

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE COMMUNITY CENTRE TANGAMBALANGA ON TUESDAY 10 MARCH 2009 COMMENCING AT 3.00 PM.

PRESENT

Councillors

Councillor P F A Graham, OAM (Mayor)
Councillor P H Croucher
Councillor B D Gaffney
Councillor L A Goldsworthy
Councillor B J Murdoch
Councillor A C Pockley

Officers

Mr Brendan McGrath (Chief Executive Officer)
Mr Phil Prior (General Manager Operations and Assets)
Mr Mark Florence (General Manager Sustainable Communities)
Mr Mark Crouch (General Manager Corporate Services)
Mr David Montgomery (Manager Governance & Risk)
Mr Robert Uebergang (Manager Assets)
Mr Stuart Perry (Manager Tourism)
Naomi Cox (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Graham welcomed those in attendance.

2.0 OPENING PRAYER

Cr Croucher read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

**Moved Cr Murdoch
Seconded Cr Goldsworthy**

That Leave of Absence be granted to Cr Issell for the following dates:-

**10 March 2009
30/03/09 – 31/03/09
03/04/09 – 13/04/09 inclusive**

CARRIED

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

5.0 OPEN FORUM

1. Pat O'Connor – Chiltern

As a result of the recent incident where sails were damaged at a school does this mean that the Shire will require increased insurance to cover playgrounds in the Shire?

Manager Governance & Risk advised Council's insurers will be taking this matter on board.

2. Lee and Robert Whamond – Stanley

The following questions were tabled at the meeting. Due to legal matters pending answers to these questions will be responded to by letter to the Whamonds:

1. Re VCAT Orders P1971-2005 and P2241-2005 - Why didn't Council seek VCAT's interpretation of the wording of the clause for fence construction?
2. What is the purpose of negotiations with Ms. Brown regarding trees planted on at least 2 separate occasions, in contravention of condition 3 of VCAT Orders, when a mediated outcome was negotiated in 2005?
3. What is the purpose for the negotiations when the Order clearly states "No vegetation to be planted between the shedding and southern boundary"? The intention of this condition is clear and concise and was placed in the Orders to comply with a condition on the original permit for bush fire protection.
4. Does Council consider the location of the occupied building, within 4.5m of native vegetation and within 2-3m of pine trees (north and south of the occupied building) to comply with the condition for Bush Fire Protection?

5. Is Council concerned that it is placing property and lives at risk by its failure to enforce the permit condition for Bush Fire Protection and the VCAT Order for removal of highly flammable pine trees?
6. Is Council concerned that it is at risk of litigation should fire damage occur as a result of its failure to enforce a condition for Bush Fire Protection and failure to enforce VCAT Orders requiring removal of pine trees to comply with a condition for Bush Fire Protection?
7. Does Council consider it responsible to ignore the failure to comply with permit conditions for Bush Fire Protection and setback from native vegetation, on a property adjacent (less than 200m.) to a pine plantation, with no referral to the statutory authorities of CFA and DSE?
8. Why hasn't Council enforced the removal of the shipping container, documented by Susan as being in contravention of the Indigo Planning Scheme, VCAT Orders of 2005 and S173 Agreement?
9. On how many other properties within Indigo Shire has Council ignored the condition for Bush Fire Protection?
10. Please advise why Council has chosen to take a contrary view to its Planning Manager's (Susan Cheetham) documented understanding of the intent of the wording of VCAT Orders mediated in 2005, given that Susan Cheetham was Indigo Shire Council's representative and signatory to those Orders?
11. Given that Council's recent Statement of Grounds indicates that it has "no confidence" in its planning manager's ability to interpret that to which she was a party, does Council have confidence in her ability to represent Council at future VCAT mediations or hearings?
12. If Council is continuing to have difficulty interpreting conditions within VCAT Orders, and, if Council still considers some of the conditions within those Orders to be ambiguous or unclear, why hasn't it requested VCAT to determine the intent of the Orders instead of wasting almost 4 years and ratepayers' money by continuing negotiations through its legal advisers?

6.0 CONDOLENCES

**Moved Cr Pockley
Seconded Cr Gaffney**

That Council pass on its condolences to Cr Murdoch on the recent passing of her husband Colin.

CARRIED

7.0 CONFIRMATION OF MINUTES

Moved Cr Pockley
Seconded Cr Goldsworthy

That the Minutes of the Council meeting held 10 February 2009 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

15.6 EMPLOYMENT OF CONSULTANTS

Recommendation 1 – delete the word “by” following the words “how Council will equitably employ consultants and take into consideration.....”.

9.0 DEPUTATIONS AND PETITIONS

9.1 RUTHERGLEN HEAVY VEHICLE DEVIATION PETITION (FILE NO: T360.1-03 – GMOA)

For Decision

RECOMMENDATION

- 1. That the Petition from various signatories indicating their preference for a Heavy Vehicle By-Pass through any part of the residential area of Rutherglen be received.**
- 2. That Council note the petition and refer the petition to consultants Connell Wagner Pty Ltd who are undertaking the detailed assessment of the Rutherglen Heavy Vehicle Bypass.**

Moved Cr Goldsworthy
Seconded Cr Croucher

That the Recommendation be adopted.

CARRIED

BACKGROUND

A petition signed by 121 people has been received.

The petition states:

“Do you want the Heavy Vehicle By-Pass going through any part of the residential area of Rutherglen?”

Of the 121 signatories 118 signed noand three signed yes

9.2 RUTHERGLEN HEAVY VEHICLE DEVIATION PETITION **(FILE NO: T360.1-03 – GMOA)**

For Decision

RECOMMENDATION

- 1. That the Petition from various signatories indicating their objection to the recommendations of the Community Reference Group and requesting the Shire negotiate with VicRoads to carry out upgrades to Up River Road and Gooramadda Road in order to divert heavy vehicles away from Rutherglen’s main street precinct, be received.**
- 2. That Council note the petition and refer the petition to consultants Connell Wagner Pty Ltd who are undertaking the detailed assessment of the Rutherglen Heavy Vehicle Bypass.**

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

BACKGROUND

A petition signed by 37 people has been received.

The petition states:

“We, the undersigned members of the Kilborn Road Residents and Landholders Group, request that the Shire of Indigo disregard the recommendations of the Community Reference Group with reference to the proposed use of Kilborn Road as a possible future Rutherglen Heavy Vehicle Deviation Route. Furthermore, we request the Shire commence negotiations immediately with VicRoads to take the necessary action to take control of the Up River Road. This would mean carrying out upgrades to Up River Road and the Gooramadda Road so that they can be used to divert B Doubles and any other heavy vehicles away from Rutherglen’s main street precinct.”

10.0 SUSTAINABLE COMMUNITIES

10.1 INDIGO PLANNING SCHEME AMENDMENT C36 – ALTERATIONS TO CHILTERN FLOOD OVERLAYS (FILE NO: E1240.36 - ATP)

Cr Murdoch declared a conflict of interest in this item as she has property in the area. Cr Murdoch took part in discussion on the item, however left the meeting at 3.16 pm and took no part in voting on this matter. Cr Murdoch returned to the meeting at 3.17 pm.

For Decision

RECOMMENDATION

That Indigo Planning Scheme Amendment C36 be referred to an Independent Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

**Moved Cr Goldsworthy
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council has been working in conjunction with the North East Catchment Management Authority (NECMA) to implement alterations to the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) in the Chiltern Township. Public exhibition of the amendment has finished, and one objection remains unresolved. The next stage in the process is to refer the matter to an Independent Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

BACKGROUND

Indigo Shire Council and the North East Catchment Management Authority (NECMA) initiated the Chiltern Flood Study in 2007, and the resultant report was adopted by Council on 3 July 2007. This flood report proposes the inclusion of amended flood related overlays into the Indigo Planning Scheme, for Chiltern. **Attachment A** shows the extent of proposed overlays. The proposed overlays are significantly different from the relevant current overlay and would provide for improved non-structural flood mitigation measures in the Chiltern area.

Council resolved at its meeting of 4 September 2007 to exhibit the amendment.

PUBLIC EXHIBITION

Amendment C36 was advertised from 12 May 2008 to 23 July 2008. In response, a total of 2 objections, 1 letter of support and 1 written query were received. The query was addressed (see confidential attachment – NERWA submission), and NERWA confirmed

they had no further issues

The issue raised in both objections related to the extent of the proposed overlays, and disputing that flooding would ever occur on the subject land to the extent indicated.

Both submissions were forwarded to NECMA, who in turn forwarded them to Water Technologies Consultants, who had carried out the original study.

DISCUSSION

Both properties that were the subject of objection were investigated on the ground to ascertain if localised conditions could allow removal of the proposed overlay.

The first of the properties, in Nickless Street, was reported as suitable to be removed from the LSIO due to localised conditions that would make inundation unlikely (see **Attachment B**).

The second property, at 1 Main Street, was not found to be as clear-cut. A significant drainage depression is located to the South of the subject land. Water Technologies Consultants recommended a revised area of LSIO to the east of the property (see **Attachment C**). This was forwarded to the objector for comment. In response, a further objection was received further disputing the extent of the proposed LSIO and FO. At this point NECMA and relevant Council officers considered that the matter could not be resolved by this process and that the submission would have to be referred to an independent panel.

CONCLUSION

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

- Change the amendment in the manner requested; or
- Refer the submission to a Panel, or
- Abandon the amendment or part of the amendment.

In light of the above comments, it is recommended that the amendment be referred to an Independent Panel for consideration.

Attachment A: Exhibited LSIO & FO overlays for Chiltern
Attachment B: Original & Revised areas of 21 Nickless St Chiltern
Attachment C: Original and Proposed revised areas of LSIO – Main Street, Chiltern

CONFIDENTIAL ATTACHMENT
Submissions received and responses given (in chronological order).

10.2 CHILTERN-BARNAWARTHA OUR FUTURE PROJECT **(FILE NO: D034 - SSP)**

For Decision

RECOMMENDATION

1. That Council adopt the Chiltern Barnawartha – Our Future report, including the new Chiltern Urban Design Framework and Strategic Plan and Barnawartha Urban Design Framework and Strategic Plan.
2. That Council adopt the updated Kiewa – Tangambalanga Urban Design Framework and Strategic Plan and the updated Wahgunyah Urban Design Framework and Strategic Plan.
3. That Council adopt the Beechworth Strategic Development Framework and the Yackandandah Strategic Development Framework.

Moved Cr Pockley Seconded Cr Gaffney

- 1. That Council adopt the Chiltern Barnawartha – Our Future report, including the new Chiltern Urban Design Framework and Strategic Plan and Barnawartha Urban Design Framework and Strategic Plan.**
- 2. That consideration of the updated Kiewa-Tangambalanga Urban Design Framework and Strategic Plan and the updated Wahgunyah Urban Design Framework and Strategic Plan be deferred until the April 2009 meeting of Council.**
- 3. That consideration of the Beechworth Strategic Development Framework and the Yackandandah Strategic Development Framework be deferred until the April 2009 meeting of Council.**

CARRIED

SUMMARY

The Chiltern-Barnawartha Our Future Project was undertaken during 2006, 2007 and 2008. The purpose of the project was to facilitate a ‘whole-of-government’ approach to responding to the likely pressure for growth in Chiltern and Barnawartha. This study has been completed and the final documentation prepared. This document is a comprehensive blueprint to manage the growth of Chiltern and Barnawartha between now and 2025.

BACKGROUND

Indigo Shire Council, with support and participation from Victorian Government agencies, undertook a project to assess the possible extent and impacts of regional growth on the Shire, particularly the townships of Chiltern and Barnawartha. This project, known as the Chiltern-Barnawartha Our Future project, has calculated the likely demographic and economic impact of the development of Logie and other significant

business investments, in Albury-Wodonga and Wangaratta regional centres, on Indigo Shire, with the emphasis on Barnawartha and Chiltern townships and Indigo Valley area.

Impetus for this project came from the development of Logic at North Barnawartha. Logic which will have significant impacts on the Shire as a whole and on the communities of Chiltern and Barnawartha in particular.

