area in the south western corner to allow for agricultural expansion. This will ensure that there is no clearing pressure upon the existing native vegetation onsite. The position of the building envelope has been chosen to provide for privacy and avoid the need for removal of native vegetation.

Lot 2 is central to the property. It has an area of 40.31 hectares and does not require a permit for the use of a dwelling on the lot. This lot contains a large area of currently cleared land readily available for the expansion of existing orchards. A portion of the large shed has been used as a staff amenities and a temporary dwelling. This will be altered to be the main office. The lot contains two dams, a

well and stock yards. This lot will be retained by the Jack's and will be developed to contain the small winery produce sales area and the olive processing.

Lot 3 has been partly developed as a vineyard and olive grove. The 40.26 hectares property has significant area available for the expansion of the plantings as the land is almost completely cleared of remnant vegetation. A suitable site has been chosen for the development of a farm dwelling and sheds and this will be located amongst the area of scattered paddock trees. This area is suitable for a dwelling as it is unsuitable for olive or grape production due to the scattered native vegetation.

Lot 4 is 40.01 hectares and contains a large area of olive plantings. A large registered dam site is also on the site. The location of the building envelope in the southern corner of the property is nestled in a position that will not affect the future expansion of the olive grove. The property contains some large stands of native vegetation along its eastern boundary, which will remain. The property also has an onsite bore that provides quality independent water supply to this sit.

Lot 5 is 40.45 hectares and has approximately half of its area under olives. The eastern side of the property contains a stand of eucalyptus forest which forms part of a wildlife corridor linking the national park with nearby stands of native vegetation to the north of the site and to the wetland areas on proposed Lot 6. A dwelling site has been chosen to the north of the lot with an aspect that enables the whole of the property to be in view. The area is a stony rise which has proven to be less suitable for horticultural production and hence will be taken out of production to allow more suitable land to be planted out.

Lot 6 is 40.13 hectares and will contain three existing dams under easement together with water supply access in favour of the other lots in the re-subdivision of the land. A significant portion of the lot contains a natural wetland with a stand of Warby Swamp gums arguably the most important native vegetation on the site. This has deliberately been left in one allotment to facilitate the management of the natural resource.

The allotment building envelope for the dwelling and farm sheds has been sited on the southern corner away from the nearest dam and drainage line. The site is well drained with a gentle slope to the northwest. While there are some exiting red gum trees in proximity to the building site there is no need for the clearing of vegetation. An exiting farm road has been constructed to the building envelope site.

The common property area provides for a central access road through the property. It largely follows the alignment of old government roads but deviates to the west of the main water supply dam, widening out at this point to make space of the common car parking area adjacent to the winery and olive processing areas and produce sales facility. The common property is a total of 2.79 hectares in area.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Permit Triggers:

Winery

A “Winery” can be defined as land use to display, and sell by retail, vineyard products, in association of the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.

A “Winery” is a Section 2 use under the Farming zone and therefore triggered a Planning Permit.

Olive processing – Rural industry

All industrial development is prohibited in the Farming Zone other than a rural industry. If a use is not a Section 1 use (as of right use no permit required) and it is not prohibited either, then it becomes a Section 2 use as in this case, where a permit is required to operate the rural industry in the Farming Zone.

Produce sales – Cellar door sales.

Retail premises are prohibited in the Farming Zone other than Primary produce sales and Restaurant. Again if a use is not a Section 1 use (as of right use no permit required) and it is not prohibited either, then it becomes a Section 2 use as in this case, where a permit is required to conduct a cellar door business from the subject site.

Six dwelling envelopes

Because each of the proposed six lots are larger than 40 hectares a planning permit is not required for the use (accommodation), however a planning permit is required for the development of dwellings on each site.

Re-subdivision of the land in six lots and the creation of common property.

A permit is required to subdivide land.

STATE PLANNING POLICY

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

Settlement

- 15.01 Environment
- 15.07 Protection from wildfire
- 15.09 Conservation of native flora and fauna
- 15.12 Energy efficiency
- 17.05 Agriculture

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement

Relevant clauses of MSS include:

- 20.01 Operation of Local Planning Policies
- 21.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision
- 22. Local Planning Policies
- 22.01-2 Rural dwelling siting and design guidelines
- 22.02-2 Land use development and Subdivision in Rural Areas
- 22.02-4 Tourism development
- 22.03-1 Land care and catchment management
- 22.03-1 Fire Hazard
- 22.03-4 Effluent disposal and water quality
- 22.03-5 Classified National Trust Landscapes
- 22.03-8 Floodplain and Rural Drainage Management

REFERRAL AUTHORITIES

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

SP Ausnet

Telstra

Goulbourn Murray Water

North East Catchment Management Authority

Department of Sustainability & Energy

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

PUBLIC NOTICE

[1] Submission was received in response.

The objection are summarised as including:

- Access to the proposed subdivision is insufficient considering the amount of traffic that this development will generate.

- In case of a fire there is only one escape route which will put people's lives at risk.
- The access route to the proposed subdivision is very steep and with increased traffic will quickly deteriorate and drainage along the road is not sufficient.

A focus meeting was held on the 30 April 2009. At this meeting all these issues were raised and discussed. The applicant argued that the proposal meets the Indigo Planning Scheme requirements. The objector however is concerned that increased traffic along McSweens Road will negatively impact on his site with regard to dust pollution and increased stormwater runoff on to his property. Council's Assets Department has addressed these issues and has proposed conditions to require the applicant to undertake significant works to the satisfaction of Council to upgrade stormwater discharge and to seal McSweens Road for up to 100 metres past the objector's house. The objector was not satisfied and has requested that McSweens road be sealed for a further 50 metres past his house to the south. This is a reasonable request considering the amount of traffic which this proposed development will generate.

The application was also referred to the CFA and the CFA did not raise any objections with the proposed development. The applicant however was not satisfied that the conditions requested by the CFA be contained on the permit as permit conditions but requested Council to include these conditions under a Section 173 agreement.

DISCUSSION

Consideration of the planning merits of the proposal:

The proposed development of the subject site is consistent with the objectives of the Farming Zone as set out in the Indigo Planning Scheme. The proposal has been developed over several years based on the quality of the land and the climate of the northeast of Victoria and the region's ability to be suitable for a variety of agricultural land uses including horticulture and viticulture grazing and fodder production.

The land within the subject site has not been identified as high agricultural productive land. It has however, with careful planning and research by the owner been developed for a range of more intensive horticultural and viticultural farming systems. The property has a total harvestable water entitlement of 500ML. The register storage dams constructed on the site to date have a capacity of 120 ML on site. The advantageous position of this property is that sufficient water is available to irrigate the existing olives and vines as well as the proposed additional plantings (30 hectares vines, 15 hectares cherries and 60 hectares for olives). What was poorly managed agricultural grazing land has become productive land. The proposal will continue to expand this positive change to the agricultural productivity of the land.

The proposed subdivision has been designed to ensure that each parcel is either fully developed or has the capacity to expand the existing plantings on the site. The proposal has been designed cognisant of the environmental constraints of the property with important wetlands and native bush areas being protected. There are no salinity issues on the site.

The land being removed from agricultural production on the property will be directly associated with the need to provide areas for housing associated with the further intensification and production on the allotment, or the need to provide areas for the processing of primary produce grown on the property. The subdivision will not have an impact on the neighbouring properties and the ability for agricultural production to take place.

The agricultural based development is compatible with the surrounding use of the land, which is for broad acre grazing and also some horticultural pursuits. The native vegetation on the site will not be affected. As a consequence the supporting environmental benefit of the vegetation to the National Park and wild life will be maintained.

The proposed development is consistent with the Local Planning Policy Framework which is centred on the Indigo Municipal Strategic Statement which provides the strategic overview for the use and development of land within the municipality. The Municipal Strategic Statement at Clause 21.01, 21-01-4, 21.02 and 21.03 amongst others recognise the importance of the agricultural sector, and the dominance of agricultural land uses within the municipality, particularly viticulture as a key economic driver and the connection with the wine industry as a significant tourism product.

The proposal has a diverse agricultural base, which will be able to expand with additional viticultural and horticultural plantings. The property is located in a small valley where the surrounding hills (in public ownership) and stands of native vegetation separate the proposed expansion from other nearby agricultural land uses.

The proposal will create a new form of farming enterprise with an element of cooperative farming being introduced to achieve better economics of scale. In addition the mobile olive processing plant development will be of benefit to other growers in the region providing for an affordable method of crushing within the region.

Consistency with Local Planning Provisions

Clause 22.01-2 Rural siting and design guidelines

The location of each dwelling is based on land capacity and topography. The application is for the use of the proposed sites for the use and construction of dwellings. Detailed plans for each dwelling will require approval at a later stage in the development.

Clause 22.02-2 Land use and Subdivision in Rural Areas.

The re-subdivision boundaries and new lot sizes are all large enough to be economically and environmentally sustainable based on the known horticultural and viticultural capacity of the land. The changes requested are required to facilitate the continued operation of agriculture on the property and provide for the increase in production of the land. While not consistent with surrounding lot sizes, all lots are in excess of 40 hectares. Each lot will have access to the water entitlements of the property through the establishment of a water syndicate. The term of the water sharing agreement will not permit the water right to be sold off. There is sufficient water available to support the expansion of the site. Under the provisions of the farming zone the expansion of the site is an as of right use.

Clause 22.02-4 Tourism development.

Wineries are recognised as a very important part of the tourism economy. The protection of agriculture and the rural landscapes for their significant cultural values are centre to the tourism development in the Shire. The winery and Cellar door area is located well within the property which by the topography of the land and stands of native vegetation afforded natural screening. The design of buildings on the site will be typically rural in form and overall complement the locality.

Clause 22.03-1 Land care and catchment management.

The land within the combined property is not prone to soil erosion or land degradation. The location of lot boundary lines, road ways and building envelopes have been chosen so as not to cause erosion problems on the site.

Clause 22.03-2 Fire hazard

The risk of wild fire to the property has been considered. In locating building envelopes for each of the proposed allotments, sites have been chosen to meet the requirements of the CFA. The CFA appear to be satisfied that there are sufficient setbacks from stands of native vegetation which contains the higher fuel loadings. Water supply on the property exceeds the CFA requirements. There will be a need to provide for some emergency water supply reserve at each dwelling site. The access road location to each building envelope has been chosen to meet the slope requirements for appliance access. This has been relatively easy to achieve as the combined property is within a valley with gradual slopes to the north.

Clause 22.03-5 Classified National Trust Landscapes.

The subject site borders two areas nominated as classified landscapes, but is not contained within these areas. The classification statements for the Range and the Valley lists fire, clearing, subdivision of private land, inappropriate development and Army rifle range as threats.

The redevelopment of the combined property for agriculture with sensitive siting of buildings will not detract from the landscape qualities of the valley, particularly with the site being a low valley with all building proposed to be sited below the existing tree lines at the base of Mt Pilot Range. Control of reflective materials will ensure buildings blend into the landscape when viewed from the north up the valley. The reference to the rifle range is most likely a direct reference to the proposed historic nomination of the property as a Commonwealth Rifle Range site.

Consistency with Zone provisions.

The preceding discussion clearly put a number of important arguments for the re-subdivision of the subject site into 6 lots and the construction of building envelopes on each of the proposed sites, as well as the use for a winery a rural industry (olive processing) and a cellar door sales. The proposed development will significantly increase agricultural production and contribute to the tourist potential of the Indigo Shire. The production of wines olives and cherries represent very intensively operated enterprises, which require significant management input interims of time and labour. The development of houses on each of these proposed lots can be justified as reasonably required to manage the proposed enterprise.

While the proposal provides dwellings remote from services available in any township, which is a poor outcome, in this instance the link to the agricultural activity reasonably justifies the dwellings.

Other provisions - Car parking for Rural Industry and Cellar Door Sales

Clause 52.06 of the Indigo Planning Scheme provides parking requirements for different land uses. An area has been provided adjacent to the produce sales area. There is sufficient space to allow for the parking of busses and the turning of vehicles within the site.

An industry (rural industry with produce sales) would require 2.9 spaces per 100 square metres. Produce sales or cellar door sales may be considered as a shop which requires 8 spaces per 100 square metres of floor area.

It is considered that a gravel or granite hard stand car parking area capable of providing space for a full sized coach (bus) and provision for the parking of 10 cars would be sufficient, given the small scale of the value adding facilities on the site. Should the need be greater over time then additional space can be provided.

Clause 52,07 of the Indigo Planning Scheme specifies the need to “set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

There are existing loading areas adjacent to the main wine storage building. As this activity is to be centralised on proposed lot 2 all loading of importance to the application can be contained within this allotment.

CONCLUSION

While there are concerns at approval of a number of dwellings in this relatively remote location, the intensification of agricultural activity on the site has been demonstrated to justify the dwellings required. As discussed other uses are considered on balance acceptable.

