

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

Mission Statement:

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

TO BE HELD: Tuesday 10 August 2010 at 3pm

LOCATION: Senior Citizens Hall, Yackandandah

REQUIRED TO ATTEND:

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

APOLOGIES:

Vision Statement:

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

TABLE OF CONTENTS

1.0	WELCOME	1
2.0	OPENING PRAYER AND ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND	1
3.0	APOLOGIES AND LEAVE OF ABSENCE	1
4.0	DECLARATION OF CONFLICT OF INTEREST	1
5.0	OPEN FORUM	1
6.0	CONDOLENCES	1
7.0	CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 13 JULY 2010	1
8.0	BUSINESS ARISING FROM PREVIOUS MINUTES	1
9.0	DEPUTATIONS AND PETITIONS	1
10.0	CORPORATE SERVICES	2
10.1	LOCAL LAW NO. 2 - ENVIRONMENTAL	2
10.2	FINANCE REPORT FOR JUNE 2010	4
10.3	INDIGO TOURISM ADVISORY COMMITTEE - FESTIVALS AND EVENTS SPONSORSHIP PROGRAM 2010/11	6
10.4	COUNCIL LONG TERM FINANCIAL PLAN	9
11.0	SUSTAINABLE COMMUNITIES	11
11.1	PLANNING PERMIT APPLICATION 10-0021 - TELECOMMUNICATIONS FACILITY, KIEWA-BONEGILLA RD, TANGAMBALANGA	11
11.2	RUTHERGLEN PUBLIC PARK RESERVE – COMMITTEE OF MANAGEMENT	21
11.3	BARNAWARTHA RECREATION RESERVE - FUNDING FOR CONSTRUCTION OF MULTIPURPOSE COMMUNITY FACILITY	25
11.4	HEALTHY CHILDREN AND FAMILIES PLAN 2010 - 2014	29
11.5	HEALTHY COMMUNITIES PLAN 2010 - 2014	32
11.6	REGIONAL PLANNING: HUME STRATEGY FOR SUSTAINABLE COMMUNITIES	34
12.0	MAJOR PROJECTS & PROGRAMS	39
12.1	ROAD NAMING	39
12.2	DEEDS OF DELEGATION FROM COUNCIL TO STAFF	41
12.3	PROPOSED ROAD DEVIATION AND LAND EXCHANGE PROPERTY NO 8695, CM CHAMBEYRON AND MJ WILKINSON - MALONEY LANE, STANLEY	45
13.0	GOVERNANCE	47
13.1	MURRAY DARLING ASSOCIATION INC. - NOMINATIONS	47
13.2	SOUTHERN SPORTS ACADEMY SPONSORSHIP REQUEST	49
13.3	COUNCIL ADVISORY COMMITTEES REPORT	51
14.0	NOTICES OF MOTION	53
15.0	COMMITTEE AND DELEGATES REPORTS – JULY (ALL ARE FOR INFORMATION ONLY)	54
15.1	CR GAFFNEY - MAYOR	54
15.2	CR POCKLEY - DEPUTY MAYOR	55
15.3	CR GRAHAM	56
15.4	CR CROUCHER	57
15.5	CR GOLDSWORTHY	59
15.6	CR ISSELL	60
15.7	CR MURDOCH	61
16.0	GENERAL BUSINESS	62



ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

17.0	CONFIDENTIAL	62
------	--------------------	----

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

- 1.0 WELCOME
- 2.0 OPENING PRAYER AND ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND
- 3.0 APOLOGIES AND LEAVE OF ABSENCE
- 4.0 DECLARATION OF CONFLICT OF INTEREST
- 5.0 OPEN FORUM
- 6.0 CONDOLENCES
- 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 13 JULY 2010
- 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES
- 9.0 DEPUTATIONS AND PETITIONS

10.0 CORPORATE SERVICES

10.1 LOCAL LAW NO. 2 - ENVIRONMENTAL

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

For Decision

RECOMMENDATION

That Council adopt Local Law No. 2 Environmental and that formal notice be given pursuant to Section 119 (3) of the Local Government Act 1989 ("the Act").

INTRODUCTION

This Local Law was adopted at Council's Ordinary Meeting on 15 December, 2009 after reports to Council Meetings on 10 November and 8 December, 2009. Incorrect public notice processes resulted in the need to carry out further public notice processes in compliance with the Act.

BACKGROUND

Following this Local Law being adopted by Council at its Meeting on 15 December, 2009 I commenced the process of formally giving notice pursuant to Section 119 (3) of the Act. At this time it was realised that the original Public Notice required under Section 223 of the Act was carried out incorrectly. After investigation, it was confirmed that if this part of the process was completed incorrectly it would result in the Local Law being void and unenforceable.