The project responds to the likely pressure for growth by:

- Providing detailed scenarios and projections of the possible population, infrastructure housing, and community services demand;
- Providing these communities with opportunities to participate in the project and documenting community comment on the growth prospects and the implications for the Shire's towns;
- Working with all the relevant agencies and infrastructure providers to provide a "whole of government" approach to matching the demand and supply of services.

Specific objectives of the project were:

- To increase the level, quality and coordination of community planning and to provide effective innovative solutions for local issues;
- To quantify the nature and level of employment to be created by Logic and associated drivers and how this will impact on the social, economic and physical amenity of neighbouring towns over the next twenty years;
- To source available current data on the study area and to develop projections for future planning, scenarios, growth rate implications, etc;
- To source current predictions/plans for this growth, so that the demands for human service and physical resources, that will be required to meet the needs of the developing region, can be determined;
- To identify impacts that the provision of these resources will have on service providers to the Chiltern and Barnawartha communities;
- To assess the residential land required within Indigo Shire to support the development, and;
- To contribute to the development of further Local and State Government policy directions that respond to local needs and issues.

This project has calculated the demographic and economic impact of the development of Logic and other significant business investments, in Albury-Wodonga and Wangaratta regional centres, on Indigo Shire. This calculation is based on a combination of past trends, agreed likely business development projects and timescales, and appropriate modelling procedures. The likely impacts have been discussed with a wide range of community members through a consultation process. The project included identification of community priorities and the preparation of an updated Urban Design Framework and Strategic Plan for both the townships of Chiltern and Barnawartha.

The project further included determining the impact of likely economic growth in the region on the other townships of Indigo Shire Council.

The results from this process are included in the final report (dated July 2008). Each Councillor has been provided with a copy of this report and copies of the report have been made available on Council's website (www.indigoshire.vic.gov.au) and at Council offices.

The final report summarises the extended process undertaken and its outcomes, including:

- inter-government agency coordination group meetings;
- consultations with economic development practitioners throughout the region on the outlook for new business development;
- adaptation of the scenarios and demographic and economic modelling undertaken in Albury Wodonga to apply to Indigo Shire;
- reviews of scenarios, Council policies and development capacities for key Indigo Shire townships;
- calculation of demographic and economic projections for Indigo Shire towns;
- presentation of results to the Barnawartha and Chiltern communities, and;
- community feedback and identification of community issues and responses.

It is intended to continue working with key Government agencies in order to deliver a “whole of government” implementation program to meet the challenges presented by the anticipated growth in the hinterland of the regional centres.

FINAL REPORT

A report was prepared to document the outcomes from the process undertaken. This document, entitled *Chiltern Barnawartha – Our Future* and dated July 2008 (previously provided to each Councillor), includes sections relating to:

- The characteristics of the Indigo Shire including population and economy;
- Job and demographic projections, based on recent trends, economic expectations;
- Housing and social indicators describing the likely demand for residential development and social services as result of the population growth projected for townships;
- The Indigo Planning Scheme Review and how the Chiltern Barnawartha – Our Future project relates to the planning scheme review process undertaken in 2006/07.

Note: Copies of this document are available at Council Offices and on Council’s website (www.indigoshire.vic.gov.au)

As part of phase 2 of the Chiltern-Barnawartha Our Future project the Urban Design Framework and Strategic Plan for both the Chiltern and Barnawartha townships were updated. These documents were finalised at the end of 2008. The updated Barnawartha Urban Design Framework and Strategic Plan is included in the Chiltern-Barnawartha Our Future final report as Appendix D and the updated Chiltern Urban Design Framework and Strategic Plan is included in the Chiltern-Barnawartha Our Future final report as Appendix E. These documents include:

- Background – setting the context within which the documents were prepared;
- An updated Urban Design Framework;
- A Framework and Strategic Plan for each township based on the Framework Maps prepared as part of the Indigo Planning Scheme Review 2006/07 process. This part includes sections on township layout and future growth; economic development and tourism; community development, services and facilities; movement, access, traffic and transport; asset management and utility services;
- An Implementation and Sequencing Plan listing each project, initiative or service identified to implement the vision of the Chiltern Barnawartha - Our Future project

and indicating the likely costs involved, when it is likely to occur and where funding could potentially be sourced.

These Urban Design Frameworks and Strategic Plans for Chiltern and Barnawartha have been prepared in consultation with relevant authorities. Copies of these documents are available at Council Offices and on Council's website (www.indigoshire.vic.gov.au).

OTHER TOWNSHIPS

As part of the final stages of the project the Urban Design Frameworks and Strategic Directions Plans for Kiewa-Tangambalanga and Wahgunyah were updated. These documents were first prepared in 2003 and have been updated to reflect the most recent strategic planning for each township. Copies of these updated documents have been provided to each Councillor and are available at Council Offices and on Council's website (www.indigoshire.vic.gov.au).

For Beechworth and Yackandandah Strategic Development Frameworks were prepared to link the various plans, policies, strategies reports and other documents related to planning and development in these townships and integrate these with the most recent strategic planning done as part of the planning scheme review process. These Strategic Development Frameworks:

- Provide a summary of the key issues and policy directions for each township as identified in the as part of the planning scheme review document;
- Identifies the various other relevant documents;
- Summarises the purpose and scope of each individual document;
- Shows how the various documents link together.

CONCLUSIONS

1. The Chiltern Barnawartha - Our Future project has resulted in the production of a final report which provides a comprehensive view of likely population growth in Chiltern and Barnawartha and how this growth could be accommodated within these townships. This document provides clear guidance to an integrated approach to address the needs of these communities in the foreseeable future.
2. The Urban Design Frameworks and Strategic Directions Plans for Kiewa-Tangambalanga and Wahgunyah have been updated. These updated documents will continue to enhance liveability by promoting the attractiveness of these towns within the existing planning and development context.
3. Strategic Development Frameworks were prepared for Beechworth and Yackandandah to link the various plans, policies, strategies reports and other documents related to planning and development in these townships and integrate these with the most recent strategic planning.

10.3 INDIGO PLANNING SCHEME AMENDMENT C49 – FORMER BEECHWORTH GAOL; SCHEDULE TO DEVELOPMENT PLAN OVERLAY (FILE NO: E1240-49 - SSP)

For Decision

RECOMMENDATION

That Indigo Planning Scheme Amendment C49 be referred to a Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

**Moved Cr Goldsworthy
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

In February 2008 the Minister for Planning amended the Indigo Planning Scheme by introducing a Development Plan Overlay (DPO) over the former Beechworth Gaol site in Sydney Road, Beechworth. The Minister's letter approving this Planning Scheme Amendment (C41) indicates that the new DPO is introduced to the site on an interim basis and that Council should consult with the landowner on the form of the final control for the site, which would then be subject to the normal amendment process including full public exhibition.

A schedule to the DPO was prepared and provided to the landowner for input. The landowner subsequently objected to this schedule. It is proposed to introduce a revised schedule to the DPO into the Indigo Planning Scheme by means of Indigo Planning Scheme Amendment C49.

Public exhibition of the amendment has concluded submissions were received. These submissions include one clear objection which can not be accommodated by changing the amendment. The next stage in the process is to refer the matter to an independent Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.

BACKGROUND

In November 2007 Council requested the Minister for Planning to intervene and introduce provisions to the Indigo Planning Scheme which will ensure that the former Beechworth Gaol site is redeveloped in a sensitive manner by requiring a 'whole of site' development plan to be approved before development of the site commences. The reason for this request was that no firm proposal for the reuse of the historic assets on the site was put forward and instead the owner of the site sought permits for subdivision and development of housing on the peripheral land component in the absence of a proposal for redevelopment or reuse of the critical heritage component. Council was concerned

that the proposed subdivision and development may be inappropriate if a 'whole of site' approach is not taken in considering the type and form of future development on this heritage site and subsequently the planning permit application was also refused.

In February 2008 the Minister for Planning amended the Indigo Planning Scheme by introducing a Development Plan Overlay (DPO) over the former Beechworth Gaol site. The Minister's letter approving this Planning Scheme Amendment (C41) indicated that the new DPO was introduced to the site on an interim basis and that Council should consult with the landowner on the form of the final control for the site, which would then be subject to the normal amendment process including full public exhibition.

The DPO introduced by the Minister for Planning requires a Development Plan to be approved prior to any planning permits for subdivision or development of the land is granted. The Minister did not include a schedule to specify what should be included in the Development Plan. A schedule to the Development Plan Overlay was subsequently prepared to be the final control for the site. The landowner was provided with a copy of this schedule for input and subsequently objected to this schedule. The schedule to the overlay was revised as part of the preparations for the recent VCAT hearing relating to the subdivision of the land. Indigo Planning Scheme Amendment C49 proposes to introduce this schedule to the DPO into the planning scheme.

Council resolved at its meeting of 11 November 2008 to request authorisation from the Minister of Planning to prepare Indigo Planning Scheme Amendment C49 and once authorisation has been granted, to prepare and exhibit the amendment. Authorisation to prepare the amendment was received on 15 January 2009.

PUBLIC EXHIBITION

Amendment C49 was advertised from 28 January 2009 to 6 March 2009. In response, a total of 4 submissions were received, including one objection, one letter of support with comments and two letters from authorities raising no objection and making no comments in relation to the amendment. Copies of these submissions have been circulated to all Councillors.

The issues raised in the objection relate to the form and content of the proposed schedule to the DPO. A copy of this schedule is enclosed as **Attachment A**.

DISCUSSION

The proposed Schedule 7 to the Development Plan Overlay was prepared with the assistance of a heritage expert and Council's solicitors to ensure that future subdivision and development of this historic site:

- Integrates with its surroundings, does not adversely affect the character and appearance of the heritage place and respects the existing character and historic streetscape of the area.
- Leads to the retention, restoration and productive re-use of buildings in accordance with the Conservation Management Plan prepared for the subject site.

The proposed Schedule 7 to the DPO will require a Development Plan to be prepared and approved before subdivision or other development of the site to ensure a 'whole of site' approach is undertaken to achieve design objectives.

The form of the proposed schedule has further been found acceptable by the Department of Planning and Community Development prior to exhibition of the amendment.

The proposed schedule is considered appropriate and the objection can not be accommodated by changing the amendment.

CONCLUSION

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

- Change the amendment in the manner requested; or
- Refer the submission to a Panel, or
- Abandon the amendment or part of the amendment.

In light of the above, it is recommended that the amendment be referred to a Panel for consideration.

Attachment A: Proposed Schedule 7 to the Development Plan Overlay

10.4 LAKE HUME LAND AND ON-WATER MANAGEMENT PLAN (FILE NO: W106 - MSD)

For Information

SUMMARY

The Lake Hume Land and On-Water Management Plan has been prepared over 2007-08 by Goulburn Murray Water in consultation with a range of stakeholders – both organisations and community groups. Council was a partly in the process of plan consultation/preparation.

The Plan has now been finalised and released. This report provides a brief overview of the plan.

BACKGROUND

The Plan provides a strategic framework for management of land and on-water issues at Lake Hume.

The Plan focuses on the lake and foreshore areas and also aims to influence activities within the surrounding areas.

The main objectives of the Plan are to:

- Identify and protect Lake Hume's environmental, social (including recreational) and economic values by outlining key actions to be implemented during the next five years;
- Provide long term protection of water quality as a resource for local and downstream users;
- Improve formal and informal processes and planning instruments in place to manage the lake and surrounding foreshore; and

- Improve the management of development pressures around the foreshore of the lake ; and
- Protect natural and cultural values by obtaining broad-scale agreement between agencies on principles for sustainable use and development of the lake and surrounding foreshore.

Priority land and on-water management issues are outlined and key actions are presented to be addressed within a five year time frame. The Plan also seeks to increase communication, consistency, co-ordination and co-operation between agencies and the community to protect the lake's values.

A copy of the Plan has been provided to Councillors and is also available on the Goulburn-Murray Water web site at www.g-mwater.com.au

POLICY IMPLICATIONS

Recommended actions which have implications for Council are included at Appendix A –Summary of management actions, in the Plan. In particular actions related to recreation and tourism, water quality and planning and development have implications for Council.