It is recommended that the application be approved.

Attachment A Location plan
Attachment B Proposal
Attachment C CFA endorsed plan.
Attachment D CFA design information

10.4 INDIGO'S INTERNAL ECO ACTION PLAN

For Information

SUMMARY

Indigo Shire has an internal 'Eco' group that focuses on encouraging sustainable behaviour in the workplace. This group strives to fulfill Council's commitments to the Eco-Buy and WasteWise programs, and more recently to reduction targets for energy and

water as they relate to workplace behaviour. The Action Plan that sets out the targets of this internal working group has been reviewed and amended for the next two years, with Council approval sought for implementation.

BACKGROUND

In 2007 an internal 'eco' group was formed, comprising of representatives from each department, to implement commitments under the Eco-Buy and WasteWise programs. These programs aim to assist local government and businesses to become more environmentally responsible in terms of purchasing and waste. In February 2007 Council adopted the 2-year Action Plan that the group developed. During this time the group completed a wide range of achievements including:

- A more environmentally aware staff base through regular educational material in I SPY;
- Reduction in the use of copier paper as copiers now default to double-sided when printing;
- "Light Fairy" campaign - staff are more energy-conscious and switch off their monitors;
- "Green Conduct" has been included in the induction process for new staff;
- Reduction in waste going to landfill through greater separation of waste streams by:
 - diversion of compostable material by staff (Compost Monitors) who volunteer to take material home for their compost, chooks or pigs; and
 - under-desk recycling bins allowing separation of recyclables
- Increase in environmentally sustainable purchasing by the switch to greener products/services such as:
 - Canefields copier paper (made from 80% sugarcane mulch & 20% plantation timber ISO140001 Environmental Certified Manufacturer)
 - use of recycled bollards, edging and outdoor materials;
 - 10% green energy for unmetered and metered streetlights;
 - a downsized, more fuel efficient vehicle fleet
- Inclusion of 'green specifications' in some contracts.

Indigo Shire Council resigned the Memorandum of Understanding with Eco-Buy on 21st August 2008 for the period until 20th August 2011. Indigo Shire is scheduled for WasteWise recertification this year. In 2009 the Action Plan was scheduled for review and the Eco Group was revised to reflect the change in organisational structure. The newly appointed group had their inaugural meeting in March 2009, where the terms of reference and Action Plan were reviewed. The new Action Plan has a broader focus on staff behaviour, rather than just purchasing and waste, which includes energy and water consumption, to reflect the 20% reduction targets set by Council over the past 2 years (see *Indigo's Eco Action Plan 2009 to 2011* attached). The group has also changed their title from *Eco Awareness* to *Eco Action Group* to capture the nature of what is hoped to be achieved.

CONSULTATION

Senior Managers were consulted during development of the new group, with each invited to nominate a willing representative from their department. During the first meeting with the new group, a small group activity was conducted where members reviewed a particular section of the existing plan and then presented changes or additions to the group for discussion. Following this exercise the plan was updated and distributed to the group for feedback. The final Action Plan presented has incorporated all suggested changes.

POLICY IMPLICATIONS

There are no new implications for Council policy. The Action Plan clearly articulates who, what and when will assist in the implementation of the objectives across Council.

FINANCIAL & RESOURCE IMPLICATIONS

The resource implications of this Action Plan will be the form of staff time. For each working group participant, this will be minimal, with the group meeting once every two months with only minor follow up time needed in between.

Attachment: Draft Eco Action Plan

10.5 SUSTAINABLE COMMUNITIES (COMMUNITY PLANNING) PROGRESS REPORT – MAY 2009

For Information

PROJECT	ACTION/ PROGRESS
Sustainable Communities Tidy Towns Awards 2009	<p>Entries for the 2009 Sustainable Communities Tidy Towns Awards closed on 27 March 2009. Entries were received in various categories from Beechworth, Rutherglen and Yackandandah.</p> <p>Judging for the Awards will take place as follows:</p> <ul style="list-style-type: none"> ▪ 13th May – Rutherglen 11.30am – 4.30pm ▪ 14th May – Beechworth 10.00am – 4.30pm ▪ 15th May – Yackandandah 9.30am – 10.30am <p>The Regional Presentations will be held in late July to early August with the State Awards weekend being held in Horsham on 2-4 October 2009.</p>
Commencement of the “Bigger Beechworth Project”	<p>Council has engaged the services of a consultant to review and consider the future opportunities for development of the major sport and recreational facilities in the Beechworth area. Specifically, the study will review and update the Baarmutha Park Masterplan and investigate options for the Beechworth Swimming Pool, Beechworth Tennis Club, Beechworth Golf</p>

PROJECT	ACTION/ PROGRESS
	<p>Club and other recreational facilities within town. The study will also investigate potential demand for sporting activities currently not catered for in the Beechworth area.</p> <p>A public meeting is planned for Monday 18th May at 7.30 pm at the Beechworth Town Hall to inform the community of the project. It is anticipated that the project will be completed by October 2009.</p>
Building Bridges	<p>A pathways program aimed at reinvigorating young people in Years 8, 9 & 10 commenced at the Rural Transaction Centre, Rutherglen, on Monday 27th April with seven participants from Rutherglen High School. The Building Bridges program, presented by Wodonga T.A.F.E., will run two days a week for eight weeks, offering young people an alternative experience of their education and employment opportunities. Interested community members and council representatives are welcome to visit the sessions on Monday and Thursday, and times can be coordinated through the Youth Development Officer.</p>
Youth Commitment	<p>The Hume Regional Youth Commitment is being introduced to the North East Region via the Department of Education and Early Childhood Development (DEECD) and the four Local Learning and Employment Networks (LLENs). A worker has been employed to facilitate the framework for a collaborative community-based approach to supporting our young people to make good choices and transitions as they move toward successful and fulfilling education and employment options. There will be future opportunities for the Indigo Shire community to be involved in this important work.</p>
REAL Life Program – DVD	<p>Women’s Health Goulburn North East has received funding from the Wangaratta Region School Focused Youth Service to develop, film and edit a DVD about young people’s use of e-communications and the relationships they develop through this different (and post-modern) medium. Council’s Youth Development Officer will be working closely with staff from Women’s Health Goulburn North East in this project and supporting local young people to become involved.</p>
Municipal Early Years Plan	<p>Council’s Community Services Co-ordinator, together with representatives from Indigo North Health, Beechworth Health Services, the Indigo Health Consortium and local parents have been working on the development of an Early Years Plan for Indigo. The process being used is innovative and is being driven by the community representatives. The next step is to conduct a workshop where key service providers will be invited to provide input into the Plan. It is anticipated that the Plan will be presented to Council towards the end of this year.</p>

PROJECT	ACTION/ PROGRESS
Aged Services Volunteers Thank You Events.	A series of morning and afternoon teas are being arranged for May as part of National Volunteers Week. Volunteers are involved in the delivery of meals to clients homes, centre based meals and community transport.

10.6 SUSTAINABLE COMMUNITIES PROJECTS – APRIL 2009

For Information

Projects underway are show in the following table.

Project	Current actions
STRATEGIC PLANNING	
Amendment C21 - Kiewa-Tangambalanga	Planning Panels Victoria has been requested to appoint a panel to consider this amendment.
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. Public exhibition during August 2008 resulted in 45 submissions. These included acknowledgment, support, requests for minor changes and objections.</p> <p>At the November 2008 meeting Council resolved to request appointment of a Panel. Panel hearing took place on 4 and 5 February 2009. Panel report received and publicly available.</p> <p>Further work required as part of the Panel recommendations.</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 in 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.</p>

Project	Current actions
	Matter to be referred to Panel to consider the unresolved submission.
Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth	<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 rezonings will enable the Crown to dispose of the land to adjoining land owners.</p> <p>The public exhibition period closed in November 2008. One issue has been raised and resolved. The amendment was adopted by Council at its meeting of April 2009 and forwarded to DPCD for certification.</p>
Indigo Planning Scheme C48 – Kiewa Valley Highway	This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.
Indigo Planning Scheme C49 – Old Beechworth Gaol	<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 finalised and objections received. Matter to be referred to Panel for consideration. Planning Panels Victoria has been requested to appoint a panel.</p>
Indigo Planning Scheme – environmental/biodiversity overlay	<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: Consultants appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 report was presented to Council Briefing in March 2009. Further briefing required.</p>
Rural Land Use Strategy	Coomes Consultants appointed to undertake the strategy. Initial consultation phase completed. Issues and opportunities paper finalised. A second round of public meetings took place on 22 & 23 April 2009. Draft strategy now being prepared and will be publicly exhibited in May 2009.

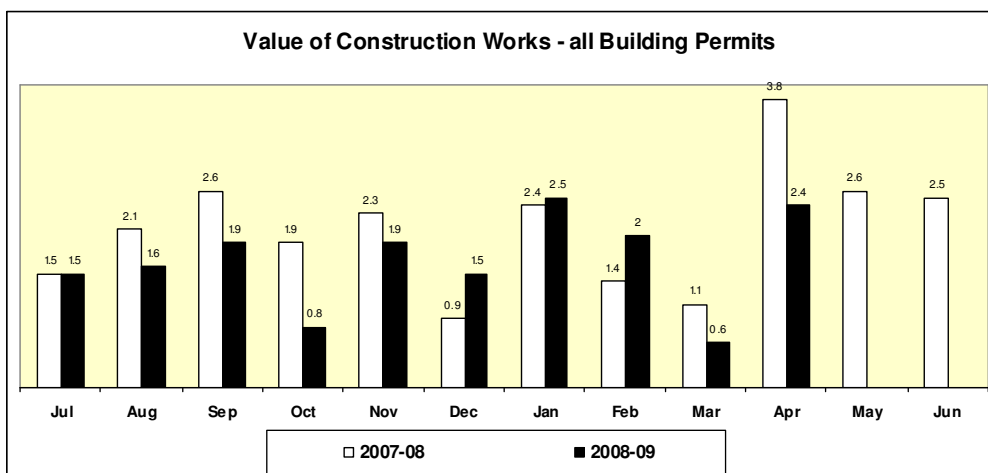
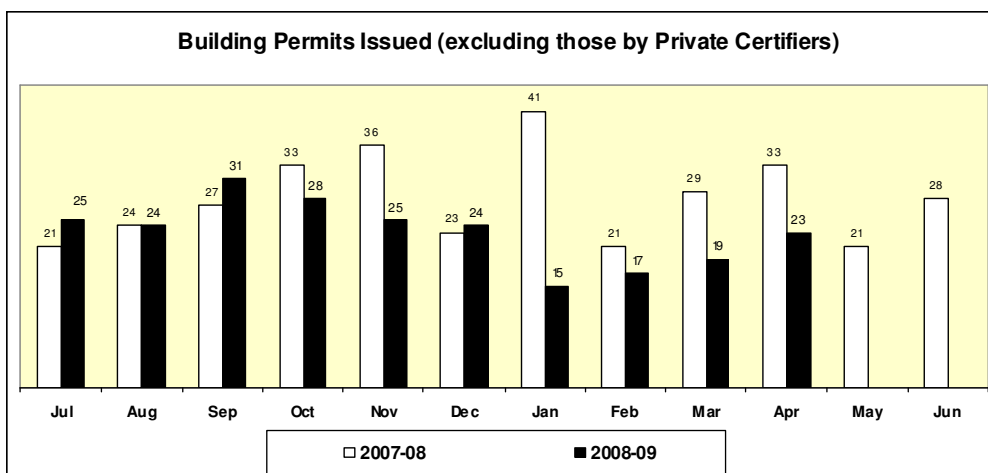
Project	Current actions
Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.
STATUTORY PLANNING	
VCAT Appeals	<ul style="list-style-type: none"> o PP05-281 Appeal by O & Z vonWilpert against Council's refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing dates set and adjourned. Hearing took place on 3 April 2009. o PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter 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 held 29 and 30 October. Council's decision to refuse the application was overturned. o PP08-4185 Appeal by V & P Lehmann against Council's refusal of an application for a dwelling at Beechworth Road, Chiltern. Hearing held 10 March 2009 in Beechworth. Council's decision upheld.
HERITAGE SERVICES	
2009 Indigo Heritage Awards	Nominated properties/items for annual heritage awards have been inspected and winners chosen. Awards evening is scheduled for 22 May 2009
NATURAL RESOURCE MANAGMENT	
North East Greenhouse Alliance	<ul style="list-style-type: none"> • Awaiting outcomes on EOI's submitted to Sustainability Accord • New members include Murray CMA and Wodonga

Project	Current actions
	<p>TAFE</p> <ul style="list-style-type: none"> • NEGHA has developed working relationship with Murray Sustainability Alliance and together they have established a NEGHA sister alliance in New South Wales for purpose of applying for NSW based funding • NEGHA project managing Solar Communities – Solar Panel Bulk Purchase Project
Lake Sambell	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Bird hide rebuilt – fabrication of interpretative sign for inside on order • Maintenance scheduled being completed – agreement with all parties sought • Maintenance planting throughout glades to occur during Autumn/Winter <p>Outstanding Works</p> <ul style="list-style-type: none"> • Rock beaching to occur near boardwalk
Indigenous Resource Area at Lake Sambell	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Awaiting confirmation of draft wording on signage to be approved by Aboriginal Corporation • Awaiting quote from signage company • Some replanting of feature plants to occur in Autumn/Winter <p>Outstanding Works</p> <ul style="list-style-type: none"> • Rock beaching of eroded bank
Isaac Park	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Maintenance plan being developed • Planting in upper gully floor to occur in Autumn
Community Woodlot Program	<ul style="list-style-type: none"> • Timber available in all woodlots • 3 letters of permission for roadside collection issued to adjacent residents, Yackandandah, in response to onsite inspection with NRMO & MFPO • Community Prison gang currently cutting and splitting timber in preparation for delivery to registered concession card holders • Removal of dumped garden waste and hard rubbish – Chiltern woodlot
Roadside weed initiative	<ul style="list-style-type: none"> • No change – assessments not required until next autumn
Roadside weeds	<p>DPI funding to spray roadside weeds:</p> <ul style="list-style-type: none"> • Priority roads & weeds sprayed in Beechworth • Priority roads & weeds sprayed in Yackandandah • Spraying yet to occur at Stanley • Spraying for Serrated Tussock around Rutherglen yet to occur – walk through of some affected roadsides by Landcare to occur in near future to

Project	Current actions
	assist with highlighting infestation patches
Eco-Awareness Group	<ul style="list-style-type: none"> • Revised Action Plan to be adopted by Council • Next meeting scheduled for 25th May 2009
Community awareness	<ul style="list-style-type: none"> • Invitation sent to schools to receive donation of plants for participation in National Tree Day – schools have until Monday 15th May to respond
Upper Sandy Creek School revegetation project	<ul style="list-style-type: none"> • No change – will monitor weeds/grass in site later in year
Sustainable Water Use Plan	<ul style="list-style-type: none"> • EOI submitted to RDV for the extension of use of waste water in Rutherglen
Code of Forest Practice	<ul style="list-style-type: none"> • Inspection of harvesting of burnt coupes underway by Code of Forest Practice consultant • ‘Triplicate’ reporting booklet printed so consultant can readily report on aspects relevant to the Code or any other issues and provide copies to plantation owner and retain copy on file
Environmental Advisory Committee	<ul style="list-style-type: none"> • April meeting held in Rutherglen on Wednesday 8th April 2009 – next meeting scheduled for Wednesday 10th June (see EAC briefing report)
Roadside Management Plan	<ul style="list-style-type: none"> • Roadside Conservation Value re-assessments – field data collection almost complete
Greenhouse Action Plan	<ul style="list-style-type: none"> • Completed report awaiting adoption (see Greenhouse Action Plan report)
Environment Strategy	<ul style="list-style-type: none"> • Draft document being prepared
ENVIRONMENTAL HEALTH SERVICES	
Environmental Local Law	Local Law (bird scare devices) section redrafted for Council review following public meeting and submission period closing.
Cross Indigo Health Promotion Group	Draft Health Promotion Plan developed for Indigo Shire
Food Sampling	Food sampling completed for the quarter with all samples in compliance
Blue Green Algae	Sampling completed for the season in our lakes. Due to lack of water in Lake King and turbidity in Lake Anderson samples taken from Lake Sambell on fortnightly basis. Some BGA present during season but monitored and did not reach health alert level status. Worked with Goulburn Murray Water during BGA alert with Murray River to put up signage at key river access points within our shire.

10.7 BUILDING STATISTICS – 1 TO 30 APRIL 2009 (GC)**For Information**

Property Locality	Description	Project Value	Approval Date
Falls Creek	Alteration	\$87,747	01/04/09
Osbornes Flat	New Building	\$32,824	02/04/09
Chiltern	Change of Use	\$3,000	02/04/09
Beechworth	Dwelling	\$187,537	03/04/09
Chiltern	Dwelling	\$85,000	03/04/09
Beechworth	Dwelling	\$193,934	03/04/09
Beechworth	Dwelling	\$184,986	03/04/09
Beechworth	Swimming Pool	\$24,200	03/04/09
Rutherglen	Dwelling	\$171,994	03/04/09
Yackandandah	New Building	\$12,935	06/04/09
Beechworth	Extension	\$50,000	06/04/09
Beechworth	New Building	\$10,200	06/04/09
Yackandandah	New Building	\$2,800	07/04/09
Norong	Swimming Pool	\$39,500	07/04/09
Beechworth	Extension	\$450,000	07/04/09
Beechworth	New Building	\$10,000	08/04/09
Barnawartha	Dwelling	\$130,000	08/04/09
Rutherglen	New Building	\$4,779	09/04/09
Kiewa	Re-stump	\$10,375	15/04/09
Kiewa	Swimming Pool	\$27,400	15/04/09
Lilliput	Dwelling	\$60,000	22/04/09
Beechworth	New Building	\$3,000	22/04/09
Yackandandah	New Building	\$6,624	24/04/09
Yackandandah	Alteration	\$12,000	24/04/09
Stanley	New Building	\$6,000	24/04/09
Falls Creek	Alteration	\$12,000	28/04/09
Chiltern	Demolition & Extension	\$75,000	30/04/09
Total		\$2,428,135	



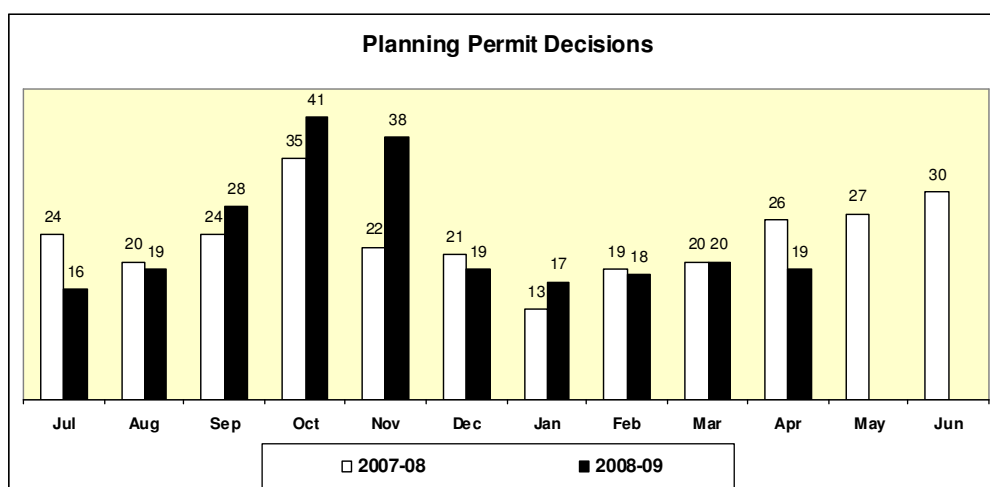
Building Permits	April 2009	Financial Year To Date	Same Period 2008
Number Issued (excluding Private Certifiers)	23	208	288
Value of Works (including Private Certifiers)	\$2.4M	\$16.7M	\$20M

10.8 PLANNING STATISTICS – 1 TO 30 APRIL (DT)

For Information

Appl. No	Locality	Proposed Use	Project Value	Decision
PP084363	Beechworth	Three Town Houses and Subdivision	550,000	Approved
PP084367	Chiltern	Painting and Signage	0	Approved
PP084434	Yackandandah	Sheds	500	Approved
PP090001	Carlyle	Dwelling	600,000	Approved
PP090008	Yackandandah	Carport & 2 Sheds	9,800	Approved
PP090013	Allans Flat	Two (2) Lot Subdivision	0	Approved
PP090025	Beechworth	Extension of Studio to become Self Contained	78,500	Approved

Appl. No	Locality	Proposed Use	Project Value	Decision
		Accommodation Unit		
06110.1	Chiltern	Amendment to Permit - 2 Lot Subdivision	0	Approved
PP084392.1	Staghorn Flat	Amendment to Permit - 2 Lot Subdivision	0	Approved
PP090034	Chiltern	Dwelling	210,000	Approved
PP090038	Norong	Swimming Pool - Inground	39,500	Approved
07045.1	Stanley	Amendment to Permit - Dwelling	0	Approved
05113.1	Chiltern Valley	Amendment to Permit - Consolidation and Dwelling	0	Approved
PP090041	Barnawartha	2 Lot Subdivision	0	Approved
07035.1	Yackandandah	Amendment to Permit - Dwelling & Consolidation	0	Approved
07116.2	Staghorn Flat	Amended Application - Dwelling	0	Approved
PP090048	Chiltern	Alterations & Additions - Undercover Play Area	75,000	Approved
PP084368.1	Rutherglen	Amendment to Permit - Change of Use - Building Society	0	Approved
PP084272.1	Beechworth	Amendment to Permit - Alterations to Dwelling	0	Approved
Total			\$1,563,300	



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

Determination	April 2009	Financial Year To Date	Same Period Financial Year 2008
Issued	11	191	210
Refused	0	2	11
Amended	9	42	3
TOTAL	20	216	198

10.9 SOLAR COMMUNITIES IN RURAL VICTORIA – SOLAR PANEL BULK PURCHASE PROJECT (E352-06 – NATURAL RESOURCE MANAGEMENT OFFICER)

For Information

SUMMARY

The Solar Communities in Rural Victoria – Solar Panel Bulk Purchase Project is a local government-supported, community solar energy project that aims to facilitate the rapid rollout of a bulk-buy program for grid-interactive photovoltaic (PV) solar systems to residents and communities within 10 participating municipalities in rural Victoria.

BACKGROUND

The aims of the Solar Communities in Rural Victoria – Solar Panel Bulk Purchase Project are to:

1. Facilitate the supply, installation and commissioning of 1kW photovoltaic (PV) grid-interactive solar systems to residents and communities, in participating municipalities, in rural Victoria;
2. Broker a solution for residents that helps overcome the barriers associated with installing PV grid-interactive solar systems (cost, time, knowledge, etc); and
3. Generate optimum uptake of PV systems installations before the rebate offered by Federal Government's Solar Homes and Communities Plan is no longer available (30 June 2009).

The role of Council

Council's role will be limited to input in the selection of a Provider and promotion of the project. Firstly, this will require Council to participate in the selection of a preferred Provider and secondly to facilitate the introduction of the bulk buy project to residents through promotion of the project to residents through available communication channels. All liability and contracts are between the selected Provider and the individual residents and no legal relationship is intended between councils and the Provider. No money will enter Council and Council will not sign any contracts. Council will not be involved 'on the ground' (see "The Successful Provider" below).

This in-kind support is expected to include, but not be limited to:

- Support during the Registration of Interest process and selection of the preferred supplier:
- Promotion of the project within the municipality, with a view to maximise the uptake of the bulk-buy program by residents; and
- Introducing residents to the successful supplier and supporting residents to sign-on with the successful Provider.

Promotion by participating councils, with the assistance of the project manager, may include:

- Council printed media and local newspaper;
- Councils' website;
- Development of other communication/ promotional material, and provision of these to the public and display in Council areas such as libraries and community centres;
- Development of relevant factsheets, such as "The Planning Scheme and Solar Panels";
- Organisation of a community launch of the program, to be attended by relevant council and project staff and the Provider; and
- Targeted communication with some residents where possible.

Participating Councils are Alpine, Indigo, Moira, Wangaratta, Wodonga, Baw Baw, Colac Ottway, Hepburn, Horsham and Murrindindi.

The role of Lead Organisation

The North East Greenhouse Alliance, in close liaison with the project manager based at ICLEI – Local Governments for Sustainability, is the lead organization and will manage the project from conceptualization through to completion. The Alliance will formally lead the project and has already undertaken a Registration of Interest, on behalf of the participating councils and their residents. The selection of the preferred Provider will be based on a Registration of Interest process, with participating Councils involved in the selection committee. The lead organisation and the project manager will also organise a launch of the project, on behalf of the Provider and participating councils.

Indigo Shire has provided a written commitment (dated 17 April 2009) to the bulk-buy project to the North East Greenhouse Alliance which reflects the above information, specifically the roles of Council and the lead organization.

The Successful Provider

The successful Provider will be the one that is able to provide what is deemed to be the most appropriate system for residents of the participating councils, in terms of service, quality, and price.

The successful Provider will:

- Receive inquiries from residents in participating councils and deliver the inspection, Federal Government rebate form processing, and purchase and installation of a 1kW grid interactive PV system (PV panels and adjustable PV frame to have an Australian warranty). The successful Provider is expected to provide a turn-key solution from initial booking to final commission of the PV system for eligible and interested residents.