While there is not proposal at this time to change any Council policy the Plan proposes a more co-ordinated approach and so will involve working collaboratively with other agencies on a range of matters,

CONCLUSIONS

1. The Plan is supported and provides a good strategic basis for activities affecting the lake.
2. The main thrust of increased communication, consistency, co-ordination and collaboration between agencies is supported.
3. The five year timeframe may be difficult to achieve for all proposed actions.

10.5 PLANNING APPLICATION PP08-4303 (INDIGO SHIRE COUNCIL – CIVIL WORKS (ATP))

For Information

SUMMARY

Application number:	PP08-4303
Applicant:	Indigo Shire Council Civil Works
Subject Land:	Road Reserve: (a) Wellsford St, North of High St, South of Hammond St, and (b) Hammond St East of Kars St and West of Wellsford St
Proposal:	Footpath and bus parking

BACKGROUND

Date application lodged:	23 June 2008
Purpose:	Seek approval to develop the subject site for the purposes of footpath and bus parking.
Subject site land area:	N/a
Current use of subject site:	Road Reserve – bus and car parking.
Surrounding land use:	Residential, primary school, commercial.
Zone of surrounding land:	Township Zone

In early 2008, Council and the various school and route bus operators began investigating relocating bus parking/stops to improve the safety and amenity of the patrons of buses in Yackandandah.

It was recognised that the existing bus parking locations raised various safety issues for the elderly, including the navigation of deep granite gutters in High St. Issues also existed for children taking the out of town school buses, including alighting in the main thoroughfare and ‘playing’ on the road.

The *Yackandandah Urban Design and Landscape Guidelines* (1998) identified that:

“ it is important to avoid bus parking in High St, as this conflicts with pedestrians, consumes large numbers of car parking spaces and blocks the view of the historic streetscape”.

This report also outlines the preferred bus parking locations, being:

1. Wellsford St between High and Windham St; and
2. Wellsford St between High and Hammond St.

The public was invited to make submissions about the most appropriate place for bus parking in Yackandandah, and a number of submissions were received. Through this process, it was determined that the preferred location was option 2.

The proposal received with the planning application (**Attachment A**) involved the bus parking taking up the entire east side of Wellsford St between High & Hammond Streets. It also involved the installation of kerb & guttering and a concrete footpath along the length of the street to connect the paths on High & Hammond Streets. There was also a bus stop proposed to be located outside the primary school on Hammond St. This site was identified as the preferred location by the school.

As this location is within the Heritage Overlay in the Indigo Planning Scheme, a planning permit was required to carry out road works. Further, Clause 67 of the Indigo Planning Scheme required notice of the proposal be given to adjoining owners and occupiers.

CONSULTATION

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

7 submissions were received in response (**see confidential attachment**).

Issues raised in submissions include:

1. The chosen location of the bus parking is inappropriate;
2. The footpath and kerb & channelling aspect of the proposal is inappropriate;
3. The application was lacking in relevant information;
4. The application displays inconsistency with the '*Yackandandah Urban Design and Landscape Guidelines*';
5. The extent of the proposed bus parking is unwarranted;
6. Additional bus traffic will place an unreasonable traffic burden on Hammond St;
7. The application was not advertised widely enough.

In response, a Planning Focus Meeting was held on 13 August 2008, was attended by all of the objectors and/or their representatives, Council staff and Cr Vic Issell. The intent of the meeting was to clarify the issues raised in objections – these are discussed in further detail below.

DISCUSSION OF ISSUES

1. The chosen location of the bus parking is inappropriate.

The objection related to an opinion that a centralised bus transfer and bus parking area at the Yackandandah Sports Park would be a more appropriate location.

Response: The chosen location reflects one of the preferred locations identified in the '*Yackandandah Urban Design and Landscape Guidelines*'. It is considered the most appropriate in terms of proximity to the commercial centre of Yackandandah and the primary school, added to the benefits to the aged and disabled bus patrons.

2. The footpath and kerb & channelling aspect of the proposal is inappropriate.

This objection argued that the proposal to construct a footpath and kerb & channelling between High and Hammond Streets contravenes the recommendations of the ‘*Yackandandah Urban Design and Landscape Guidelines*’.

Response: The kerb & channelling aspect of the proposal was removed, and the footpath reduced to a small section to connect the alighting platform and the existing concrete footpath on High St.

3. The application was lacking in relevant information.

This objection raised the opinion that the application fails to document the proposed bus routes and how these will affect the surrounding residential streets.

Response: Council commissioned an Operational and Safety Review report (**Attachment B**) from John Piper Traffic Pty Ltd, which examined the proposal and its potential effect on residential streets. This report made several recommendations regarding road improvements along the proposed bus routes, and particularly Hammond St, which have been incorporated into road upgrade plans for the area.

4. The application displays inconsistency with the ‘Yackandandah Urban Design and Landscape Guidelines’.

See point 2 above.

5. The extent of the proposed bus parking is unwarranted.

The objector argued that given the number of buses that are likely to be using the bus parking area at any one time, the extent of the proposed area is excessive. It was also argued that the size of the proposed bus parking is significantly larger than what exists at present, without a demonstrated need.

Response: In response to this issue, the size of the proposed bus parking area was reduced in size considerably from 80 metres to approximately 35 metres.

6. Additional bus traffic will place an unreasonable traffic burden on Hammond St.

This objection raised the issue that the additional bus traffic, in conjunction with the increased traffic from the supermarket redevelopment, will create congestion in Hammond St between Wellsford St and Railway Ave.

Response: The Operational and Safety Review report conducted traffic counts in the streets affected by the present and proposed bus routes. It was concluded that the proposed alteration to the bus routed represented a maximum of 18 additional vehicle movements along Hammond St per day, and the recommendations to upgrade Hammond St (as per point 3) would adequately accommodate this traffic increase.

7. The application was not advertised widely enough.

This objection was based on the consultation process undertaken prior to this application being made, and asserted that business owners in the High St commercial precinct should have been notified of the application.

Response: The application was re-advertised in writing to each land owner and/or proprietor in the commercial precinct. No further objections and one letter of support were received.

Further to point 7 above, the amended plans showing changes to the proposal (Attachment C), along with the Operational and Safety Review report were sent to the objectors to gauge whether specific concerns regarding the proposal had been met. In

response, four further submissions were received.

This application was due to be reported to Council for decision with a recommendation for approval subject to conditions, however on 23 February, Amendment VC53 was gazetted by the Minister for Planning. This amendment exempts Council from requiring planning permits for the construction of a building or the construction or carrying out of works up to the value of one million dollars. It also introduces a particular provision relating to bushfire recovery. The rationale behind the permit exemption is that it forms part of the planning reforms to fast-track key building projects to boost jobs and help shield Victoria from the effects of the global financial crisis.

CONCLUSION

As a result of this amendment, a planning permit is no longer required for the works proposed as part of the subject planning application. However, it is considered that an excellent outcome has been achieved through the planning process up to this point. All individuals involved with this application will be personally notified of the situation and the matter will proceed to the construction phase.

Attachment A: Proposal submitted with planning application
Attachment B: John Piper traffic report
Attachment C: Proposal as amended after submissions
CONFIDENTIAL ATTACHMENT
Submissions received (in chronological order).

10.6 ARTS AND CULTURAL ADVISORY COMMITTEE (FILE NO: C967.3 - CPM)

For Information

SUMMARY

This report presents the Minutes from the February 2009 meeting of the Arts and Cultural Advisory Committee.

BACKGROUND

The Arts and Cultural Advisory Committee (ACAC) is a Section 86 committee appointed by Council to provide advice to Council on matters pertaining to arts and culture within the Indigo Shire. The Committee meet on a quarterly basis and are guided by the objectives contained in the Committee's Instrument of Delegation.

ISSUES

One recommendation was passed at the meeting:

- That the Arts and Cultural Advisory Committee would like to express their strong support for the appointment of a replacement for the position of Arts & Cultural Development Officer, vacated in December 2008.

The recommendation from the Committee followed on from discussion by members who raised their concerns about the lack of information flow to the community regarding arts related information eg funding, upcoming events etc. The Committee believe the Arts & Cultural Development Officer position is vitally important to continue the growth and development of the arts throughout the Shire.

POLICY IMPLICATIONS

Minutes of the ACAC meetings are to be reported to Council.

Attachment

10.7 SUSTAINABLE COMMUNITIES PROJECTS – MARCH 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	Major review finalised and adopted by October 2007, then submitted to the Minister for Planning. 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. At the November 2008 meeting Council resolved to request appointment of a Panel. Panel hearing took place on 4 and 5 February 2009. Awaiting Panel report.
Amendment C35 – Former Beechworth Hospital site	This amendment proposes to rezone this site to residential and mixed use zones and introduce an Environmental Audit Overlay over part of the site. Three submissions received. Following negotiations one substantive issue remained. This was the subject of a Panel hearing in December 2008. Report received from Independent Panel in January 2009. Amendment adopted by Council February 2009 and submitted to the Minister for Planning with a request for approval in February 2009.

<p>Amendment C36 – Chiltern Flood Study</p>	<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> <p>Report as part this agenda with a recommendation to request the appointment of a Panel to consider the unresolved submission.</p>
<p>Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth</p>	<p>This amendment proposed to rezone land zoned Public Use Zone 7 to Industrial 1 Zone and from Public Conservation and Resource Zone to Farming Zone. Both 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 will be reported to Council in April 2009 with a recommendation to adopt the amendment.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme C49 – Old Beechworth Gaol</p>	<p>This amendment introduces a Schedule to the existing Development Plan Overlay over the site.</p> <p>Conditional authorisation to proceed to advertise the amendment has been received from DPCD and conditions have now been satisfied.</p> <p>Public exhibition from 31 January to 6 March 2009.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<p>Phase 1: Identified biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</p> <p>Phase 2: Consultants appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 report to be presented to Council briefing in March 2009.</p>

Interim car parking policy (Indigo Planning Scheme Amendment C42)	Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration. Will not be progressed until later in 2009.
Rural Land Use Strategy	<p>Coomes Consultants appointed to undertake the strategy. Initial consultation phase completed. Issues and opportunities paper finalised. Draft strategy now being prepared.</p> <p>A second round of public consultation will be held in March/April 2009.</p>
Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.
STATUTORY PLANNING	
VCAT Appeals	<ul style="list-style-type: none"> ○ P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Application still yet to be notified to the community. Listed for mention on 2 March 2009. Likely to proceed to public notification shortly. ○ 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. New hearing date set for 3 April 2009 in Melbourne. ○ PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter proceeded to hearing. <p>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.</p> <p>Hearing was 29 and 30 October. Decision withheld and expected December 2008. Still awaiting decision.</p>

	<ul style="list-style-type: none"> ○ PP08-4185 Appeal by V & P Lehmann against Council's refusal of an application for a dwelling at Beechworth Road, Chiltern. Hearing set for 10 March 2009 in Beechworth.
HERITAGE SERVICES	
2009 Indigo Heritage Awards	Advertising for nominations for annual heritage awards commenced. Awards evening is scheduled for 22 May. Preparation for this underway.
NATURAL RESOURCE MANAGEMENT	
North East Greenhouse Alliance	<p>There is still very much a focus on the sustainability of the group (eg incorporation), as well as pressure to find interim funding.</p> <p><u>Update on Projects:</u></p> <p>Alternate Fuels</p> <ul style="list-style-type: none"> • Focus on establishing consistent monitoring <p>Adaptation</p> <ul style="list-style-type: none"> • Expression of Interest submitted to <i>Green Precincts Fund</i> unsuccessful • 3 x EOI submitted to Sustainability Accord funding
Lake Sambell	<ul style="list-style-type: none"> • Recent meeting 19/02/09 – offenders/representatives who damaged bird hide presented apology • Special meeting with offenders/council staff/police/committee agreed that insurance claim will be lodged – since then offenders/family agreed to pay excess & attend volunteer days • Idea to remove wall between old swimming pool & Lake proper still current – group members to come up with concept plan • EOI for completion of walking track & amenity block submitted to RDV • Rock beaching to occur near boardwalk – permit yet to be obtained • Sealing around tunnel entrance –works scheduled in near future
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • Rock beaching of eroded bank still yet to occur – NECMA permit needed. • Signage being developed (scheduled to meet with indigenous group early March)