- Provide the PV system at the costs as specified in their response to the Registration of Interest, with any changes requiring the agreement of both participating Councils and residents.
- Allow and encourage residents to keep their Renewable Energy Certificates (RECs) and voluntarily retire them, so as to secure the greenhouse gas reduction benefits.
- Need to meet the Commonwealth Government criteria for installer competency and equipment and installation requirements.
- Will provide, collect and send all rebate forms to the Department of the Environment, Water, Heritage and the Arts by 30 June 2009 to get pre-approval for all participants who are eligible for the rebate. Rebate amount is to be deducted from the invoice by the Provider, meaning that the resident will only be required to pay the remaining cost. (Note that there is 9-month time requirement from pre-approval to installation).
- Provide regular updates of status of resident forms, including their delivery and processing by Department of the Environment, Water, Heritage and the Arts (DEWHA), to residents and the project manager.
- Provide the contact details of all residents who have expressed interest and/or have engaged the Provider, to the project manager and participating councils to facilitate promotion and communication from their respective council for this initiative and in the future.
- Accept all legal liability for supply, installation and contractual obligations with the individual residents and agree to indemnify participating Councils against all claims, actions, and costs against them arising out of such supply and installation.

Timeline and Constraints

This project has a very tight timeline. See table below for proposed timeframes.

Date	Event
11 April	Registration of Interest (ROI) advertised in 'The Age' – LG Tenders section
16 April	Teleconference with participating councils
17 April	Briefing session for interested suppliers
24 April	ROI application deadline
25/26 April	Preliminary sorting of applications
*TBC 27 April	Selection Panel (all councils encouraged to attend). *Date depends on the availability of consultant.
28/29 April	Interviews and follow up with applicants, if required
1 May	Deadline for selecting preferred supplier/s
4 May onwards	Project promotion within municipality (& site inspections)
30 June	Deadline for rebate applications
30 Sept	Final pre-approval received (subject to change)
30 May 10	Final date for installation (subject to change)

Councils may experience an increase in demand for planning advice and planning permits if residents are bounded by planning overlays. Council will develop a fact sheet on PV installation and planning permits prior to the commencement of the project.

Key Assumptions

The key assumptions of this project include:

- The Registration of Interest will receive quality applications that provide a variety of options on how the project can be delivered to communities in rural Victoria. It may be that more than one preferred supplier is selected for the project. For example, a preferred provider may be selected for the entire region or different suppliers may be selected for each of the geographical regions, eg. One supplier for North East Greenhouse Alliance Councils, and another supplier for other alliances, and so on. (Please note that there were 35 requests for ROI documentation, 14 submission have been received, two of which have been non-compliant.)
- Council has the right to refusal and the right not to select a preferred provider after the Registration of Interest, if applications are deemed not to meet the expectation of council.
- The communities of rural Victoria are willing to participate in a local government facilitated bulk-purchase project, during the downturn in the economic cycle.
- The successful provider delivers a quality service and product to all participating residents in rural Victoria.

Key Risks

There are three main areas of risk involved in this project. These are:

1. The perception of legal liability of Council:
 - This risk should be eliminated by clarifying the role of local government as a broker and promoter only, and that **all liability and contracts** are between the provider and the individual residents and **no legal relationship is intended between councils and the Provider.**
2. Federal Government declares an immediate end to the Solar Homes and Communities Rebates before the expected end date - 30 June 2009. This is a key risk as the solar panel rebate is widely-acknowledged as oversubscribed, and in the 2008 budget Treasurer Swan set a precedent by announcing with immediate effect the introduction of the \$100,000 means test.
 - This risk can be reduced by expediting council recruitment, the Registration of Interest process and encouraging all interested residents to sign-on to the project and sign-up for a site assessment immediately and submit a pre-approval form for the rebate as soon as practical.
3. There is a reputation risk for all participating councils, in selecting a preferred Provider that fails to meet expectations.
 - This risk should be minimised by all councils participating in a transparent Registration of Interest process and jointly deciding on the best provider.

- The selection committee that decides on the preferred supplier will involve participating councils, the project manager, independent expert, and if appropriate, community members.

CONSULTATION

The idea of Council delivering a Solar Energy bulk-buy program to community was raised through two main consultation forums. Firstly, through the 'Dinner Conversations' held during consultation on the Council Plan 2009-2012, as well as through the workshop held with Indigo's Environmental Advisory Committee during development of the draft Greenhouse Action Plan.

Given the tight timeframe of the project, as well as the fact that no financial outlay is required of Council, this project was approved at the General Manager level.

POLICY IMPLICATIONS

This project has direct links to actions identified in the draft Council Plan 2009-2012, as well as the draft Greenhouse Action Plan. In assisting the community to reduce greenhouse gas emissions, however, this action will also contribute to Council's endorsed goal of reducing community emissions by 20% by 2015/2016 (on 2005/06 levels).

FINANCIAL & RESOURCE IMPLICATIONS

The main resource implication for Council is through in-kind contribution of officer time. Natural Resource Management Officer will be involved in the Registration of Interest process to select a preferred supplier, and in promotional activities to introduce residents to the project in their municipalities.

10.10 INDIGO'S ENVIRONMENTAL ADVISORY COMMITTEE – APRIL 2009 MEETING (E163 - NATURAL RESOURCE MANAGEMENT OFFICER)

For Information

SUMMARY

The third meeting of Indigo's Environmental Advisory Committee took place in early April, as scheduled. The main business was in regard to the draft Greenhouse Action Plan, application of an 'issues filter' to screen business put before the committee and a submission from the Wooragee Landcare Group regarding water stress in the Reedy Creek Catchment.

BACKGROUND

The third meeting of Indigo's Environmental Advisory Committee (the committee) was held in Rutherglen on Wednesday 8th April, 2009. The group is scheduled to meet on the second Wednesday every second month, with meetings rotated between Beechworth, Yackandandah and Rutherglen. In between the February and April meetings, however, interested members attended a special workshop to assist staff in identifying relevant actions for the Greenhouse Action Plan. The draft document was then presented to the

committee at this April meeting and members were given a three week period for comments.

The group also focused on mechanisms to filter the business put before the committee and discussed a series of questions that could be applied to ensure that only matters pertinent to the committee's scope are addressed. The litmus for this tool was a submission from the Wooragee Landcare group, who compiled a comprehensive paper regarding water stress in the Reedy Creek Catchment. It was recognised that further information regarding this matter was needed, specifically from Indigo's Planning Unit, and that an opportunity to receive comment from Goulburn Murray Water, would help clarify Council's role in this matter. The recommendations contained within the submission will also be considered in development of the Environment Strategy.

It is anticipated that the June meeting will enable the group to highlight links between the developing Environment Strategy and regional documents, such as the Regional Catchment Strategy and the Hume Sustainable Strategy. This meeting should enable specific focus on the content of the four Key Policies being developed as part of the Environment Strategy.

CONCLUSION

Within its short time of operation the committee has already provided valuable contributions to the development of Council policy through the Greenhouse Action Plan and the developing Environment Strategy.

Attachment - EAC Minutes 08/04/09

11.0 OPERATIONS AND ASSETS

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

For Decision

RECOMMENDATION

That Council:

- 1. Receives the submission and note the agreement reached by Council's General Manager Operations and Assets and the submitter as to appropriate treatment of access to 54 Conness Street from Old Greens Lane.**
- 2. There being no further submissions that Council proceed with the closure of access from Conness Street south into Martins Lane and Greens Lane by the placement of permanent barriers to prevent vehicle access whilst still allowing pedestrian and bicycle traffic.**

SUMMARY

Council has called for submissions in relation to the closure of Martins Lane and Old Greens Lane onto Conness Street as required under the Local Government Act. One submission has been received from the owner of property immediately adjacent to Old Greens Lane. The submitter currently accesses his property from the Lane via entry from Conness Street as he does not then have to do any backing manoeuvres. He therefore objects to the closure of access from Conness Street to Old Greens Lane.

The Council needs to consider the attached letter and following information and make a decision as to whether the Laneway closure will proceed.

BACKGROUND

The Council adopted a report at the February 2009 Council meeting authorising Council Officers to proceed with the purchase of land and other actions to facilitate the construction of Greens Lane onto Main Street and allied car park construction and closure of access from Greens and Martin's Lanes onto Conness Street.

The statutory advertisements for the closure of vehicular traffic from Martin's Lane and Greens Lane onto Conness Street appeared in the Border Mail and the Chiltern Grapevine on 4th and 3rd of April respectively with a 28 day period for submissions closing on 2nd May. Please note that this report has been prepared prior to the closure of submissions (30th of April) to meet Council Agenda preparation deadlines.

ISSUES

By the 30th April only one submission had been received from the owner of the property immediately adjacent to Old Greens Lane. If any further submissions are received by the 2nd May they will be included with this report for consideration at the meeting.

The submitter's submission is circulated in full for Councillors' consideration. In summary, his main points are:

1. The proposed closure will affect access to the rear yard.
2. They currently access the yard by entering from Conness Street into Old Greens Lane. This allows two vehicles to access the rear yard through the double gates with one vehicle accessing the garage.
3. The proposed closure would mean that they would have to enter Old Greens Lane from the extended Greens lane and then reverse into the yard.
4. On leaving the yard the vehicles would need to reverse back down the Lane to the new Greens Lane.
5. Changes to the property access and numbers of vehicles parked thereon may impact on the value of the property and interest in the property by prospective tenants.
6. He believes that he would lose one car space and his existing garage will need to be moved to allow enough room to access the yard without any problems.
7. He suggests that previous correspondence from Council indicates that Council will pay for any necessary changes that need to be made.
8. He also believes that increased foot/bicycle traffic may present issues with vehicles entering or leaving the property due to the narrow width of the laneway.
9. Closing the lane (and having a public meeting place there) may cause issues with people meeting there after dark with litter, security and access to the side entrance of the building.

Whilst there has not been any submissions on the closure of Martin's Lane, Council should note that in the previous consultation sessions and meetings of the steering committee concern was expressed with large trucks backing out of the closed area of Martin's Lane across Greens Lane after unloading for the supermarket.

To overcome safety issues associated with this there is a requirement on the supermarket via the Town Planning Permit for its development that temporary safety barriers must be established whilst unloading takes place and that a supermarket employee must supervise any backing manoeuvres from the unloading area.

It will be incumbent on the supermarket to ensure that these actions are undertaken any time a vehicle unloads in the unloading area in the closed section of Martin's Lane.

CONSULTATION

Mr. Phil Prior and Mr. John Costello met with the submitter on site on Wednesday 29th April to discuss his issues and to see if any could be resolved.

The outcome of the site inspection and discussions in relation to the above points is:

1. By closing the laneway the submitter will certainly not be able to drive off Conness Street and directly into his property in a forward motion. However, there is enough

room to drive forward into Old Greens Lane from Greens Lane and do a right hand manoeuvre into his property in a forward motion if the existing gates are relocated and the existing dilapidated shed removed.

2. The submitter indicated that he was considering demolishing the shed and building a two car carport closer to the next door neighbour's property on the eastern side at some time in the future.
3. It was agreed that even now, vehicles need to back from the property into Old Greens Lane and exit south into the existing Greens Lane. This would therefore continue in the future with the current proposals.
4. The outcome of the discussions was that Mr Prior would write to the submitter with the following offer which the submitter would consider and respond to prior to the Council meeting
5. The offer is that Council would:
 - a. Provide some fill to the property along the Old Greens Lane boundary to better match the property level with the Old Greens Lane new construction level to facilitate ease of access.
 - b. Shift the existing gates further south along the property line to an agreed location after a turning circle/access template is agreed upon.
 - c. Reconstruct the existing fence along this boundary including approximately 3 metres of additional fencing.
 - d. The submitter would construct a new carport at his own cost at some time in the future.
 - e. In relation to street furniture in the closed section of the laneway it was suggested that Council and the property owners would monitor the placement of any furniture and its use and if there were adverse effects it would be removed. The area would then only be used on an ad hoc basis e.g. as part of a street festival or other such activity or as part of either of the adjacent property's future activities e.g. an open air eating area with temporary placement of tables and chairs on a daily basis so long as they didn't interfere with adjacent property access.

If this is all agreed upon and there are no further submissions received Council will be in a position to adopt a motion that both Martins Lane and Greens Lane be closed to vehicular access to and from Conness Street by the placement of permanent barriers.

POLICY IMPLICATIONS

This report recommends further actions that have resulted from previous Council decisions, budget allocations and grant provisions for capital works in improving Chiltern's central business area. VicRoads has been consulted and has consented to the road modifications for this Project.

FINANCIAL AND RESOURCE IMPLICATIONS

The Council has previously approved the budget for the overall project. These works will add a very small amount to the overall cost but are necessary to arrive at the best result for the given objectives of the project.