Isaac Park	<ul style="list-style-type: none"> • Area scheduled for spot spraying late February • Old signage removed • Planting in upper gully floor to occur in Autumn
Community Woodlot Program	Stanley woodlot suffered losses in fire – scheduled to look at site with DSE - will support them to remove burnt timber to accommodate salvage timber
Roadside weed initiative	No change – assessments not required until next autumn
Roadside weeds	Toured priority roads for weed spraying in Beechworth and Stanley (yet to do Yackandandah) with Landcare representative - \$5k will be allocated to roadside spraying in these towns (as they have focus weeds of Gorse, Broom & Blackberry) with \$5k allocated to spray Serrated Tussock (total is \$20k from DPI)
Eco-Awareness Group	<ul style="list-style-type: none"> • New committee being appointed, scheduled to meet early March with many different members – first task will be review of Action Plan (which will require Council endorsement) and Terms of Reference. • Staff awareness materials to support implementation of Action Plan being developed
Community awareness	<ul style="list-style-type: none"> • Council will support all registered groups & schools participating in Clean Up Australia Day by allowing free disposal collected rubbish at transfer stations or collection from a designated site (note that conditions apply) • Industry Placement Student reviewing schools program
Upper Sandy Creek School revegetation project	No change – will monitor weeds/grass in site later in year
Sustainable Water Use Plan	No change Potential funding source (RDV) being investigated for the extension of use of waste water in Rutherglen.
Code of Forest Practice	<ul style="list-style-type: none"> • Harvesting of burnt coupes expected – awaiting coupe plans for inspection • Information brochure to be developed regarding plantations
Environmental Advisory Committee	Next meeting scheduled for Wednesday 25 th Feb – postponed from Wed 11 th Feb because of the fires – group will confirm Instrument of Delegation & workshop issues and outline for Environment Strategy
Roadside Management Plan	<ul style="list-style-type: none"> • All landholder visits as part of Roadside Partnership Program complete – remaining elements include an education event for all participants & completion of evaluation report by CSU

	<ul style="list-style-type: none"> • Roadside Conservation Value reassessment project – consultant appointed
Greenhouse Action Plan	Plan being compiled by Work Placement Student – once of list of possible actions compiled consultation with staff and Council will be required
Environment Strategy	<ul style="list-style-type: none"> • Preliminary consultation has occurred to inform scope and framework of strategy • Community consultation plan developed – to go to Advisory Committee
ENVIRONMENTAL HEALTH SERVICES	
Environmental Local Law	<p>Successful stakeholders meeting held 24 February with 30+ attendance. 2009.</p> <p>Draft reviewed local law on exhibition until 6 March 2009. Outcomes from stakeholders meeting and submissions to be reviewed after that date.</p>
Environmental health staff	Trainee Environmental Health officer position remains vacant. Review of external contracts being undertaken prior to further action in relation to this position.
BUILDING SERVICES	
Building and statutory planning staff	Shortfall in income from building area has meant that one officer working in statutory planning area part time and building part time. This situation being monitored.

10.8 SUSTAINABLE COMMUNITIES PROGRESS REPORT – MARCH 2009

For Information

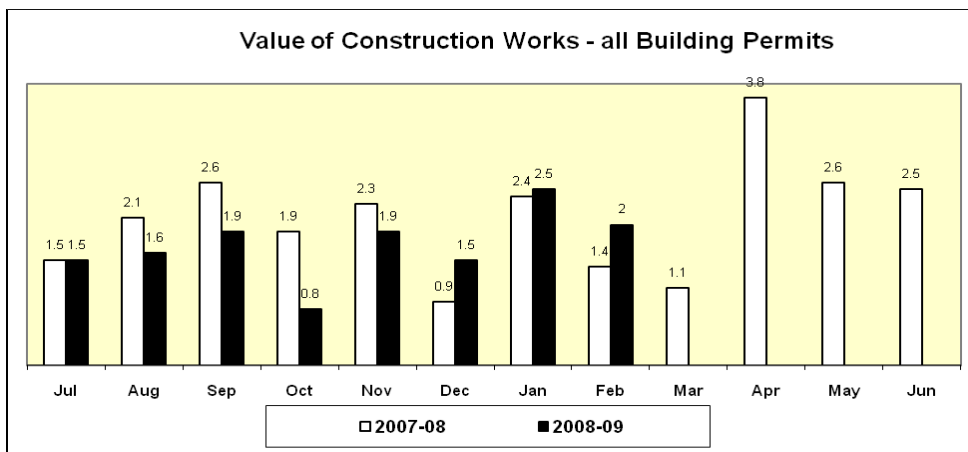
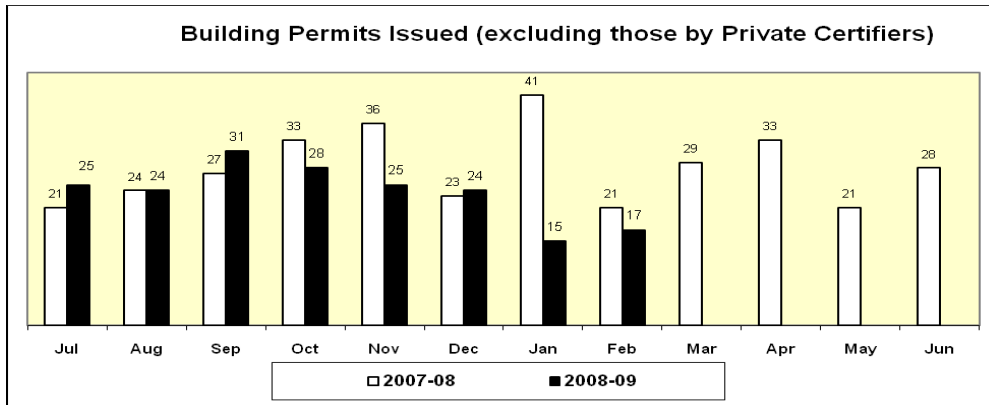
PROJECT	ACTION/ PROGRESS
Sustainable Communities Tidy Towns Awards 2009	<p>Entries are now open for the Sustainable Communities Tidy Towns Awards 2009. As with previous years, Council will be coordinating the entries for submission by the closing date on Friday 27 March 2009.</p> <p>There are eleven categories in this year's Awards:</p> <ul style="list-style-type: none"> ▪ Community Pride Award ▪ Heritage & Culture Award ▪ Environmental Innovation Award ▪ Zero Waste Award ▪ Protection of the Environment Award

	<ul style="list-style-type: none"> ▪ Community Government Partnership Award ▪ Water Conservation Award ▪ Energy Conservation Award ▪ Young Leaders Award ▪ Proud Schools Award ▪ Overall Sustainable Communities – Tidy Towns Winner <p>To date, there has been strong interest from the Beechworth and Rutherglen townships.</p>
2009 Bushfires – Community Response	<p>Council and other community support agencies have been overwhelmed by the generosity of the Indigo Shire Community, the broader Victorian and Australian communities. Offers of support, assistance and donation of goods continue to be received. Many of the donations have been distributed either locally or forwarded to those areas in greater need. Offers of support and assistance are being co ordinated to ensure that such assistance is most effectively utilised and at appropriate times.</p> <p>A vote of thanks is extended to all ho have contributed.</p>

10.9 BUILDING STATISTICS – 1 TO 25 FEBRUARY 2009 (SC)

For Information

Property Locality	Description	Project Value	Approval Date
Yackandandah	Dwelling	\$345,000	30/01/09
Yackandandah	Dwelling	\$307,011	02/02/09
Wooragee	Dwelling	\$460,000	02/02/09
Wahgunyah	New Building	\$6,700	03/02/09
Rutherglen	New Building	\$28,743	03/02/09
Yackandandah	Dwelling	\$320,000	04/02/09
Beechworth	Extension	\$1,400	11/02/09
Yackandandah	Extension	\$150,000	11/02/09
Kiewa	New Building	\$12,000	12/02/09
Yackandandah	New Building	\$2,000	12/02/09
Yackandandah	Extension	\$61,500	17/02/09
Rutherglen	Other	\$58,527	24/02/09
Wahgunyah	New Building	\$11,850	25/02/09
Allans Flat	Swimming Pool	\$38,000	25/02/09
Rutherglen	Dwelling	\$214,941	25/02/09
Kiewa	Extension	\$2,500	25/02/09
Total		\$2,020,172	



NOTE: February 2009 building statistics do not include applications determined between 25 and 28th February

Building Permits	FEB 2009	Financial Year To Date	Same Period 2008
Number Issued (excluding Private Certifiers)	17	188	226
Value of Works (including Private Certifiers)	\$2.07M	\$13.77M	\$15.4M

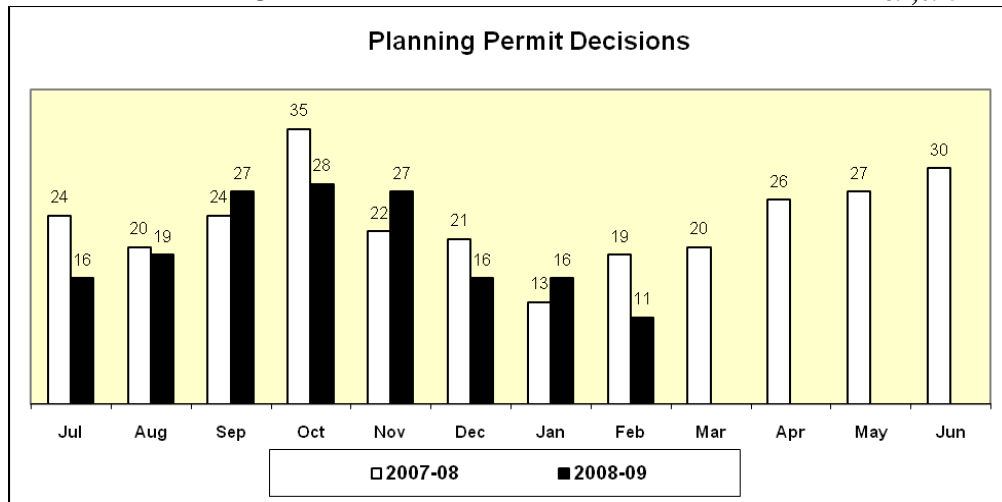
10.10 PLANNING STATISTICS – 1 TO 25 FEBRUARY 2009 (SC)

For Information

Application No	Locality	Proposed Use	Cost	Decision
06302	Sandy Creek	2 lot subdivision	0	Withdrawn
PP084300	Allans Flat	Dwelling	50,000	Lapsed
PP084419	Tangambalanga	2 Lot Subdivision	0	Approved
PP084423	Rutherglen	ATM and Signage	7,000	Approved
PP084444	Wahgunyah	Swimming Pool & Spa	74,895	Approved
PP084208.2	Rutherglen	Amendment to Permit - Verandah (Retail Premises)	2,000	Approved
PP090002	Barnawartha	Swimming Pool	34,400	Approved
PP090009	Chiltern	Signage	800	Approved
PP090013	Allans Flat	Two (2) Lot Subdivision	0	Approved
PP090024	Beechworth	29 Unit Motel	0	Approved

TOTAL

169,095



Note: February 2009 planning statistics do not include applications determined on 25-28 February.

Determination	Feb 2009	Financial Year To Date	Same Period Financial Year 2008
Issued	9	125	166
Refused	0	3	10
Amended	2	32	2
TOTAL	11	160	178

11.0 OPERATIONS AND ASSETS

11.1 TENDERS – READY STREET TRUNK DRAINAGE RUTHERGLEN (FILE NO Q08/17 –AM)

For Decision

RECOMMENDATION

That Council:

1. Resolve to stage works to enable the additional \$186,850 worth of works required to complete Schedule 1 works for the project to be provided from the 2009-10 Capital Works Budget
2. Accept the Tender with post-tender cost amendments from Excell Gray Bruni Pty Ltd for the Ready Street Trunk Drainage Rutherglen works in respect of Schedule 1 of the works only
3. Sign and Seal Contract documents in relation to the works, Contract Q08/17, in accordance with recommendation 2 above.

**Moved Cr Goldsworthy
Seconded Cr Murdoch**

That the Recommendation be adopted.