11.2 FEDERAL GOVERNMENT CYCLE PATHS FUND (FILE NO: T630 – GMOA)**For Decision****RECOMMENDATION**

That Council apply for funding from the Federal Government Cycle Path Fund for the Chiltern/Barnawartha Pathway Linkage and utilise funding from the Roads to Recovery Program as matching funding for a total project cost of approximately \$600,000.

SUMMARY

As part of the Federal Government's \$650M Jobs Fund Economic Stimulus package it has announced a \$40M Cycle Paths Fund for funding of bicycle infrastructure. The Program requires 50% joint funding. Council needs to decide whether to apply for funding and if we do, how we match the 50% funding from the 2009/2010 budget.

BACKGROUND

Council received advice in late April of the Cycle Paths Fund including all details of eligibility, generally as follows:-

- Bicycle Path funding may be provided for new routes and extensions or refurbishment of existing infrastructure, including off road bicycle paths (but not dedicated mountain bike trails), onroad bicycle lanes and bicycle parking facilities.
- Projects of up to \$2M can be funded under the Local Jobs components of the funding.
- Its focus is on providing jobs for Australians and one of the following criteria must be met:
 - i) create jobs or retain people in jobs at risk due to the downturn
 - ii) build skills for the future
 - iii) build community infrastructure or improve community amenity which generates local jobs or;
 - iv) provide seed funding for social enterprises to start up, maintain or expand services, generate jobs and improve community services.
- Necessary criteria that all applications are to be:
 - i) projects are in areas that experience high unemployment, significant rise in unemployment or vulnerability

- ii) projects are viable and ready to start
- iii) commonwealth funding will not extend beyond 30 June 2010
- Applications close on 22 May 2009
- Funding can be used for construction, project management costs and payment of salary / wages and employee oncosts for additional people employed on the project, however the majority of the funding must be used for construction.

Prior to considering potential projects Council needs to determine its ability to match any funding received.

The following options are available;

- For urban pathway projects utilise Special Charge Schemes in accordance with Council's adopted policy – this is not practical as Special Charge Schemes are liable to appeal and could easily extend the process outside the available construction envelope.
- Utilise Roads to Recovery funding for several projects in accordance with R2R guidelines – given that Council has not formally adopted its Capital Works Program for 2009/2010 then some flexibility is available. Up to \$348,000 could be available by deferring projects such as Allans Flat Road sealing and Indigo Creek widening. Another \$141,000 could be available if Council is unsuccessful in some areas of grant applications as these funds were targeted as matching funds.
- Seek matching funding support through Regional Development Victoria, specifically the Small Towns Development Fund – funding is available up to \$250,000 for approved projects. Council in its 2008/2009 budget highlighted preference for funding for completion of works at Lake Sambell. Funding from RDV cannot be guaranteed, is limited in its quantity and no discussions have been undertaken to date with RDV officers.
- Fund from Council's normal rating revenue – Council will need to prioritise pathway works above other works. From \$100,000 - \$300,000 could be available subject to Council priority.
- Loan funds

When considering suitable projects Council needs to be mindful of the criteria listed above and the priorities determined in Council's Strategic Bike Path Plan. As this is a competitive process and a considerable amount of time will be required to prepare applications, then clearly projects need to have multiple community benefits. Some suitable projects for consideration are;

- The Chiltern / Barnawartha Pathway Link – this is listed as priority No. 2 in Council's Strategic Bike Path Plan and provides both a community linkage and importantly linkages to access points to the Chiltern Mt Pilot National Park.
- The Beechworth / Stanley Bikepath – not prioritised in the Strategic Bike Path Plan, however seen as an important cycle tourism link.

- One or more in town linkages from priorities determined in the Strategic Bike Path Plan and listed below:
 - i) Beechworth – St Josephs Primary School to Sydney Road via Loch Street
 - ii) Beechworth – provide link from new subdivisional developments in High Street to High School and Primary School via Balaclava Road
 - iii) Beechworth – Bridge Road – Price to Church Street
 - iv) Chiltern – complete link from Nickless Street via Epsom Road to Primary School
 - v) Wahgunyah – Morley Drive to Primary School via Traton and Dennison Streets
 - vi) Wahgunyah – Maxwell to Barkley via Row and Sarah Streets
 - vii) Yackandandah – links from Keeble to Primary School either via Back Creek Road or Recreation Reserve subject to subdivisional development

Council should note that separate funding from VicRoads has been applied for, for TCL No. 29 in Wahgunyah and TCL No. 40 or 40a in Yackandandah.

It is difficult to align these projects with the funding criteria and Council also needs to be mindful that most of these projects would normally require a contribution from abutting owners via a Special Charge Scheme.

In order for a township pathway to be successful it will be necessary to identify economic growth benefits. A project such as the completion of the network of pathways in Chiltern linking major heritage buildings may fit the funding criteria.

CONSULTATION

Council has undertaken significant community consultation with its Bikepath Strategy and Cycle Tourism Strategy. Ideally works from these strategies should be favoured.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Ideally grant funding considerations such as this opportunity will be considered in the context of the Council's forthcoming budget, however timelines for this grant do not permit this option.

11.3 FEDERAL GOVERNMENT HERITAGE PROJECTS (FILE NO: M266 - GMOA)

For Decision

RECOMMENDATION

That Council apply for \$700,000 funding towards preserving heritage places and settings from the Federal Government Heritage Projects Program (Jobs Fund).

SUMMARY

Council has received advice that applications will be received under the Heritage Projects Program.

Council has received advice that applications under this Program will be received up until 22 May 2009. The general conditions and goals of this Program are similar to those outlined under the Bike Path Projects also listed in this Agenda.

BACKGROUND

Specific criteria relevant to heritage projects are:

- Projects should contribute to the heritage values of a place, including conservation, protection, or interpretation works.
- Projects should be consistent with the principles of the Burra Charter and other heritage management documents and should contribute to one or more of the priority heritage themes identified by the Australian Heritage Council.
- The proposed works would need to fit into one of five broad categories identified as part of the funding process.
- Funding through the Jobs Fund is for 100% cost of the works

In considering Council's ability to fund these projects, there is no cash contribution required from Council. The Jobs Fund allows for project management, Council's contribution would be restricted to some administrative support.

Council could consider a range of projects under this Fund, however after discussions with John Hawker from Heritage Victoria and Council's Heritage Advisor, Deborah Kemp, the following are considered priority areas:-

- Preserving the important contribution of trees to the interpretation of our heritage places.
- Improvements to road, park and pathway infrastructure to support the ongoing preservation of our heritage places and trees, and provide safe public amenities.
- Preserve our built heritage and in particular completion of projects which have been commenced including Beechworth Town Hall Gardens, Beechworth Hospital Façade, Chiltern Heritage Streetscape, and the Burke Museum.

Council's application will be developed by Deborah Kemp generally along the lines outlined.

CONSULTATION

Consultation has occurred through the development of various strategies.

POLICY IMPLICATIONS

Many of the project areas listed are supported by conservation management plans and Council's soon to be completed Tree Management Strategy.

FINANCIAL & RESOURCE IMPLICATIONS

Nil financial outlay by Council. The completed works will assist with the interpretation of heritage places and to the tourism experience.

11.4 OPERATIONS & ASSETS DEPARTMENT – PROGRESS REPORT – TO MAY 2009 (GMOA)

For Information

ASSETS CAPITAL WORKS	
Project	Description
Rutherglen Wine Bottle	NEW have engaged consultant to review restoration options to steel tank and bottle top with site inspection scheduled for 13 May.
Chiltern Floodplain Works	Acquisition of a potential detention basin site is under investigation.
Havelock Road area stormwater re-use	Final stage of this scheme currently under construction. Earthworks and pipeworks complete.
Ready/Soles Street drainage	Site works have been delayed with commencement scheduled for late May
Chiltern Commercial Area Parking	Application pending for additional \$220,000 grant in 08/09. Land acquisition complete, works commencement June.
Rutherglen Heavy Vehicle Deviation.	Planning study progressing. Traffic analysis complete. Information bulletin on website. First draft route analysis due for release mid-May
Tangambalanga Multi-Purpose Activity Centre	Contract documentation forwarded to Barton St Developments. Contract works scheduled to commence August 24 th 2009.

ASSETS CAPITAL WORKS	
Project	Description
Former Beechworth Methodist Church Roof	Site works scheduled to commence May 2009.
Tangambalanga Industrial Estate	Planning Permit conditions for Tangambalanga industrial development under review. Regional Development Victoria (RDV) funding offer received.
Yackandandah Depot Industrial Estate and Steel Rd industrial area	Planning Permit applications currently being processed. Regional Development Victoria (RDV) funding offer received.
Wahgunyah Boat Ramp	Issues generally finalised and concept layout agreed by interested authorities. Funding application can be lodged June subject to endorsement in Council's coming capital works program.
Osborne's Flat Hall Upgrade	Regional Development Victoria (RDV) \$70,000 formal application lodged and decision pending. \$50,000 grant from DPCD approved
Offices Project	Financial analysis being prepared.
OPERATIONS CAPITAL WORKS	
Mellish Street Reconstruction	Construction has commenced and the contractor has made progress on the installation of drainage pipes although the contractor has encountered large quantities of rock causing delays. A larger excavator has been brought in when needed and progress has picked up again
Spring Street Construction	Construction has commenced. The contractor has made good progress and completed most of the storm water and all of the kerb and channel in Mulholland Drive.
Rutherglen to Wahgunyah Rail Trail	Construction has commenced on the Riverside Loops section of the Rail Trail with the track being cut through and gravel being laid. The rail removal contractors have commenced work.
Kiewa Bonegilla Road	Contractor has been awarded and the contractor will start during the week of the 4 th of May
Oxford Street Footbridge	The tender has been awarded and the contractor has started fabrication.
Sutherland Road Bridge	The tenders has been awarded and the contractor will commence work in May

ASSETS CAPITAL WORKS	
Project	Description
Indigo Creek Road	Tenders have been called
Resealing program	All roads in the Rutherglen / Chiltern area have been completed. There is a small amount of work to be completed in the Beechworth area which will be currently being completed
Resheeting Program	The program is 95% complete. A small amount is retained in the budget for a small resheeting program later in the year to respond to problems that arise.
Hammond Street Yackandandah	Car park has been completed. First seal has been laid. Follow up seal will be laid during the first week in May
Bus Stops	Bus Stops have been completed in all towns except Yackandandah. Works on the Yackandandah bus stop have commenced.
Yackandandah Supermarket parking	Car Works in Hammond Street 90% complete. Road widening works to be undertaken in conjunction with bus stop improvement works.
Wahgunyah-Moodemere Trails	Walking Works 50% complete, progressing very well.
Plant	Replacement program on schedule. 3 new trucks to be delivered this week. Tenders for tractor received and under consideration.
OPERATIONS MAINTENANCE WORKS	
Project	Description
GENERAL MAINTENANCE	
Road Maintenance	Due to dry conditions corrugated roads are still a big problem, as the roads are too dry for any meaningful grading
Parks and Gardens	Parks and gardens are still looking very dry due to dry conditions and water restrictions. Trees are also very stressed particularly young trees. Many recent plantings have died
Indigo Management	Waste Green waste mulching has recently been completed at the Beechworth Transfer Station and at the former Yackandandah & Chiltern Transfer Stations.
Fire Prevention	Due to dry conditions. Permits to burn are still required until further notice.

ASSETS CAPITAL WORKS	
Project	Description
EXTERNAL PRIVATE CONTRACTS	
Buller Gas	<p>Invoices for March have been issued. The New Gas Safety Case for Buller Gas has been submitted to Energy Safe Vic. and will be reviewed at the audit in May.</p> <ul style="list-style-type: none"> • Cathodic Corrosion Protection Survey Minor correction work needed. • Leakage Survey • minor gas leaks were found at gas meters. All of the gas leaks are very small. <p>Pinpointing of leaks detected and repair will be carried out by Bullergas as part of their maintenance program.</p> <p>Sniffer survey of valves – no leakage operation is normal</p>
Falls Creek Waste	No word yet on the appointment of the successful tenderer. Anticipate advice week ending 3 April 2009.
East Gippsland Waste	A staff training day held 12 March 2009 covering areas including asbestos identification, bullying and harassment, OH&S and extreme weather policy.
ASSETS MAINTENANCE WORKS	
Subdivisional Works by Developers	No significant subdivision works currently under construction.
Lands & Buildings Revaluation	Valuation scheduled for completion by end May 2009.
Roads Data Recollection Works	Data recollection works commenced mid-April.

11.5 LOCAL GOVERNMENT DISASTER AND RECOVERY PAYMENT (FILE NO: C115-03 – GMOA)

For Information

SUMMARY

Council has been advised by the Department of Planning and Community Development that the Victorian Bushfire Appeal Fund has allocated funding totalling \$9.1M to help Local Governments support their communities in the recovery from the 2008/09 bushfire season.

The Department also advises that Indigo Shire is eligible for a payment of up to \$400,000 that can be used to undertake a number of activities that will directly rebuild the community and help the recovery process.