AMENDMENT

**Moved Cr Gaffney
Seconded Cr Pockley**

That Council:

1. **Resolve to stage works to enable the additional \$186,850 worth of works required to complete Schedule 1 works for the project to be funded out of excess funds in the 08/09 cash reserves if achieved.**
2. **Accept the Tender with post-tender cost amendments from Excell Gray Bruni Pty Ltd for the Ready Street Trunk Drainage Rutherglen works in respect of Schedule 1 of the works only**
3. **Sign and Seal Contract documents in relation to the works, Contract Q08/17, in accordance with recommendation 2 above.**

AMENDMENT was put and CARRIED.

The AMENDMENT then became a motion was PUT and declared CARRIED on the casting vote of the Mayor.

SUMMARY

Tenders were called for the construction of approximately 900m of piped drainage (Schedule 1 of the works) and 800m of open drain enlargement works to the north of Ready Street with associated culvert and drainage works (Schedules 2-6 of the works).

The works are to be completed with part-funding from current and proposed developer contributions.

This report provides an overview of the tender process including evaluation and recommends accepting the tender of Excell Gray Bruni (Contractor).

BACKGROUND

The proposed Ready Street Trunk Drainage works are the result of recommendations from “Stormwater Drainage Report, Ready Street Area, Rutherglen – Drainage Study” completed by Tomkinson & Associates in March 2007. The drainage report shows that the existing drainage system in this area is inadequate and will cause potential flooding. Rainfall events in October and November 2005 saw significant flooding in this area of Rutherglen.

The key elements of the drainage report recommended piped drainage flowing east along Ready Street to pick up overland flow from the catchment area to the south with existing open drain and culvert enlargements to the north-east of Ready Street to cater for high intensity rainfall events including the new pipe discharge.

Council received five tenders for the works. The works were divided into six separate schedules to enable key works to be prioritised with the available budget. The initial and key element of the drainage works is the piped drainage along Ready Street to intercept and drain to open channel overland flow from the south of Ready Street (Schedule 1 of the works).

CONSULTATION

This project was identified in Council’s Capital Works Program with this information placed on public exhibition for community comment. Community forums at Rutherglen have also enabled input and comments from the public to be heard by Council.

POLICY IMPLICATIONS

Tenders were called in accordance with Councils Tendering Policy.

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

FINANCIAL & RESOURCE IMPLICATIONS

The overall contract pricing for the tendered works exceeds Council’s capital works budget for this project. The Schedule 1 works are considered the key element of the proposed drainage works and essential in progressing flood mitigation to the north of Ready Street. On this basis the recommended tender portion for Schedule 1 works only were considered in the tender evaluation.

The capital works budget for the project is \$400,000 including construction and design works. This amount consists of \$75,000 from developer contributions (only \$35,000 applicable to new development and collected to date) and \$325,000 from Council.

The estimated cost for the project is:

- \$490,220 Excell Gray Bruni tender price Schedule 1 works
- - \$12,500 saving from Excell Gray Bruni tender with laydown area being available and closing of Ready Street to external traffic on a block by block basis
- \$16,250 estimated cost for project supervision and management (based on 12.5 hours week x 13 weeks)
- \$48,000 contingency (10% of contract sum) – contract includes provisional sums only for service relocations and a rock ripping rate only – any rock encountered will be a variation to the contract. No contingency is allowed in the contract
- \$44,880 design cost
- **\$586,850** total estimated cost for project, inclusive of above items.

The \$586,850 project cost is approximately \$187,000 over the budget for the works. The \$400,000 original budget figure derives from the March 2007 Drainage Report and is for Ready Street piped drainage only. When comparing the original budget with the estimated project cost, the major areas of variation are scope changes (+ \$55,000), traffic control and OH&S costs (+ \$30,000), earthworks and setout (+ \$13,000) and compaction requirements and testing (+ \$43,000). There are considerable costs associated with safety requirements, extra personnel and diminished work rates due to the powerline proximity.

In order to complete the works it is proposed that works be staged over the current and 09/10 financial years, the additional funding be provided from Council's 2009-10 Capital Works Budget. If Council proceed with this project the expected construction timeframe is April to July 2009 with contract payments to extend into the early part of the 2009-10 financial year.

With the low rate of development in the current economic climate, it is not envisaged that the \$40,000 outstanding from developer contributions in the capital works budgeted \$75,000 amount will be forthcoming for many years. It should be noted however that with full development of the area south of Ready Street total developer contributions will be in the order of \$250,000.

TENDERS RECEIVED

Five tenders were received as detailed on the attached confidential Tender Assessment sheet. The two lowest tenderers were separated by 7.4% in contract value.

Attachment

11.2 TENDERS – TANGAMBALANGA COMMUNITY ACTIVITY CENTRE (FILE NO Q08/16 –AM)

For Decision

RECOMMENDATION

That Council:

1. Resolve to provide an extra \$38,000 funding to complete the Tangambalanga Community Activity Centre project
2. Conditional upon receiving a \$50,000 grant funding component from DPCD, accept the Tender with post-tender scope, timing and cost revisions from Barton Street Developments P/L for the Tangambalanga Community Activity Centre construction works for the sum of \$375,182.
3. Sign and Seal Contract documents in relation to the works, Contract Q08/16, in accordance with recommendation 2 above.

**Moved Cr Croucher
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

**AMENDMENT
Moved Cr Pockley
Seconded Cr Gaffney**

That Council:

1. **Resolve to provide an extra \$38,000 funding from cash reserves if achieved to complete the Tangambalanga Community Activity Centre project**
2. **Conditional upon receiving a \$50,000 grant funding component from DPCD, accept the Tender with post-tender scope, timing and cost revisions from Barton Street Developments P/L for the Tangambalanga Community Activity Centre construction works for the sum of \$375,182.**
3. **Sign and Seal Contract documents in relation to the works, Contract Q08/16, in accordance with recommendation 2 above.**

The AMENDMENT was put and CARRIED.

The AMENDMENT became a Motion and was PUT and declared CARRIED.

SUMMARY

Tenders were called for the construction of the proposed Tangambalanga Community Activity Centre further to final design and drafting works being completed in conjunction

with the Tangambalanga Community Activity Centre Steering Committee in the latter half of 2008. The works are proposed to be completed with part-funding from Regional Development Victoria (RDV), the Department of Planning and Community Development (DPCD, funding yet to be ratified), the Coulston Park Committee of Management and Council.

This report provides an overview of the tender process including evaluation and recommends accepting the tender of Barton Street Developments P/L (Contractor) subject to post-tender scope, timing and cost revisions.

BACKGROUND

The proposed Tangambalanga Community Activity Centre construction works are a result of many years of planning and community commitment to upgrading the Coulston Park football change rooms to a multi-purpose community activity centre. A report titled 'Proposed Facilities Upgrade for Coulston Park Tangambalanga – Master Plan' was completed in January 2006 with grant applications subsequently submitted to RDV and DPCD for this project.

Further to obtaining notification of \$230,000 RDV funding in September 2008 a steering committee for the project was formed with representatives from the Coulston Park Committee of Management and Council. Steering committee member David Murray was instrumental in undertaking consultation with facility user groups and working with designers and consulting engineers to complete a final design and specification for the project. Tenders for the project were sent out in December 2008 further to a publicly advertised registration of interest for the project.

The project scope consists of demolition of the existing Coulston Park change rooms and construction of new change rooms, showers, amenities, gymnasium, multi-purpose room, canteen and office. The works consist of 337m² of new construction, 44m² of alterations, a new verandah area and a new time-keepers box.

Council received nine tenders for the works. Post tender negotiations were undertaken with the lowest tenderer. The scheduled timing of the project was also negotiated with the lowest tenderer.

CONSULTATION

The Coulston Park Committee of Management, local sporting clubs and community groups have been the grass-roots initiators of this project. User groups have been consulted and have provided input into the final design of the facility in conjunction with the Coulston Park Committee of Management.

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

POLICY IMPLICATIONS

Tenders were called in accordance with Council's Tendering Policy.

The evaluation panel has extensive experience in the building construction field and are

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

FINANCIAL & RESOURCE IMPLICATIONS

The project budget was initially costed at \$430,000 and included grant funding of \$230,000 from RDV and \$70,000 from DPCD.

The RDV funding was approved in September 2008. The DPCD funding application was re-vamped from \$70,000 to \$50,000 in December 2008 as the initial application was not received well. The subsequent \$50,000 application is being viewed very favourably but has not been officially approved to date.

The original \$430,000 budget amount consists of \$380,000 cash and \$50,000 in-kind works as follows:

- \$230,000 RDV
- \$50,000 DPCD
- \$50,000 Indigo Shire Council
- \$50,000 cash contributions from Coulston Park COM & sponsors
- \$50,000 in-kind contributions.

The current estimated cost for the project is as follows- the estimate includes a \$46,941 cost reduction as discussed with the lowest tenderer due to proposed changes in the project scope of works:

- \$13,000 design, documentation and tendering works
- \$10,000 asbestos removal and demolition works
- \$422,123 construction works
- - \$46,941 saving with change in scope of works per post-tender negotiations with lowest tenderer
- \$20,000 contingency (5% of contract sum)
- \$50,000 (minimum) in-kind works
- **\$468,182** total estimated cost for project, inclusive of above items. The \$468,182 budget estimate consists of \$418,182 cash and \$50,000 in-kind works.

The overall contract pricing for the tendered works exceeds Council's capital works budget for this project.

The \$468,182 project cost is approximately \$38,000 over the budget for the works. The \$430,000 original budget figure derives from 2006-7 costings undertaken for the Coulston Park Master Plan report. The last three years has seen the construction cost

index (CCI) rise appreciably – allowing for 6% CCI increase the original budget of \$430,000 increases to \$483,000 over two years and \$512,000 over three years.

In order to complete the works an additional \$38,000 of funding is required to be provided from Council.

It is proposed that the contract works be scheduled for an August 2009 commencement to enable the 2009 football season to proceed normally before demolition and construction works proceed. The revised schedule is agreeable to the lowest tenderer. With a proposed 18 calendar week construction programme, a commencement on site on August 17th 2009 would see project completion on December 21st 2009.

TENDERS RECEIVED

Nine tenders were received as detailed on the attached confidential Tender Assessment sheet. The two lowest tenderers differed by 6.1% in contract value.

Attachment

11.3 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 26 FEBRUARY 2009 (GMOA)

For Information

Project	Description of Works
GENERAL MAINTENANCE	
Road Maintenance & Parks and Gardens	General maintenance. Graders are generally focusing on clearing roadside drains as it is to dry for maintenance grading in most situations.
Indigo Waste Management	Green waste mulching has recently been completed at the Beechworth Transfer Station and at the former Yackandandah & Chiltern Transfer Stations.
Fire Prevention	Fire Hazard inspections are continuing to be undertaken as required.
Animal Control & Local Laws	Works (in hours and out of hours). An audit of businesses is occurring to identify who is placing what items on the footpath. This is so that we can accurately post out accounts for Trading on Council land. The audit will also identify businesses that are not complying with our Local laws and Trading places.
<u>POOLS</u>	
Indigo Pools	Cooler conditions have been experienced across the pools with bather loads decreasing at all the Indigo pools. The Wodonga pool is experiencing its peak period with school carnivals being the order of the day. With patronage of over 1000 people attending in one instance.

EXTERNAL PRIVATE CONTRACTS	
Buller Gas	The annual audit of Buller Gas operations by Energy safe Victoria has been set for 6 May and will include a review of the New Gas Safety Case for Buller Gas Don Pope and Greg Gleich attended the February Chamber of Commerce meeting at Buller and no issues were forth coming. Maintenance continues until the snow season commences.
Falls Creek Waste	The new waste/recycle collection contract for Falls Creek has been advertised and a new tender has been submitted. Because of the late advertisement of this tender the current contract has been extended, at the request of Falls Creek Management, until 31 May 2009.
East Gippsland Waste	The summer holiday period is generally a very busy time at most of the transfer stations notably Metung, Bruthen, Marlo, Buchan, Genoa & Bemm River. Extra clearances have been carried out at these sites along with large increases in the volumes of recycling collected.
CAPITAL WORKS	Listed are the major capital works projects managed by the Operations Department. There are many other minor projects all making good progress
Wahgunyah to Rutherglen Rail Trail	A letter has been signed forming an agreement between GreenTrail and Associates and Indigo Shire Council on the removal of rail. Finalised prices are being sought from contractors and it is envisaged that rail removal will commence during March. Our construction team will follow close behind the rail removal contractor.
Mellish St Reconstruction	A contractor has been appointed however the commencement date has been delayed due to the contractors' involvement in bushfire response.
Kiewa Bonegilla Road Reconstruction	A contractor has been appointed for this project. We are currently finalising the scope and schedule.
Spring St Reconstruction	A contractor has been appointed for this project. We are currently finalising the scope and schedule.
Timber Bridge Replacement	Both Sutherland Road Bridge in Indigo Valley and Oxford St Footbridge in Chiltern are currently in the tendering process. It is expected they will be completed during April.
Reseal Program	The reseal program is almost complete. We have completed a successful program around Rutherglen and Chiltern. There are some minor reseals to be completed around Beechworth later this month.

12.0 CORPORATE SERVICES

12.1 MURRAY TO MOUNTAINS RAIL TRAIL (FILE NO: T250-06 – MGR)

RECOMMENDATION

That Council:

- 1. Adopt the Memorandum of Understanding for the Murray to Mountains Rail Trail;**
- 2. Establish the Murray to Mountains Rail Trail Special Committee;**
- 3. Adopt, sign and seal the Instrument of Delegation for the Murray to Mountains Rail Trail;**
- 4. Appoint Mr John Myles, Mr John Hennessy and Mr Stuart Hargreaves to the Committee of Management for the Murray to Mountains Rail Trail as community representatives; and**
- 5. Exempt members of the Murray to Mountains Rail Trail Committee of Management, who are not Councillors, from the obligation to submit a primary return or an ordinary return of interests in accordance with S81(2A) of the Local Government Act.**

**Moved Cr Murdoch
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends the establishment of an updated MOU and Instrument of Delegation for the Murray to Mountains Rail Trail Committee and the appointment of community representatives to the Committee.

BACKGROUND

The Murray to Mountains Rail Trail was established in 1998 between the Rural City of Wangaratta and the Alpine and Indigo Shire Councils. A Memorandum of Understanding was adopted in 1998 and is still current. An Instrument of Delegation was adopted in 1999 and subsequently reviewed and amended, with the current Instrument of Delegation being adopted by the three Councils in October 2007.

In April 1999 the Minister for Conservation and Land Management, under Section 14 of the Crown Land (Reserves) Act 1978 appointed the Alpine Shire, the Indigo Shire and the Rural City of Wangaratta as Committee of Management of the Murray to Mountains Rail Trail to manage and develop the reserve.

To assist the Committee of Management to have the authority to manage the Crown Land Reserve, the Crown Land Reserves (Murray to Mountains Rail Trail Reserve) Regulations 2003 were gazetted in September 2003, with the objective of providing for the care, protection and management of the Rail Trail Reserve.

ISSUES

The Committee of Management has been frustrated in their efforts to resolve outstanding land management issues with adjoining land owners due to the Department of Sustainability and Environment (DSE) requirement (under the provisions of the Regulations gazetted in 2003) that 'authorised officers' be from the DSE or the need for Council Enforcement Officers to have undertaken DSE approved 'authorised officer' training. All efforts to either access DSE authorised officers or have our enforcement officers trained have not been realised to date.

Some outstanding land management issues on the Rail Trail include:

- fences built on Crown Land Reserve too close to the Rail Trail and using inappropriate material i.e barb wire causing a hazard for users of the trail;
- encroachment by adjoining landowners onto the Crown Land Reserve;
- storage of inappropriate items (cars) on Crown Land Reserve and too close to the Rail Trail, causing a hazard and creating an eyesore for users of the Rail Trail;
- Adjoining landowners putting up gates across the rail trail without authority; and
- Unauthorised vehicles being driven on the Rail Trail causing damage to the surface.

During 2007, the Committee of Management determined to progress the research into the legal status of the Committee and the options available to progress the outstanding land management issues. Research and legal advice recommended the introduction of Local Laws for the Murray to Mountain Rail Trail. The draft Local Laws are currently being progressed and it is planned to have these presented to the April 2009 Council meeting.

It was also recommended by the Committee's legal advisor, Mr. John McSwiney of McSwineys, Wangaratta that instead of the current 'joint' Instrument of Delegation, a separate Instrument of Delegation for each of the Councils should be undertaken as the Local Government Act doesn't allow for a 'joint' Section 86 Committee of Management.

Accordingly an Instrument of Delegation is presented to this meeting (refer attached) for Council consideration. The same document has been prepared and forwarded to the Alpine Shire Council and the Rural City of Wangaratta for their consideration as has a Memorandum of Understanding (refer attached).

During the course of the investigations, it was also determined by the Committee of Management that as the Memorandum of Understanding was undertaken in 1999 it was mostly concerned with the construction of the Rail Trail. As that phase has now passed, it is timely to review that document and a revised version is also attached for Council consideration.

Due to the Council elections in November 2008, it is also necessary to appoint a new Committee of Management for the Murray to Mountains Rail Trail, including three (3)

community representatives. The Committee of Management determined to undertake a public process and the Community Advisory Group (a sub-committee of the Committee of Management) were requested to recommend three community representatives for appointment following the public notification process. The three community representatives recommended and endorsed by the Committee of Management for appointment are:

Mr John Myles;
Mr John Hennessy; and
Mr Stuart Hargreaves.

Under the previous Instrument of Delegation, members of the Committee of Management, who were not Councillors, were exempt from the obligation to submit returns of pecuniary interest.

Due to recent changes in the Local Government Act, Council is now requested to exempt committee members, who are not Councillors, from the obligation to submit a primary return or an ordinary return of interests.

CONSULTATION

The Committee of Management of the Murray to Mountains Rail Trail includes community members and representatives from the Department of Sustainability and Environment. The legal department of the Department of Sustainability and Environment have also been consulted during the deliberations as has the Committee's Solicitor, Mr. John McSwiney. It is on Mr. McSwiney's advice and the advice received from DSE's legal representatives that the Committee of Management determined that introducing Local Laws was the best option to progress these outstanding issues.

IMPLICATIONS

Community Outcomes

The Murray to Mountains Rail Trail is well utilised by the local community. Feedback from users has been consistent over a number of years regarding concern with barbed wire fences and closed gates as well as illegal vehicle use of the trail. This initiative will address those long standing concerns.

Attachments

12.2 GIFTS & HOSPITALITY POLICY (FILE NO: M870 – MGR)

RECOMMENDATION

That Council adopt the attached Gifts & Hospitality Policy.

**Moved Cr Pockley
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

SUMMARY

This policy is intended to provide guidelines in a reporting procedure for Councillors and staff to deal with offers of gifts and hospitality as part of their responsibilities to Council.

BACKGROUND

The Local Government Act 1989 describes various matters in relation to gifts and it is appropriate for council to adopt this policy. On occasion Councillors' and staff may be offered gifts and hospitality by members of the public, organisations, and or visitors. While corporate hospitality may be appropriate recognition at a particular event, for a particular occasion, the acceptance of a gift or benefit may be construed as giving rise to an obligation or indebtedness by the Council to the person(s) offering the gift or benefit.

Therefore, in the interest of propriety and to transparently manage the acceptance or return of gifts, a policy is required that clearly identifies the criteria for the acceptance or return of gifts and for the registering and receipt for the disseminating of that gift.

Attachment

12.3 PROPERTY RATES - SUPPORTED HOUSING LIMITED. SINGLETON EQUITY HOUSING LIMITED (FILE NO: M680 - MF)

For Decision

RECOMMENDATION

That Council:

1. Approves the exemption of rates from properties (both present and future) that are owned by members of Housing Choices Australia.
2. Approves exemption under Section 154{2}{c} of The Local Government Act {Vic} 1989.

**Moved Cr Gaffney
Seconded Cr Croucher**

That this matter lay on the table until the next Council meeting.

CARRIED

SUMMARY

This report requests approval to exempt entities involved with Housing Choices Australia from Council Rates. Service charges would still remain.

BACKGROUND

Housing Choices Australia is a venture between three {3} entities – Disability Housing Limited, Supported Housing Limited and Singleton Equity Housing Limited.

Councils Senior Revenue Officer has received a letter from Housing Choices Australia requesting exemption from Council rates under section 154{2}{c} of the Local Government Act.

Section 154 of The Local Government Act {Vic} 1989 states that:

154 {2} the following land is **not** rateable land:

{c} any part of land, if that part is used exclusively for charitable purposes.

Each member of Housing Choices Australia is a charitable organization whose principal activity is the provision of affordable housing to persons with a disability.

The purposes of each entity have been recognized as charitable by the Australian Tax Office in the granting of tax concession status to each entity.

Housing Choices Australia leases properties to disadvantaged tenants at low rental in accordance with the “Eligibility, Targeting and Rent Affordability Framework” set by the Department of Human Services.

ISSUES

Section 154 {4} of The Local Government Act {Vic} 1989 states that land is **not** used exclusively for charitable purposes if:

{a} it is separately occupied and used for a purpose which is not exclusively charitable;

{b} a house or flat on the land:

{i} is used as a residence; and

{ii} is exclusively occupied by persons

The Section 154 [4] exception contains two requirements, both of which must be met before the exception will apply.

As the properties only meet one of the requirements {they are separately occupied, but are used for a purpose which is exclusively charitable}, the exception does not apply. Supported Housing Limited has one property within Indigo Shire whilst Singleton Equity Housing Limited has two properties.

At this stage we have only received a request for the three properties however any decision now would affect rates on future purchases by entities within the Housing Choices Australia group. In addition council records indicate that in excess of 120 properties are owned by Common Equity Housing and Department of Human Services and these could potentially claim exemption status, although we have no knowledge of there status with the Taxation Office.

The Senior Revenue Officer's opinion is that Department of Human Services {116 properties}, would not be in a position to claim exemption status as they are a State Government Body.

FINANCIAL IMPLICATIONS

Currently the three properties seeking exemption have annual rates totaling \$2,903-20.

If rating exemption is granted Council would forfeit receipt of this money on an annual basis.

CONCLUSION

Senior Revenue Officer has checked with neighbouring Councils. Wodonga have nine properties with exemptions from rates only {Singleton Equity Housing Limited has seven and Supported Housing Limited has two}. They continue to collect service charges. Alpine Shire does not have any exemptions for Housing Choices Australia group members but do provide exemptions for a similar organization call AMG {Able Management Group}.

12.4 JANUARY 2009 FINANCE REPORT (FILE NO: M064 – MF)

For Information

Council officers again revised their year end forecasts at the end of January and the total revised deficit is within \$1.7K of the December year end forecast. The revised Year End deficit remains \$300K favourable to Budget.

The January financial reports show

- i. The Year End Forecast as at end of January 2009
- ii. The comparative Year End Forecast as at end of December 2008
- iii. The variance or change in Year End Forecast between end of December 2008 and

end of January 2009

While in aggregate, the total Year End forecast has only change \$1.7K, there have been movements at divisional and Business Unit levels which are explained in the Exception report

Given we have been reporting an improved year end position of \$300K for several months now and that any Year to Date (YTD) exceptions have been explain many times in prior monthly reports to Council, the January Exception reports explains variations greater than \$10k in Year End Forecasts versus the December Year End Forecast. ie. the exception report focuses on the changes over the last month. This also now makes the Exception report much more manageable with only 13 exceptions noted.

A new Cost Centre was created under the Emergency Response Business Unit to accumulate costs to the shire due to the effects of the recent bushfires. At this early stage, this CC reflects costs of \$50k in February with refunds from various government sources of \$45k later in the financial year and a net cost to Council of \$5k. These forecasts are indicative, initial estimates and are very likely to be revised in the coming months.

Attachment

12.5 INDIGO TOURISM ADVISORY COMMITTEE – MINUTES (FILE NO: D497 – TM)

For Information

Attached for the information of Council are the Minutes of the Indigo Tourism Advisory Committee for 22 January and 25 February 2009.