BACKGROUND

Council received notice in mid April that submissions should be made by May 1 for consideration by the Victorian Bushfire Appeal Fund Panel. Broad guidelines are as follows;

- Funds can only be used for projects that directly assist communities in their recovery from the bushfires.
- Payment will be given to Councils where they can demonstrate an increase in costs since supporting the community above its budgeted expenses. There are three categories under which Councils can apply for funding;
 - i) Consultation and advice: provision of additional counselling services
 - ii) Rebuilding community capacity: enabling the re-establishment of services destroyed by the bushfires and provide a Local Government with the extra capacity required to aid in the rebuilding of communities
 - iii) Other areas of assistance that directly help the community recover from the effect of bushfires
- Councils will not be eligible for assistance with costs associated with the normal running of Council or for projects that are eligible for funding from other sources such as Federal or State Government programs.
- Funding can only be used to offset expenses that have been incurred since 7 February 2009 and any anticipated expenses until December 2009

In general, the existing recovery programs set are up and running and fulfilling the needs of our communities, however some additional support could be utilised.

Perhaps the major community concern to arise out of both the 2003 and 2009 bushfires is the vulnerability of Stanley to entrapment by fire. Discussions with the Stanley community have identified this as major detriment to the rebuilding of community confidence and to economic recovery in the Stanley area.

The identified solution is to upgrade the Myrtleford / Stanley Road to provide a southerly exit from Stanley and also a southerly access to Stanley for firefighting appliances. The section of road requiring upgrading is approximately 3.8 kilometres long and lies in the Alpine Shire. Discussions have been held with the Alpine Shire at officer level and they are prepared to support Indigo Shire in applying for joint funding through this program to upgrade that section of road at a cost in the order of \$600,000.

Two alternate applications have been lodged:

Option 1 (the preferred option); \$300,000 for the upgrade of the Myrtleford / Stanley Road in conjunction with Alpine Shire, \$40,000 to support the Community Strengthening Project and \$60,000 to support an economic development post Bushfire Recovery Program.

Option 2: \$100,000 towards the Community Strengthening Project and \$200,000 towards economic development post Bushfire Recovery Program.

The two options have been lodged on advice from the Department as the funding program is not specifically targeted at capital type works, however advice is that the Stanley Project is very worthwhile and worth lodging.

CONSULTATION

Ongoing discussions are being held in bushfire impacted communities.

POLICY IMPLICATIONS

The section of road requiring upgrade lies in Alpine Shire and the community to receive the major benefit, Stanley, lies in Indigo Shire. There are other long term benefits to the Stanley community, in particular the upgrading of the Myrtleford / Stanley Road as a tourist drive to provide more direct linkages between Stanley/Myrtleford/Yackandandah.

The Project is a good example of adjoining municipalities working together for the broader community benefit.

FINANCIAL & RESOURCE IMPLICATIONS

If Option 1 is successful, then minor project support would be the only Council requirement.

If Option 2 is successful, additional staff, (who would be fully funded by the Program) would be sought to deliver the Programs.

12.0 CORPORATE SERVICES

12.1 SPECIAL COMMITTEE OF COUNCIL FORMATION – INDIGO SHIRE COUNCIL FINANCE COMMITTEE

For Decision

RECOMMENDATION

That Council

- 1. Establish a Special Committee of Council pursuant to S86 of the Local Government Act 1989 being the Indigo Shire Council Finance Committee.**
- 2. Establish the committee on the basis that it be an advisory committee to Council.**
- 3. Sign and Seal an Instrument of Delegation for the establishment of the above committee.**

SUMMARY

This report seeks the establishment of a special committee of Council following the matter being considered at the February 10 2009 Council meeting. A working group of Councillors and staff have advanced the committee's establishment, including consideration of committee objectives and functions.

BACKGROUND

Council resolved February 10 2009:

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 constructed 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 a staff member appointed by the Chief Executive Officer.

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.

CARRIED

That Councillors Goldsworthy, Murdoch and Pockley be Council's representatives on the subcommittee formed under Section 86 of the Local Government Act, 1989 to ensure the wellbeing of Indigo Shire's finances.

CARRIED

A working group met March 23 2009 and April 20 2009 to advance the establishment of an Indigo Shire Council Finance Committee.

CONSULTATION

Internal Council consultation has taken the form of working party considerations March 23 and April 20 2009.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL & RESOURCE IMPLICATIONS

The financial and resource implications of a Finance Committee were raised and considered as part of the consultation and deliberations above.

There are real and practical implications in resourcing such a committee given the size and structure of Council. There was recognition that this will need to be monitored moving forward and taken into account in the proposed meeting timetable.

A copy of the proposed Instrument of Delegation for the formation of an Indigo Shire Council Finance Committee is appended as an attachment to the Agenda.

Attachment – Instrument of Delegation

12.2 COUNCIL MEETING TIMES AND LOCATIONS – COMMUNITY FORUMS (FILE NO. M211 – MGR)

For Decision

RECOMMENDATION

That Council adopt the updated council meeting schedule for 2009 noting that Community Forums commencing at 7.00pm, will be held as follows:

Tuesday, 21st July 2009 - Sandy Creek (Sandy Creek Hall)

Tuesday, 18th August - Wahgunyah (Wahgunyah School of Arts)

Tuesday, 15th September - Stanley (Stanley Hall)

Tuesday, 29th September - Barnawartha (Soldiers Memorial Hall, Barnawartha)

Tuesday, 20th October – Kergunyah (Kergunyah Hall)

Tuesday, 17th November – Wooragee (Centenary Hall, Wooragee)

BACKGROUND

At Council's meeting on the 10th February 2009, Council adopted a meeting schedule which provided for Council meetings to be conducted on a rotational basis at Rutherglen, Chiltern, Yackandandah, Beechworth, and Kiewa/Tangambalanga. Community Forums follow the Council meetings held in each locality.

There has been concern in the community that the smaller towns of the shire have been missing out on Community forums. Accordingly Council at its April meeting resolved to conduct Community forums in the outlining townships of the shire on the respective third Tuesday of each month.

It is important to note that a review of the Council meeting times and locations will take place at the end of July.

A draft updated copy of the Council meeting schedule for 2009 is attached to the agenda.

Attachment – Schedule of Council Meeting Times & Dates

12.3 MURRAY TO THE MOUNTAINS RAIL TRAIL LOCAL LAW NO. 4/2009 (FILE NO. T250-06 – MGR)

For Decision

RECOMMENDATION

1. **That Council determine to adopt Murray to the Mountains Rail Trail Local Law No. 4/2009 as detailed in this report.**
2. **The Chief Executive Officer be authorised to:**
 - a. **give public notice that submissions in respect of this matter will be considered in accordance with Section 223 of the Local Government Act; and**
 - b. **make available for public inspection the information required to be made available.**
3. **Submissions on the proposed Murray to the Mountains Local Law 4/2009, made in accordance with the Local Government Act 1989:**
 - a. **be received by Monday 22 June 2009;**

- b. pursuant to Section 223 (1) (b) (1) and (c) of the Local Government Act 1989, be considered by a committee of all Councillors to be held at The Shed, High Street Yackandandah on Tuesday July 7 2009 at 5.30pm, and to be formally considered by Council at its July 14 2009 Council meeting.

SUMMARY

This Report recommends the adoption of a Local Law to control activities on the Rail Trail. Similar Local Laws are also in the process of adoption in the Rural City of Wangaratta and the Alpine Shire.

BACKGROUND

The development of the Murray to the Mountains Rail Trail was completed and officially opened in September 2002. The former railway reserves are crown land reserved as, Public Purposes (Rail Trail) Reserve, in accordance with the provisions of the Crown Land (Reserves) Act 1978. In accordance with the provisions of that Act, the Councils of Alpine and Indigo Shires and Rural City of Wangaratta have been appointed as the Committee of Management Murray to the Mountains Rail Trail to manage that reserve in accordance with the purposes of the reservation.

Crown Land Reserves (Murray to the Mountains Rail Trail Reserve) Regulations 2003 were gazetted to assist the Committee of Management in managing the reserve. However the power to enforce the regulations have not been realised and it was determined by the Committee of Management to investigate the feasibility of managing the crown land reserve through the introduction of a Local Law.

ISSUES

The main reason for the introduction of Local Laws (refer attachment) for the Murray to the Mountains Rail Trail are the long standing land reserve issues which have been unable to be resolved by other means. These issues include disused car wrecks parked on the crown land reserve in close proximity to the trail, barb wire fences built on crown land reserve without a permit and in close proximity to the trail and vehicles using the trail as an access route causing damage to property on the trail.

The purpose of this Local Law is to:

- a) prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the enjoyment and use of the Rail Trail;
- b) prohibit, regulate and control access to, behaviour on and use of, the Rail Trail; and
- c) to provide for the peace, order and good governance of the municipal district.

Given the Committee of Management is formally responsible as the Crown Land Reserve managers it was determined to thoroughly investigate the legal implications specific to enforcement activities.

CONSULTATION

Consultation has been undertaken with the three member Councils through their nominated representatives to the Murray to the Mountains Rail Trail Committee of Management and with the Senior Land Manager for the Department of Sustainability and Environment.

The Enforcement Officers of each of the member municipalities were consulted during the development of the Local Laws.

The Alpine Shire and the Rural City of Wangaratta have resolved to adopt common Murray to the Mountains Rail Trail Local Laws to ensure the management of the Murray to the Mountains Rail Trail continues to be cohesive throughout the three municipalities as per the adopted Memorandum of Understanding.

The Community Advisory Group of the Murray to the Mountains Rail Trail has been consulted and is fully supportive in resolving this issue.

The ongoing development and maintenance of the MMRT is of significant community benefit given its utilisation by visitors and local residents alike.

Enforcement Officers within each of the relevant municipalities will be responsible for implementing the local laws. Whilst some initial work load is foreshadowed, it is expected to be managed within their current work tasks.

Adjoining landholders on the Murray to the Mountains Rail Trail will be formally advised of the new Local Laws and their implications. A planned approach is to be undertaken to consult with affected landholders and a period of 'amnesty' will be given to allow affected landowners time to conform with the new local laws.

LEGISLATIVE IMPACTS:

Local Government Act 1989 - SECT 223

Right to make submission

223. Right to make submission

1. The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)-
 - (a) the Council must publish a public notice-
 - (i) specifying the matter in respect of which the right to make a submission applies;
 - (ii) containing the prescribed details in respect of that matter;
 - (iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
 - (iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;
 - (b) if a request has been made under paragraph (a)(iv), the Council must-
 - (i) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;
 - (ii) fix the day, time and place of the meeting;

- (iii) give reasonable notice of the day, time and place of the meeting to each person who made a request;
 - (c) if the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision;
 - (d) the Council or special committee responsible for making the decision must-
 - (i) consider all the submissions made under this section and any report made under paragraph (c);
 - (ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.
2. If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.
 3. Despite section 98, a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.
 4. A member of a committee specified in subsection (1)(b)(i) is subject to section 79 as if that member were a member of a special committee.

Attachment A – Draft Local Law No.4/2009
Attachment B – Correspondence and supporting maps

12.4 ELECTION 2008 (FILE NO. M247.1 MGR)

For Information

SUMMARY

The Victorian Electoral Commission has forwarded for Council's information their report on the conduct of the Indigo Shire Council general elections held in November 2008

BACKGROUND

Under the provision of the Local Government Act 1989 Indigo Shire Council engaged the Victorian Electoral Commission (VEC) to conduct the general election for the Council held in November 2008.

The VEC appointed Allan Cuman as the Returning Officer, with Laurie Frost as Deputy Returning Officer.

An election office was located at Chiltern Community Centre, Main Street Chiltern.

Voters Roll

The entitlement date for enrolment on the VEC list of voters and the CEO's list of voters was the 3 October 2008. The VEC produced the voters roll on behalf of Council. The number of voters enrolled on the voters roll was as follows:

VEC List	10936
CEO List	1113
Total	12049

Communication Campaign

The VEC communication campaign was aimed to maximise voters participation, seek to raise awareness of enrolment and when to vote, informing voters of their rights and responsibilities and explaining how to vote correctly. Advertising was carried out on a state wide basis and commenced in September 2008, with the last of the statutory advertising appearing in December 2008.

Voting

General mail out of ballot packs

Ballot packs for 12049 enrolled in the Indigo Shire where lodged with Australia Post over 3 days from Tuesday, 11 November 2008 to Thursday, 13 November 2008. The ballot packs were delivered on a random basis with no more than 35% posted or delivered on any one day.

Issuing of Replacement Ballot Material

Replacement ballot material was issued to 91 voters who notified the Returning Officer that their ballot material had been lost, spoiled, destroyed or not received.

Return of Ballot Paper Envelopes

The returning officer received a total of 9967 declaration envelopes by the close of voting on Friday the 28th of November. A further 310 envelopes were received by the Returning Officer in the week following the close of voting.

Computer Count

The computer count took place at Wodonga Middle Years College, Huon Campus, Mitchell Street, Wodonga.

Declaration of Results

The Returning Officer declared the election results for the Indigo Shire Council at 10.00am on Monday, 1 December 2008 at Chiltern Community Centre, Main Street Chiltern.

The candidates declared elected were:

GRAHAM, Peter
CROUCHER, Peter
MURDOCH, Barbara
GAFFNEY, Bernard
GOLDSWORTHY, Larry
POCKLEY, Alison
ISSELL, Vic

Voter Turnout

The number of ballot papers counted (formal and informal) as a percentage of the total enrolments for the Indigo shire Council, was 80.9% compared with 83.3% at the last contested election held in 2003.

Informal Voting

Informal voting was 6.22% compared to 3.75 % at the last contested election in 2003.

Complaints

The Returning Officers and the VEC received no written complaints pertaining to the conduct of the Indigo Shire Council election.

Municipal Electoral Tribunal

No application was lodged for an inquiry into this election.

First Preference Votes

First preference votes received per candidate were as follows:

NUCK, Michael	716
BELL, Quentin	444
GAFFNEY, Bernard	609
GOLDSWORTHY, Larry	849
ISSELL, Vic	774
PARTON, Graham Ross	253
POCKLEY, Alison	582
DORMER, Chris	333

JENSEN, F. K.	165
CROUCHER, Peter	1087
LAWRENCE, Gregory	666
WILLIAMS, John	253
HOYSTED, Robert	123
TEISSL, Emmerick	425
GRAHAM, Peter	1188
MURDOCH, Barb	675

Attachment - Copy of the Election Report

12.5 BEECHWORTH SHIRE OFFICES & BEECHWORTH MEMORIAL HALL OWNERSHIP STATUS (FILE NO. M422 - MGR)

For Information

SUMMARY

At Council's February 2009 Council meeting, Council resolved that the ownership status of the Beechworth Shire offices and Memorial Hall area be ascertained.

BACKGROUND

Title Searches have been undertaken and have provided the following results:-

- **Memorial Hall/RSL/Toilet block**

CA's (Crown allotments) 7 & 8

Section 9

(Conveyance Book 644 No. 320)

Registered Proprietors:

Maurice Gerald Hevey, James Gifford Little Thompson, Oliver James Thorley, Keith Henderson Zwar, and the President, Councillor's & Ratepayers of the United Shire of Beechworth.

Exact building boundaries within the land title would be subject to detailed land survey.

- **Council offices**

Located part on CA 8 (details as above) and partly on CA 9 (Crown land “Town Hall”).

Exact building boundaries within the land title would be subject to detailed land survey.

- **Burke Museum**

Located part on CA 18 Section 9 and part on CA 9 (Crown Land “Town Hall”) (Conveyance Book 96 No. 541)

Registered Proprietors:

John Kennedy Brown, George Briscoe Kerferd, Hugh McLean, Robert Craig, James Ingram and The Municipal Council of Beechworth.

Exact building boundaries within the land title would be subject to detailed land survey.

- **Carpark at rear of Shire offices**

Located part on CA 19

Section 9

(Conveyance Book 680 No. 29)

Registered Proprietors:

Norman Herbert Alfred Garland, Leslie Garland, Betty Lois Garland, and The Responsible Minister for the Crown administering the Education Act 1958

And parts on CA 7, 8 and 18 (See above).

Exact building boundaries within the land title would be subject to detailed land survey.

- **Town Hall**

Located on CA 10

Section 9

(Crown land “Town Hall”).

Exact building boundaries within the land title would be subject to detailed land survey.

CONCLUSION

There is some doubt as to the exact location of the various buildings within the various listed titles and land descriptions. The precise land title boundaries would be determined by a detailed land survey. Comments in relation to buildings above would be subject to land survey.

This survey process would not be inexpensive. It would provide the basis for the clear determination of the boundaries of the various buildings within land parcels listed above.

Whether this formal survey work and the seeking of any associated legal advice is warranted at this time is a matter for Council consideration.

Preliminary advice from a surveyor is that ownership may be fully with the Council where joint ownership is indicated however detailed legal advice would need to be sought to finalise this matter.

Attachment - A copy of a Plan denoting the area

12.6 CIVIC MUTUAL PLUS PUBLIC LIABILITY AND PROFESSIONAL LIABILITY AUDIT REPORT (FILE NO.

For Information

SUMMARY

An external audit has been carried out by Civic Mutual Plus (CMP) into Council's policies procedures and reactions to public and professional liability issues. This report gives a brief of the preliminary results. The listed results are preliminary / provisional at this time.

BACKGROUND

Civic Mutual Plus are the Public and Professional Liability Insurers for the majority of Local Governments within Victoria. The scheme is administered through the Municipal Association of Victoria (MAV).

CMP have recently conducted a very rigorous audit across Council's operations. CMP has provided preliminary advice of our score for 2009. The overall score is 76%. It is a small improvement compared with last year's result of 71%.

In summary the categories examined and scored are as follows:

Category	Maximum Points	Points Scored
Organisational Risk Management	54	29
Reactive Risk Management	4	2
Proactive Inspections	96	83
Written Agreements	13	13
Building Services/Town Planning	25	15
Food	14	14
Total	206	156

CMP continue to 'raise the bar' every year in relation to risk management and Council processes to address this risk. Whilst Council is scoring well in some areas, there are areas where further work and improvement is required.

A number of the key areas within Council operations where CMP conduct their audits include:

- embedded risk systems across the organisation;
- waste management;
- tree management;
- footpath trading;
- roads management;
- swimming pools;
- essential safety measures in council buildings;
- Non council owned high risk buildings within the municipal area; and
- Planning permit issue and related conditions.

As indicated above, these scores remain provisional. Once the 2009 score and related CMP report is finalised, a further report and summary will be provided to Council. This report will benchmark the Council CMP audit performance against like Councils and provide some level of trend analysis.

FUTURE ACTIONS

- Roll out update of the Risk Register across the organisation, which will address the embedded risk systems shortfall.
- Follow up actions with respective departments to improve the risk response in the particular areas.

12.7 CONFLICT OF INTEREST PROVISIONS IN THE LOCAL GOVERNMENT ACT (FILE NO. M246-02 MGR)

For Information

SUMMARY

This report provides details about some of the concerns about the new Conflict of Interest provisions in the Local Government Act, it also provides advice on potential training for Councillors and Senior Managers that will be conducted by the Office of Local Government in the near future.

BACKGROUND

The Conflict of Interest provisions are raising concern within the local government community. The VLGA recently held a forum comprising of Councillor, officer and legal view points. The main themes which emerged were concerns about:

- the breadth of the legislation; that is all the situations and relationships that seeks to capture;
- that complexity of the indirect interest provisions;
- the implicit assumption that if a particular interest or relationship exists, it is impossible for a Councillor to be (or perceive to be) objective;
- the reliance it places on smaller and less well resourced local governments on expensive legal advice;
- the difficulties and appropriateness of applying these provisions to “Assemblies of Councillors”;
- the loss of the previous flexibility to participate in the debate and withdraw from the vote on matters in which an interest exists;
- the far reaching affects of combining the breadth of legislation with the “when in doubt get out” principle, particularly when maintaining a quorum becomes difficult; and
- the possibility of these broad provisions being used as weapons in disputes between Councillors.

The VLGA have highlighted to the Minister for Local Government the concerns that have been raised and foreshadowing future actions. The VLGA proposes to approach the Minister seeking a process by which the legislation can be reviewed. The VLGA’s view is the legislative provision should be simpler, more focused and more conducive to good governance and participation.

The Office of Local Government has advised that they will be conducting training/information sessions for Councillors and Seniors Managers in Shepparton on Thursday, 11 June 2009.

12.8 AUDIT COMMITTEE REPORT (FILE NO. M034-02 – MGR)

For Information

SUMMARY

Attached to the agenda are the Minutes of the Audit Committee Meeting which was held on the 2nd April 2009.

BACKGROUND

The Audit Committee met on the 2nd of April in the Presidents Room, Beechworth Office of Council.

There are no recommendations to Council from this meeting of the Audit Committee but there are various actions to be carried out.

The next meeting of the Audit committee will take place on the 4th June 2009.

Attachment – Audit Committee Minutes 020409

12.9 FINANCE REPORT – MARCH 2009

For Information

At March end, the Finance department and council officers undertook a detailed review of forecasts for the remainder of 2008/09 to establish the latest view of council's year end financial position. In addition to YTD details and comparisons, all reports attached as appendices also provide details of these March Year End Forecasts versus the full year Budget.

Attached as appendices' you will find the following system native reports as at March month end:

- Profit and Loss Statement
- Department Business Unit Details report
- Summary of Indigo Shire Investment holdings as at 27th April 2009
- Revamped Capital Works Monitor

The more detailed Business Unit Cost Centre Details report along with the Exception report will be emailed to all councillors separately before the May Council meeting.

The Profit and Loss Statement shows total YTD actual expenses of \$17.5M versus the YTD Budget of \$17.9M – a favourable variance of \$0.4M. Within the expense categories, the largest variances are within Contract Payments (which are largely timing and some savings) and Other Expenses which the Year End forecast versus Annual Budget shows as savings. Borrowing costs are also significantly favourable reflecting Councils reduced borrowing levels versus Budget.

The Profit and Loss Statement also shows a favourable variance of \$1.3M in total income received YTD. As explained last month, operating grant instalments from the Victorian Grants Commission to bushfire affected shires were received early and a large part of this favourability is still due to this. The March Year End Forecast does show a healthy favourability of \$0.25M by Year end.

The summary of Indigo Shire Investment holdings as at 27th April 2009 continues to show a healthy holdings of \$6.67M held across a number of investment accounts with various financial institutions and our operating cheque account. This level of cash holdings is larger than planned for this stage of the year and is driven by a combination of the early receipt of Grants Commission instalments and slower progress than planned on some of our Capital Works activities.

Attachment A – Profit & Loss
Attachment B – Department Business Unit Details Report
Attachment C – Summary of Indigo Shire Investment Holdings
Attachment D – Revamped Capital Works Monitor

13.0 GOVERNANCE

There are no reports to submit for the Governance Department.

14.0 NOTICES OF MOTION NO. 12/09

There are no Notices of Motion to submit.

15.0 COMMITTEE AND DELEGATES REPORTS**15.1 APRIL DIARY - CR P GRAHAM****For Information**

Date	Time	Event / Function
1 April	3.00 pm	Landfill Emissions and Local Government, MAV
2	9.30 am	Meeting with constituent, Corowa
3	11.00 am	Official Opening Hibernian Hotel, Beechworth
	7.00 pm	VFF / Landcare Dinner, Rutherglen
5	9.00 am	Flag Off Great Australian Bike Ride Rutherglen Leg
7	4.00 pm	Council Briefing Meeting, Beechworth
9	12 noon	Admin at Beechworth Office
11	12.30 pm	Golden Horseshoes Festival Parade, Beechworth
14	2.00 pm	Council Briefing Meeting, Rutherglen
	3.00 pm	Council Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
15	9.30 am	Kerferd Oration Committee Meeting, Beechworth
	11.00 am	Meeting with constituent, Beechworth
16	1.00 pm	Assoc Victorian Regional Waste Management Group Meetings, Calder
17	8.30 am	AVRWMG Meeting, Calder
	10.00 am	Rural Councils Victoria Meeting at MAV
19	1.00 am	Re-opening of Squash & Fitness Centre, Beechworth
20	9.00 am	Weekly meeting with CEO, Beechworth
	1.00 pm	Indigo Disability Advisory Committee, Rutherglen
22	10.00 am	Regional Centres of the Future Parliamentary Hearing, Wodonga
	12 noon	Admin, NevRWaste, Wangaratta
	2.30 pm	Admin Beechworth Office
	5.00 pm	ABC Community Feedback Forum, Albury
23	1.30 pm	Rural Land Use Strategy Public Meeting, Rutherglen
24	12.30 pm	Chiltern Bus Tour
	4.30 pm	Civic Reception for Kevin Bailey, Rutherglen
25	5.30 am	ANZAC Day Dawn Service, Rutherglen
	9.00 am	ANZAC Day Service, Rutherglen
	9.45 am	ANZAC Day Service, Wahgunyah
27	9.00 am	Meeting with A/CEO, Beechworth
28	12 noon	Admin Beechworth Office
	3.30 pm	Council Briefing Meeting, Yackandandah
	6.30 pm	Dinner with NECMA Board, Yackandandah
29	2.30 pm	Annual Local Government Forum Mayors/CEO's, Melb
30	8.30 am	Annual Local Government Forum Mayors/CEO's, Melb

Cr Peter Graham OAM

12 May 2009

15.2 INQUIRY INTO REGIONAL CENTRES OF THE FUTURE **FILE NO: - CR P GRAHAM OAM**

For Information

I attended the above inquiry on 22 April 2009 in the council chamber of the City of Wodonga. This was a public inquiry related to development, tourism and the way ahead.