Attachment

12.6 TOURISM & MARKETING - PROGRESS REPORT – MARCH 2009 (TM)

For Information

Project Actions

Bushfire response and recovery	<p>Indigo Shire has been hard hit by the negative publicity surrounding the February bushfires with a dramatic fall in visitor numbers. Stats from the Beechworth Visitor Information Centre show visitor numbers and commission on accommodation is down for February, reflected by information and feedback from businesses throughout Beechworth, Yackandandah and the rest of the Shire.</p> <p>North East Victoria Tourism (NEVT) has formed a High Country Bushfire Response and Recovery Committee chaired by NEVT executive officer Will Flamsteed with a membership including Indigo Shire Tourism Manager Stuart Perry and Beechworth Chamber of Commerce President Catherine Smith.</p>
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	<p>The committee will focus on highlighting the region as “open for business” and dispelling the perception that towns such as Beechworth and Yackandandah were directly damaged by fire. Festivals and events planned for the region in March and April will be used as the key marketing focus for promoting the area (these events include Tastes of Rutherglen, the Chiltern Pro Rodeo, the Yackandandah Folk Festival and Beechworth Golden Horseshoes Festival).</p> <p>The Shire has also been working with local businesses and local tourism associations on a number of other initiatives including a business breakfast, a community concert and encouraging all food and wine producers to get online with the Provincial Pantry website which will sell North East produce throughout Australia.</p> <p>We are also encouraging all businesses to inform us about the impact of the bushfires on bottom lines. NEVT is compiling this information and using it to feed into government bodies that may provide funding for recovery and marketing.</p> <p>Government bodies are starting to announcing funding and recovery packages, such as the \$51 million for businesses directly damaged or destroyed by bushfires and funding for community events in bushfire regions. The tourism department will continue to push this information out through the Indigo Tourism Advisory Committee representatives who represent the Shire’s tourism associations and our e-network.</p>
<p>Cycle tourism update</p>	<p>During February, the Murray to Mountains Cycle Tourism committee ran focus group discussions in Melbourne with representatives of our key cycling target markets including road riders, mountain bikers and Rail Trail users. The focus was on understanding what marketing mediums were consumed by these groups, how they decide where to ride, and why they have or have not visited the region. The outcomes from the focus groups will feed into the Cycle Tourism marketing strategy for 2009-2010.</p>
<p>Events</p>	<p>March is a busy month for festivals and events in Indigo Shire with Tastes of Rutherglen over the first two weekends of March, the Chiltern Pro Rodeo on Sunday March 8, Yackandandah Folk Festival on March 20-22, and the Beechworth leg of Terra Australis Mountain Bike Epic due on April 2-3.</p>
<p>January visitor numbers</p>	<p>Before the February bushfires hit, Indigo Shire had recorded a huge increase in visitation in January. Numbers of visitors through the Beechworth VIC doors was up 8% on the previous January, Chiltern VIC up 62% (largely due to the Chiltern 150th celebrations), Rutherglen up 15% and Yackandandah up 37%. The Beechworth Historic & Cultural Precinct also recorded its biggest ever January with a 25% increase in takings over the previous January.</p>

Sub Treasury building	Incoming Manager Tourism, Stuart Perry, met with the Beechworth Re-enactment Group in late February regarding the proposal to use the Sub Treasury building within the Beechworth Historic & Cultural Precinct. A report is being prepared for the April Council meeting.
Official Visitor Guides	The Beechworth and Yackandandah official visitor guides will need reprinting this financial year, having been taken up by consumers at a much higher than anticipated rate. The tourism department is working with the relevant town tourism associations to discuss moving these projects forward.

13.0 GOVERNANCE

13.1 ATAURO ISLAND SECTION 86 COMMITTEE (FILE NO: M220.1 – CEO)

For Decision

RECOMMENDATION

That:

- 1. That the Instrument of Delegation for the Section 86 Atauro Island Friendship Committee be signed under seal of Council.**
- 2. That Council appoint the following people to the Section 86 Committee as part of the friendship agreement between Atauro Island and Indigo Shire, Dr Wendy Connor, Frank Burfitt, Rhonda Burfitt, Irene Cracknell, Nyree-Anne Terry, Frances Walsh, Neville Wiggins and Ron Webb.**
- 3. Further, that in accordance with Council’s resolution of 8 August 2008 a Councillor and a substitute Councillor be appointed to the Committee.**
- 4. That a Council Officer (to be determined by the Chief Executive Officer) be assigned to the Committee.**

**Moved Cr Croucher
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

DIVISION

**For: Councillors Graham, Goldsworthy, Croucher and Murdoch
Against: Councillors Gaffney and Pockley**

**Moved Cr Gaffney
Seconded Cr Murdoch**

That Cr Croucher be nominated as Council's representative on the Committee.

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CARRIED

BACKGROUND

Council resolved on 5 August 2008 that a Section 86 Committee be formed as part of its friendship agreement with the people of Atauro Island, East Timor. Former Councillor Frances Walsh was instrumental in the formation of the Friendship Agreement and whilst attending the VLGA Conference in Dili in June 2008, visited Atauro Island and presented the signed agreement to the people of the Island.

CONSULTATION

On her return from East Timor, former Cr Frances Walsh sought expressions of interest from across the Shire for representation of this group, of which she too wishes to be a member.

POLICY IMPLICATIONS

Nil.

FINANCIAL & RESOURCE IMPLICATIONS

It is not anticipated that there be any financial cost to Council. The Friendship Agreement refers to in-kind assistance, such as hosting English or Tourism students.

The Section 86 Committee would require a Councillor and a Council Officer as members.

INDIGO SHIRE COUNCIL
INSTRUMENT OF DELEGATION

Special Committee

INDIGO SHIRE ATAURO ISLAND FRIENDSHIP COMMITTEE

In exercise of the power conferred by Section 86(3) of the *Local Government Act 1989* (“The Act”), the Indigo Shire Council (“Council”) delegates to the Special Committee referred to as the INDIGO SHIRE ATAURO ISLAND FRIENDSHIP COMMITTEE (“the Committee”) established by resolution of Council passed on 5 August 2008, the powers, duties and functions set out in the attached Schedule and declares that:

- 1 This Instrument of Delegation is authorised by a Resolution of Council passed on 10 March 2009 AND;
- 2 The delegation;
 - 2.1 Comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 Remains in force until Council resolves to vary or revoke it;
 - 2.3 Is subject to any conditions and limitations set out in the Schedule; and
 - 2.4 Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

THE COMMON SEAL of the **INDIGO**)
SHIRE COUNCIL was here unto affixed)
to this Instrument of Delegation in the)
presence of:)

Mayor

Councillor

Chief Executive Officer

SCHEDULE

INDIGO SHIRE ATAURO ISLAND FRIENDSHIP COMMITTEE

Special Committee

The powers, duties, and functions relating to the operation of the Indigo Shire Atauro Island Friendship Committee shall be set out as hereunder:

1 Establishment

- 1.1 This Committee shall be known as the Indigo Shire Atauro Island Friendship Committee established by resolution of Council on 10 March 2009.

2 Objectives

- 2.1 The Committee will assist in promoting and developing a Friendship Relationship between the sub-district of Atauro Island in Timor-Leste and the Indigo Shire Council in Victoria, Australia
- 2.2 The Committee will develop the Friendship Relationship to assist the Atauro Island community in areas such as accommodating and training student teachers and tourism students in the English language, and may also be able to assist with advice on tourism ventures and opportunities
- 2.3 The Committee will assist in developing the partnership at both the local government and community level and will involve the transfer of knowledge, skills and resources as appropriate, to achieve improved understanding and the establishment of long-term relationships between the communities
- 2.4 The Committee will endeavour to establish long term and short term goals for establishing skills and services on Atauro Island, with any strategy or project based on needs identified through local decision-making processes, taking into account the capacity of the Shire and its community to resource and support them
- 2.5 The Committee will work towards strengthening the communities of Atauro Island and initiatives should aim to build capacity and advance the self sufficiency of the people of Atauro Island and be consistent with the principles of environmental, social and cultural sustainability.

3 Composition

- 3.1 The Committee shall comprise:
 - 3.1.1 Eight community representatives from across the Indigo Shire, with the power to recommend additional members to Council.
 - 3.1.2 A nominated Councillor and a substitute Councillor.

3.1.3 An Indigo Shire Council Officer in a non-voting capacity.

3.3 A member can resign from the Committee by written notice to the Committee.

3.4 The Committee may co-opt members with special interests, qualifications or experience with non voting rights.

4 Appointment

4.1 Indigo Shire Atauro Island Friendship Committee members shall be appointed for a three year period with the term of office expiring on the day of Council's statutory meeting.

4.2 In the event of a casual vacancy occurring during the committee's term of office, it shall be filled by the determination of the Committee and Council advised in writing.

5 Meetings

5.1 The Committee shall appoint a Chairperson at its first meeting.

5.2 Meetings of the Committee shall be held at regular intervals at a time or place determined by the Committee, with a minimum of four meetings per year.

5.3 Conduct of meetings shall be governed by general meeting procedures with a quorum being half plus one.

5.4 In accordance with the Local Government Act of 1989 the Committee meetings must be opened to the public except in circumstances where meetings are closed to the public to discuss any of the following items:

a Personal matters

b The personal hardship of a resident or ratepayer

c Industrial matters

d Contractual matters

e Proposed developments

f Legal advice

g Matters effecting the security of Council property

h Any other matters which the Council or Committee considers would prejudice the Council or any person

i A resolution to close the meeting to members of the public

5.5 If the Committee resolves to close the meeting to members of the public the reason must be recorded in the minutes of the meeting.

5.6 The Committee must ensure decisions are made having regard to the pecuniary interest provisions in section 78 and 79 of the Local Government Act 1989.

6 Restricted Powers

6.1 Pursuant to the provisions of Section 86 (4) the Act, the Council is prohibited from delegating the following powers and accordingly the Committee is prohibited from undertaking the following:

- a This power of delegation
- b To declaration of a rate or charge
- c Power to borrow money
- d Power to enter into contracts exceeding any amount previously determined by Council
- e Power to incur any expenditure exceeding the amount previously determined by Council
- f Any prescribed power

For the purpose of this provision the Council has determined that:

- g The Indigo Shire Atauro Island Friendship Committee shall not enter into contracts
- h The Indigo Shire Atauro Island Committee shall not incur expenditure for individual transactions except where such expenditure has been included in the budget for the Atauro Island Friendship Committee and has been approved by Council.

7 Reporting

7.1 The Indigo Shire Atauro Island Friendship Committee will report to Council on a regular basis by producing documentation on its activities or otherwise as directed. Minutes of the Committee's meetings will be provided to Council within a month of a meeting.

8 Termination

8.1 The Council may terminate the Indigo Shire Atauro Island Friendship Committee at will.

14.0 NOTICES OF MOTION

Nil

15.0 COMMITTEE AND DELEGATES REPORTS

15.1 MARCH DIARY - CR P GRAHAM

For Information

Date	Time	Event / Function
2 February	9.00 am	Weekly Meeting with CEO, Beechworth
	5.30 pm	Biodiesel CRG Meeting, Chiltern
	8.00 pm	Rutherglen RSL Sub Branch AGM
3	9.30am–4.30pm	MAV Councillor Fundamental Workshop, Governance, Wangaratta
4	9.15 am	NevRWaste, Wangaratta
5	5.00 pm	North East Local Government Network Meeting, Benalla
7	11.00 am	Centenary Celebrations, Rutherglen Primary School
	7.00 pm	Rutherglen Primary School Centenary Dinner
8	8.00 am	Briefing at MECC Centre, Beechworth
	9.00 am	Visit Beechworth Hospital re Bushfires
	5.00 pm	Visit bushfire Relief Centre, Chiltern
9	6.00 am	Briefing from Beechworth MECC
	7.00 am	Briefing from Chiltern Relief Centre
	8.30 am	Visit CFA Station, Stanley
	9.30 am	Briefing at Beechworth MECC
	10.00 am	Staff Meeting, Yackandandah Office
	11.00 am	Community Meeting re Bushfires, Yackandandah
	1.30 pm	Visit Stanley CFA
	2.30 pm	Check Beechworth MECC and Beechworth Office
	3.30 pm	Check Chiltern Relief Centre
10	6.00 am	Obtain Briefing from Beechworth MECC
	7.00 am	Check in at Chiltern Relief Centre
	8.00 am	Visit Stanley CFA
	9.30 am	Briefing at Beechworth MECC
	10.30 am	Beechworth Office
	1.00 pm	Meeting with Councillors, Beechworth
	1.45 pm	Council Briefing Meeting
	3.00 pm	Ordinary Meeting of Council, Beechworth
11	10.30 am	Community Meeting re Bushfires, Beechworth
	3.30 pm	Meet with M Green/P Prior re NERWMP
13	10.00 am	Council Plan Workshop, La Trobe
14	9.00 am	Council Plan Workshop, La Trobe
16	9.00 am	Weekly meeting with CEO, Beechworth
	10.00 am	Tele hookup NevRWaste
	1.30 pm	Disability Advisory Committee Meeting, Beechworth
19	10.00 am	Tourism Meeting, Wangaratta
	2.00 pm	Admin, NevRWaste, Wangaratta
	2.30 pm	Toolbox Meeting, Chiltern Depot

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1.30 pm

Official Welcome to Surveyor's Forum, La Trobe

21	4.00 pm	Community Ecumenical Service, Christ Church, Beechworth
22	10.30 am	National Day of Mourning Service, La Trobe
23	9.00 am	Weekly meeting with CEO, Beechworth
24	11.00 am	North East Rail Project Briefing, Yackandandah
	3.30 pm	Council Briefing Meeting, Beechworth
	6.00 pm	CEO Review, Beechworth
	7.00 pm	Chair Local Law No 2 Bird Scare Devices Public Meeting, Town Hall, Beechworth
	6.00 pm	Community Bushfire Meeting, Beechworth
27	8.00 am	Meet with Minister Jennings on AVRWMG Plan and forward action, Melbourne

Cr Peter Graham OAM
10 March 2009

15.2 FEBRUARY DIARY - CR P CROUCHER

For Information

Date	Time	Event
2 February	6.30 pm	Community Roundtable Meeting, Tangambalanga
3	9.30 am	MAV Councillor Fundamentals, Governance, Wangaratta
4	11.00 am	Meeting re Junior Council
	2.00 pm	Tour of Court House & Historic Precinct
6	8.30 am	Meeting with constituents Kergunyah & Huon
9	10.30 am	Community Meeting re Bushfires, Yackandandah
	12 noon	Junior Council preparation, Beechworth
10	1.00 pm	Meeting of Councillors
	1.45 pm	Council Briefing Meeting, Beechworth
	3.00 pm	Ordinary Meeting of Council, Beechworth
12	Pm	Community Fire Meeting, Dederang
13	10.00 am	Council Plan Workshop, La Trobe
	7.30 pm	Community Fire Meeting, Kergunyah
14	9.00 am	Council Plan Workshop, La Trobe
17	4.00 – 7.00 pm	Council Briefing Meeting, Yackandandah
18	9.30am – 2.00pm	Hume to Yarrawonga Waterway Management Meeting, Wodonga
19	9.00am – 4.00pm	Visit Shire Primary Schools
24	9.45 am	Upper Murray Regional Library Meeting, Wodonga
	3.30 pm	Council Briefing Meeting, Beechworth
	6.00 pm	CEO Review, Beechworth
	7.00 pm	Chair Sandy Creek Recreation Reserve CoM
25	9.30 am	Open Kiewa CWA Conference & AGM, Tangambalanga
	10.00 am	Indigo Tourism Advisory Committee Meeting, Yackandandah
26	10.00am–12 noon	Junior Council Meeting, Beechworth Primary School
	7.00 pm	Yackandandah Continuing Education Centre Meeting, Yackandandah

Cr Peter Croucher

10 March 2009

15.3 ADVISORY GROUP HUME TO YARRAWONGA WATERWAY MANAGEMENT – FILE NO: M495-02 - (CR P CROUCHER)

For Information

Discussion and report upon the following:

- Easement acquisition
- River management plan implementation works
- Re snagging project update
- Current operations

15.4 UPPER MURRAY REGIONAL LIBRARY - FILE NO: C746-06 (CR P CROUCHER)

For Information

Discussed and reported upon the following:

- Finance
- Corporate governance
- Standard reports

15.5 FEBRUARY DIARY – CR B GAFFNEY

For Information

Date	Time	Function / Meeting details
3 Feb	9.30am-4.30pm	MAV Councillor Fundamental Workshop “Governance”, Wangaratta
4	1.00 pm	Tour of Historic Precinct, Beechworth
5	12 noon	Meet with Albury Cr Daryl Betteridge re Finance Com
8	3.00 pm	Attend Beechworth Salvation Army Hall bushfire relief centre and confer with Captain McMaster
9	11.00 am	Community Bushfire Information Meeting, Yackandandah
	5.30 pm	Attend Beechworth MECC
10	1.15 pm	Meeting of Councillors, Beechworth
	1.45 pm	Council Briefing Meeting, Beechworth
	3.00 pm	Ordinary Meeting of Council, Beechworth
11	10.00 am	Community Bushfire Information Meeting, Beechworth
	5.00 pm	Attend Beechworth MECC
12	6.00 pm	Chair Beechworth Sub Branch RSL AGM
13	10 am – 4.30 pm	Council Plan Workshop @ La Trobe

14	9.00 am 3.00 pm	Council Plan Workshop @ La Trobe Attend Beechworth MECC
17	4.00 pm	Council Briefing Meeting, Yackandandah
19	12 noon	Meet with Albury Cr Daryl Betteridge re Tourism
24	11.30 am 3.30 pm 19.00	North East Rail Revitalisation Meeting, Yackandandah Council Briefing Meeting and CEO Review, Beechworth Public Meeting re Local Law No 2 Birdscare Devices, Beechworth
25	10.00 am 7.00 pm	Indigo Tourism Advisory Committee Meeting, Yackandandah Community Get Together, Wooragee
26	7.00 pm	Rutherglen Wine Region Tourism Inc Summer Dinner, The House at Mt Prior
27	9.00 am 6.00 pm	Grant presentation – Chiltern Athenaeum Community Get Together, Stanley

Cr Bernard Gaffney
10 March 2009

15.6 FEBRUARY DIARY – CR A POCKLEY

For Information

Date	Time	Function / Meeting details
2 February	6.30 pm	Community Round Table, Tangambalanga
3	9.30 am	MAV Councillor Fundamentals presentation, Wangaratta
	6.30 pm	Regional Arts Victoria, presentation of regional funding initiative, King Valley
4	11.00 am	Junior Council Review, Beechworth
5	10.00 am	Australian Local Government Women's Association meeting and lunch, Benalla
9	12.00 noon	Bush Fire public meeting, Yackandandah
10	1.15 pm	Councillors Briefing, Beechworth
	3.00 pm	Council Meeting, Beechworth
11	10.30 am	Bush Fire public meeting, Beechworth
12	12.00 noon	Bush Fire public meeting, Dederang
13	All day	Council Plan Workshop, La Trobe University
14	Morning	Council Plan Workshop, La Trobe University
16	7.30 pm	Arts and Cultural Advisory Committee, YCEN, Yackandandah
17	3.00 pm	Council Briefing
22	11.00am	Bushfire Service of Remembrance, Rod Laver Area, Melbourne
24	1.00 pm	Discussions with constituent, Beechworth
	2.30 pm	Women, Drought and Climate Change planning meeting, Upper Murray Family Care, Wodonga
	4.00 pm	Council Briefing, Beechworth

	7.00 pm	Greg de Moore, Author Visit re Tom Wills, Barkly Park, Rutherglen
25	9.00 am	Indigo Tourism Advisory Committee, Yackandandah
	7.00 pm	Indigo Environmental Advisory Committee, Chiltern
26	10 am	Junior Council, Beechworth Primary School
	1.00 pm	NE Regional Environmental Planning Forum, Civic Centre, Wodonga
	4.30 pm	Indigo Heritage Advisory Committee, Court House, Beechworth
	7.00 pm	Yackandandah Community Education Network (YCEN) committee meeting,

Cr Ali Pockley
10 March 2009

15.7 FEBRUARY DIARY – CR GOLDSWORTHY

For Information

Date	Time	Function / Meeting details
2 Feb	9:00 am	MAV 'Governance' Training, Wangaratta
10	1:45 pm	Council Briefing Meeting, Beechworth
	3:00 pm	Council Ordinary Meeting, Beechworth
13	10:00 am	Council Plan Workshop, Beechworth
14	9:00 am	Council Plan Workshop, Beechworth
16	9:30 am	Planning Focus Meeting, Beechworth
19	12:00 pm	North East Road Safe, Wangaratta
	7:00 pm	Lake Sambell Committee of Management, Beechworth
24	3:30 pm	Council Briefing Meeting, Beechworth
	5:30 pm	CEO Review, Beechworth
	7:00 pm	Local Law 'Bird Scaring' Forum, Beechworth

Cr Larry Goldsworthy
10 March 2009

16.0 GENERAL BUSINESS

- 16.1 *Cr Graham* □ when are we starting on the improvements to Kiewa/Bonegilla road to Wodonga? GMOA □ in the near future.
- 16.2 *Cr Graham* □ Advised Councillors of the proposed seminar on Future of Local Govt □ 5-6th May in Melbourne. 4th in series of discussions. Encouraged new Councillors to take opportunity to attend.
- 16.3 *Cr Gaffney* □ sought explanation of Daniel Goonan's application that took 7 months to deal with.
- 16.4 *Cr Gaffney* □ Code of Conduct - Councillors □ adjourned? New date yet? CEO currently working on it. MGR Negotiating with VLGA.
- 16.5 *Cr Pockley* □ Town Hall Gardens □ flagging around Bunya Trees. Requested a

requote on getting bollards and rope around them as flagging looks dreadful. Cr Murdoch advised that there were two in Chiltern that need attending to also.

- 16.6 *Cr Pockley* □ on behalf of Indigo Valley CFA □ clearing up road verges □ fire hazard? Can we discuss with Environmental Officer or is it to go through Royal commission. Mark Florence to follow up.
- 16.7 *Cr Croucher* □ Kergunyah and Sandy Creek would like their own forums. Are they listed for a public forum this year?
- 16.8 *Cr Croucher* □ evacuation plans - Tangambalanga had its own □ what has happened to it? Cr Graham advised discussion will take place at Royal Commission re a central meeting place in each town in the event of a bushfire. None anywhere now due to insurance risks.
- 16.9 *Cr Goldsworthy* □ report on Short Street Beechworth as to its closure. GMOA to provide report.
- 16.10 *Cr Graham* □ Council meeting schedule □ 11 forums per year. Other places used to have forums but not now under current schedule. How do we get around all the other towns in the past? He suggested the 5th Tuesday in the month. Only 2 months left this year with five Tuesdays in it. How do we overcome this? Do we use the 4th Tuesday?

Cr Murdoch □ schedule is to be reviewed after 6 months.

Cr Croucher □ vitally important that Kergunyah and Sandy Creek have the opportunity.

Cr Gaffney □ need to go to Stanley □ but wait until the schedule runs for 6 months.

Cr Murdoch □ at the present time we are putting them in the back seat. Some of the smaller towns have had the biggest roll up to Community Forums.

Cr Graham □ have a think about it and bring up again at a later meeting. Some formal decision at the April meeting of Council.

- 16.11 *CEO* ran down the agenda for the public forum at Tangambalanga tonight.
- 16.12 *Stuart Perry* □ Stanley Store □ owners will continue with post office service and limited General Store. Existing tenants move out this weekend.
- 16.13 *Stephen Swart* □ State Govt □ DPCD will review residential zones in communities.
- 16.14 *Mark Florence* □ DPCD □ Christine Nixon visiting Shire next week. Meeting at Mudgegonga Hall and Stanley □ morning tea following meetings. Bruarong people can attend either the Stanley or Mudgegonga meetings.

17.0 CONFIDENTIAL

Nil

There being no further business the meeting closed at 5.04 pm.

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Cr Peter Graham, OAM – Mayor
...../04/2009