At the direction of Mark Florence, A/CEO, Stuart Perry provided a background briefing on issues relative to this inquiry which I found to be very helpful.

Presentations were made by the City of Wodonga, Murrindindi Shire Council, Towong Shire Council and Indigo Shire Council.

Four representatives of the State Rural and Regional Committee were present. Notes were taken of the proceedings by Hansard and will be forwarded to those who spoke within the next 14 days. Once received, that information will be provided to Councillors and Senior Managers.

My information concentrated on:

- The time delay taken by State Government authorities on requests to assist in the development of industrial/commercial land;
- Problems associated with IT outside towns and the poor provision of mobile phone coverage throughout NE Victoria; and
- Poor transport infrastructure, particularly regarding rail and interconnecting bus/alternate lateral service provision, together with a lack of a daily local rail service even in planning stages.

I felt that these three points were fully supported by other Local Government representatives at this forum.

There were also suggestions regarding development of and encouraging business tourism, e.g. Nestle, and farm/agri tourism, conservation tourism etc.

I also suggested that Regional Co-operation needed to be encouraged and that with the likely reduction in employment, due to the International Financial Crisis, it may well be time to consider major regional reconstruction work to develop improvements in mid to long term infrastructure.

That position was also, I believe, supported by those present.

There was general agreement that Community Leadership, and the development of that, was extremely important and every effort should be made to encourage growth in this field.

15.3 REPORT – LOCAL GOVERNMENT MINISTERIAL FORUM **2009 - CR. P GRAHAM OAM**

I attended this forum in Melbourne over the 28/29 April 2009 together with Mark Crouch.

The Thursday afternoon session was an opportunity for open discussion on financial considerations for Local Government and also a separate opportunity to discuss elements of Environmental considerations.

Both, to me, did not actively advance either point beyond confirming that more needs to be done and that the State appears to be relying on Commonwealth financial support to both areas as well as leadership.

The Minister, Richard Wynn MP, has indicated that both issues will be followed up with the Commonwealth Government.

There was, in my view, serious disappointment shown by all elected representatives and, I believe Local Government Officers, regarding the application and wide ranging effects of the Conflict of Interest Provisions. The Minister indicated that there was to be a "review" but no promises were made!

The Minister also indicated that consideration regarding review of penalties and the points regarding provision of accommodation, food and other refreshments were also to be reconsidered.

The dinner at the end of Day 1 was a good opportunity for networking.

Day two saw the Opening address by Christine Nixon, Chair of the Victorian Bushfire Reconstruction and Recovery Authority. Her presentation was good and Christine was present at the dinner on Day 1. She made every effort to speak with representatives from all of the fire affected areas, including Indigo Shire during her attendances.

Following on from Christine were presentations with a Q&A session from the following Ministers:

Madden, Merlino, Pike and Batchelor.

Some topics that flowed from these presentations, which I believe the CEO should follow up on and report back to Council, were:

- a. Use of school property/facilities by the wider community (through Regional Network Leaders)
- b. Street Lighting initiatives through the State Government
- c. Access to the Federal \$650M Federal Jobs Fund with DPCD assistance
- d. The future expansion of the Regular Management Forums (DPCD)
- e. Clearance of Electric lines (who pays?)

A real concern to me was the statement by Minister Pike regarding community access and use of school grounds and facilities. Two years ago this was highlighted at a similar conference and touted as the way ahead. Nothing has been achieved outside the Melbourne/Regional areas.

I believe that we should test the water and determine what co-operation could be provided from the schools, both primary and secondary, within our Shire, which may assist with sporting facilities, libraries and other service delivery areas.

The State Government, through Minister Batchelor, indicated that there is to be no support to local government regarding the provision of solar energy to local government buildings however there is a programme of support to individual home owners should they consider using solar energy – the pay back period is suggested to be about 10 years.

It was advised at the meeting that solar is the most expensive form of alternative power generation, next to wind power and the cheapest, at present (without a carbon charge), is power from brown coal.

The State Budget is due to be brought down on Tuesday, 5 May, and this will no doubt show the way ahead and will have an impact on Local Government in Victoria.

15.4 APRIL DIARY - CR P CROUCHER**For Information**

Date	Time	Event
1 April 09	11.00 am	Meeting with constituent, Huon
7	9.30 am	MAV Fundamentals – Planning, Wangaratta
	4.00 pm	Council Briefing, Beechworth
8	7.15 am	Climate Change Forum & Breakfast, Albury
	10.00 am	Upper Murray Regional Library Meeting, Wodonga
9	4.00 pm	Tallangatta Health Services
11	9.00 am	Easter Fun Walk Presentations, Beechworth
	11.00 am	Golden Horseshoes Festival
14	9.00 am	Tour of Kergunyah, constituent visit
	2.00 pm	Council Briefing Meeting, Rutherglen
	3.00 pm	Council Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
15	12.30 pm	Shire Bowls Tournament, Beechworth
16	10.30 am	Visit “Kangaloola” Wildlife
21	4.00 pm	Council Briefing Meeting, Yackandandah
23	9.30 am	Heritage Awards Shire Tour
	3.30 pm	Indigo Heritage Committee Meeting, Beechworth
24	11.00 am	Meeting with constituent, Chiltern
	12.30 pm	Bus Tour of Chiltern
	4.30 pm	Reception for Kevin Bailey, Rutherglen
25	5.45 am	ANZAC Day Dawn Service, Yackandandah
	8.45 am	ANZAC Day Service, Tangambalanga
28	3.30 pm	Council Briefing Meeting, Yackandandah
29	9.30 am	Indigo Tourism Advisory Committee Meeting, Beechworth
30	10.00 am	Meeting with constituent, Yackandandah

Cr Peter Croucher

12 May 2009

15.5 APRIL DIARY – CR B GAFFNEY**For Information**

Date	Time	Function / Meeting details
1 April	4.00 pm	Water4 Food Seminar, Corowa
2	4.00 pm	Audit Committee Meeting, Beechworth
7	9.30 am	MAV Fundamentals Planning Workshop, Wangaratta
	4.00 pm	Council Briefing Meeting, Beechworth
11	11.00 am	Golden Horseshoes Festival, Beechworth
12	12 noon	Golden Horseshoes Festival, Beechworth
13	10.00 am	Golden Horseshoes Festival, Beechworth
14	2.00 pm	Council Briefing Meeting, Rutherglen
	3.00 pm	Council Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
20	9.30 pm	Baarmutha Park Com Meeting, Beechworth

21	4.00 pm	Council Briefing Meeting, Yackandandah
22	1.30 pm	Rural Lane Use Strategy Public Meeting, Barnawartha
24	12.30 pm	Chiltern Bus Tour
25	5.50 am	ANZAC Day Dawn Service, Yackandandah
	9.30 am	ANZAC Day Service and lay wreath, Yackandandah
28	3.30 pm	Council Briefing Meeting, Yackandandah
	6.30 pm	Dinner with NECMA Board, Yackandandah
29	9.30 am	Indigo Tourism Advisory Committee Meeting, Beechworth
	5.30 pm	Planning Focus Meeting, Rutherglen

Cr Bernard Gaffney

12 May 2009

15.6 APRIL DIARY – CR L GOLDSWORTHY

For Information

Date	Time	Function / Meeting details
7 April	9.00 am	MAV Training - Land Use Planning Fundamentals
	4:00 pm	Council Briefing Meeting, Beechworth
11	1.00pm	Golden Horseshoes Parade, Beechworth
12	11.30 am	Easter Egg Hunt, Beechworth
14	2:00 pm	Council Briefing Meeting, Rutherglen
	4.00 pm	Council Ordinary Meeting, Rutherglen
	7:00 pm	Community Forum, Rutherglen
19	11:00 am	Opening of the Beechworth Gym
20	4:00 am	Finance Committee Meeting, Yackandandah
21	4.00 pm	Council Plan Meeting, Yackandandah
25	11.00 am	ANZAC Day Service, Beechworth
28	4.00 pm	Council Briefing Meeting, Yackandandah

Cr Larry Goldsworthy

12 May 2009

15.7 APRIL DIARY - CR V ISSELL

For Information

Date	Time	Function
1 April	12.30 pm	Border Trust Board meeting, Albury
2	2.00 pm	Rutherglen-Wahgunyah Rail Trail tour
	3.00 pm	Rail Trail Committee meeting, Rutherglen
3 – 8		Leave – School Holidays
11	1.00 pm	Golden Horseshoes Festival, Beechworth
13	1.30 pm	Meet with constituent, Indigo Valley
14	3.00 pm	Ordinary Council Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
17	10.00 am	Councillor Duty, Beechworth

23	7.00 pm	Website Launch, Beechworth Sustainability Group
	8.00 pm	AGM, Uniting Care Wodonga
24	11.30 am	Councillor Duty, Beechworth
	12 noon	Tour of Chiltern
25	6.00 am	Dawn Service, Anzac Day, Beechworth
	11.00 am	Memorial Service, Anzac Day, Beechworth
28.	3.30 pm	Council Briefing, Yackandandah
	7.00 pm	Farming Practice Forum, Rutherglen
30	5.30 pm	Focus Group meeting, Yackandandah

Cr V Issell
14 May 2009

15.8 APRIL DIARY - CR MURDOCH

For Information

Date	Time	Function
1 April	2:00 pm	Water4Food Briefing, Corowa
2	4:00 pm	Indigo Shire Audit Committee Meeting, Yackandandah
7	9:30 am 4:30 pm	MAV Planning Fundamentals Meeting, Wangaratta Council Briefing Meeting, Beechworth
8	7:15 am	AICD Breakfast Meeting, The Effect of Climate on Business, Albury
	12:30 pm	Women In Climate Change Forum, Wangaratta
9	4:30 pm	Meeting with constituent
11	1:00 pm	Golden Horseshoes Celebrations, Beechworth
13	9:00 am	Wooragee PS Market
	7:00 pm	Chiltern Progress Association Meeting
14	2:00 pm	Council Briefing Meeting, Rutherglen
	3:00 pm	Council Meeting, Rutherglen
	7:00 pm	Community Forum Rutherglen
15	10:30 pm	Northern Region Sustainable Water Strategy, Melbourne
16	12:00 pm	Wahgunyah Boat Ramp Committee Meeting, Wahgunyah
17	2:00 pm	La Trobe University Graduation Ceremony, Wodonga
20	4:00 pm	Finance Committee Meeting, Beechworth
22	1:30 pm	Rural Land Use Study Meeting, Barnawartha
	7:00 pm	Rural Land Use Study Meeting, Yackandandah
23	1:30 pm	Rural Land Use Study Meeting, Rutherglen
24	12:30 pm	Tourism Tour of Chiltern
25	10:00 am	Anzac Day Ceremony, Barnawartha
	11:00 am	Anzac Day Ceremony, Chiltern
28	3:00 pm	Council Briefing Meeting, Yackandandah

Cr Barbara Murdoch
12 May 2009

15.9 APRIL 2009 DIARY – CR A POCKLEY**For Information**

Date	Time	Function / Meeting details
1 April	9.45 am	Meeting with constituents
	6.30 pm	NERWA – Presentation to community on Yackandandah's future water supply
7	9.30 am	MAV Fundamentals – Planning, Wangaratta
	4.00 pm	Council briefing meeting, Beechworth
8	7.15 am	Albury Directors' Breakfast – "Impacts of Climate Change on Business", Commercial Club, Albury
	6.00 pm	Environmental Advisory Group, Rutherglen Senior Citizens
14	2.00 pm	Council Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
16	10.30 am	Visit to Kangaloola Animal Sanctuary, Yackandandah
17	11 am	Meeting with Indigo Valley CFA and officers re roadside burning issues
20	4.00 pm	Finance Committee, Yackandandah
21	4.00 pm	Council briefing meeting, Yackandandah
23	8.30 am	Heritage Advisory Awards judging – shire wide
	4.30 pm	Heritage Advisory Group committee meeting, Beechworth
24	7.30 am	Alpine Valleys Community Leadership Program Community Consultation regarding Hume Strategy, Wodonga
	12.00 pm	Visit to Chiltern arranged by Chiltern Tourism Association
25	9.30 am	ANZAC Day Service, Yackandandah
28	3.30 pm	Council Briefing Meeting, Yackandandah
	6.30 pm	Dinner with NECMA, Yackandandah
29	9.00 am	Indigo Tourism Advisory Committee meeting, Beechworth
30	12.30 pm	Border Mail photo shoot, Osborne's Flat Road, Yackandandah re funding for bridge widening

Cr Ali Pockley
12 May 2009

16.0 GENERAL BUSINESS

17.0 CONFIDENTIAL