Therefore a Public Notice was placed in the Border Mail on 15 May, 2010 and the Government Gazette on 20 May, 2010 to comply with Section 223 of the Act. No further submissions were received.

During this period of time two internal submissions have been received by the Planning and Waste Management departments. The proposed amendments are as follows:-

1. Clause 5 – Definitions - The definition of "township area" originally stated "means any part of the municipal district which abuts a road or roads with a speed limit of 60 kilometres per hour or lower and includes any property which is either partially or wholly within such speed limited area".

This has been amended to "land which is in a residential zone or area developed mainly for housing and which abuts a road or roads with a speed limit of 50 kilometres per hour or lower".

2. Clause 32 - Hard Garbage and Green Organics Collection originally stated, "Where the Council has notified occupiers of a hard garbage and green organics **collection** the material to be **collected** must be **left for collection** in accordance with Council's instructions".

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

This has been amended to, "Where the Council has notified occupiers of a hard garbage and green organics **disposal program** the material to be **disposed of** must be **brought to the disposal facility** in accordance with the Council's instructions".

NB: The text in bold above is the text that is proposed for amendment.

KEY IMPLICATIONS

Regulatory:

The regulatory implications are that Council's Enforcement staff and the local Police are currently not able to undertake enforcement activities under this Local Law.

FINANCIAL IMPLICATIONS

The financial implications are that as no infringement notices have been able to be issued since this Local Law sunset on 14 December, 2009 Council has not been able to collect the associated penalty payments.

POLICY IMPLICATIONS

Adoption of this Local Law will complete the review process of all Council's Local Laws. This will allow Council to provide good governance to its community and enable our Enforcement team to monitor compliance.

CONCLUSION

Not applicable.

Attachment:
Local Law No. 2 Environmental

10.2 FINANCE REPORT FOR JUNE 2010

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

For Information

INTRODUCTION

This report provides Council with a brief update on the financial reporting status as at end of June 2010.

BACKGROUND

The Finance team is currently in the process of closing off the 2009-2010 financial year in preparation for audit. Results for the year ending June 2010 are likely to change slightly over the coming weeks as year end adjustment journals are applied.

Consequently, no financial management reports as at the end of June 2010 are provided for the August Council meeting.

An initial review of the June management reporting figures indicates that the 30 June year end position will be approximately \$1.3 million favourable to the March year end forecast. The vast majority of this favourability (\$1.09 million) comes from grants that were not expected or forecast at the March quarterly review (of which \$1.0 million was for 2010/2011 Victorian Grants Commission funding paid in June 2010). The balance of the favourable variance comes from lower than forecast expenditure the majority of which is due to Community Development projects being deferred into early 2010/2011.

As at 30 June 2010, capital works expenditure was \$13.14 million which represents 93.8% of the budgeted capital works program including 2008/2009 carry forward projects.

FINANCIAL IMPLICATIONS

With the Major Projects and Programs team delivering well in excess of the targeted capital work program for the 2009/2010 year and in line with Council's prior agreed position, cash and investments have been depleted to fund these activities rather than taking up loans that were budgeted in prior and current years to fund some of the capital works projects.

Cash and investments at 30 June 2010 were approximately \$5.3 million of which \$1.0 million was set aside for the statutory Long Service Leave Account and almost a further \$2.0 million being paid to capital work related creditors during July 2010 for 2009/2010 activities.

The delivery of the current and the catch-up of the historic capital works program without the need to take out the historic budgeted loans is an excellent financial result; however, cash levels will require close forecasting, monitoring and management over the coming six months.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Significantly, more detail and information of the 2009/2010 results will be presented to Council at the September ordinary meeting when the draft financial accounts 2009/2010 will be presented.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

10.3 INDIGO TOURISM ADVISORY COMMITTEE - FESTIVALS AND EVENTS SPONSORSHIP PROGRAM 2010/11

File No.: 09/816 - Kate Biglin - Manager Tourism

For Decision

RECOMMENDATION

That Council adopts the recommendation of the Indigo Tourism Advisory Committee (ITAC) regarding the Festival and Events Sponsorship Program 2010/2011 totalling \$20,000 as follows:

FESTIVAL OR EVENT	APPLICANT ORGANISATION	AMOUNT REQU'D	AMOUNT REC'D
Beechworth Drive Back in Time	Beechworth Old Cranks Motor Club Inc	\$1,000	\$1,000
Below the Bottle – Sculptures by the Vineyard	Jones Winery & Vineyard and Helen Hay Garden Art	\$3,000	\$1,000
Beechworth Celtic Festival	Beechworth Celtic Festival Inc.	\$4,000	\$1,500
Chiltern Rodeo	Chiltern Rodeo Club Inc	\$1,000	\$1,000
Green Living Fair	Green and Sustainable Living Inc Assoc	\$1,820	\$1,500
Harvest Celebration in Beechworth	Beechworth & District Chamber of Commerce & Industry Inc	\$2,500	\$1,500
Hickling Family Emergency Service Response Fundraiser	Event auspiced by Chiltern Tourism Association	\$1,500	\$500
Kelly Country Pick (sponsorship to be used for the 2011 event)	Kelly Country Pick	\$6,000	\$1,000
Rutherglen Gold Rush Adventure Festival	Rutherglen Apex Club	\$10,000	\$4,000
Rutherglen Wine Show incorporating The Australian Fortified Wine Show	Rutherglen Agricultural Society Incorporated	\$ 10,000	\$3,000
Stanley Plateau Carnival	Plateau Events has official auspice recognition under Beechworth Neighbourhood Centre	\$ 36,000	\$500
Tastes of Rutherglen – The Long Table Dinner	Winemakers of Rutherglen	\$10,000	\$500
Fourteenth Yackandandah Folk Festival 2011	Yackandandah Folk Festival Incorporated	\$4,000	\$3,000
		\$90,820	\$20,000

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

INTRODUCTION

Each year the Indigo Tourism Advisory Committee (ITAC) makes a recommendation to Council on the distribution of its Festivals and Events Sponsorship Program funds to maximise visitation and economic benefit to the region. The 2010/2011 budget allocation for this program is \$20,000 and the ITAC has recommended this be shared between 13 events.

BACKGROUND

The ITAC met on Monday, July 26 2010 to consider applications to the Shire's 2010/2011 Festivals and Events Sponsorship Program with a budget allocation of \$20,000. This allocation was a significant increase from \$12,000 in 2009/2010.

The ITAC consists of four local tourism association representatives from Rutherglen, Chiltern, Beechworth and Yackandandah; three skills-based representatives covering areas including marketing, tourism research and business event tourism; two Indigo Shire councillor representatives; and the Indigo Shire Tourism Manager (ex officio).

The ITAC called for applications with direct mail outs to the Shire's database of festival and event organisers, advertisements in local media and the Indigo Tourism and Business eNewsletter. ITAC members also distributed the application forms to their databases of local tourism organisation members. A review of the program guidelines will take place in 2011 to consider any changes that may be made to strengthen the program.

Thirteen applications were received from across the Shire requesting a total of \$90,820. Six of these were events that had not previously received funding through the Indigo Festivals and Events Sponsorship Program.

Funding applications were assessed by the ITAC against criteria to judge the suitability of each event against the Shire's tourism brand values, the opportunity for an injection of "new" money into the region, ability to maximise visitor yield and dispersal, support from local tourism organisations and the potential (if an ongoing event) for future financial sustainability.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The recommendation of funding distribution reflects the budgeted allocation.

POLICY IMPLICATIONS

The awarding of these grants is consistent with the Council Plan Objective 3.6: "Support our festivals and events".

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

CONCLUSION

Indigo Shire is renowned for its rich calendar of festivals and events. The Indigo Festivals and Events Sponsorship Program is a vital support for many of our existing events and plays an important role in encouraging and supporting new festivals and events in the Shire.

Appendix:
Indigo Shire Festivals and Events Sponsorship Program 2010/2011 Sponsorship Form

10.4 COUNCIL LONG TERM FINANCIAL PLAN

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

For Information

INTRODUCTION

Council was scheduled to complete a long term financial plan (LTFP) during 2009/2010. The completion of a LTFP formed part of the staged development within the Municipal Association of Victoria (MAV) LG Credibility program. There is an urgent need for a LTFP to be completed to provide Council the financial basis in which service delivery and other functions will be premised, and as part of the professional financial stewardship of the financial and other resources of Council.

BACKGROUND

One of the key reasons for the holding over of the LTFP in 2009/10 was the need for council to adopt various policies, gain a greater appreciation of the financial and asset management issues faced by Council and establish some financial framework going forward. Council has adopted a strategy dealing with its longer term debt and borrowings, and is well advanced in the preparation of a rating strategy. Further work is taking place on a proposed capital works evaluation / prioritisation framework which will provide Council a sound and agreed basis to consider and assess competing capital work proposals.

A number of LTFP models are available in the market. Council is in discussions with a service provider that is undertaking financial sustainability work on behalf of the MAV via the LG Credibility program.

An overview of the LTFP process, now scheduled for quarter 2 & 3 2010/11, was provided to the Finance Committee on July 7 2010. A number of issues came out of the Finance Committee deliberations. There was recognition that there was a need for the timely completion of a LTFP in 2010/11 to provide Council a basis to structure its budget 2011/12 and provide Council a much needed longer term focus where it was trending financially over a longer period. The need to provide some form of strategic input and 'strategy proofing' together with a community inputs was seen as a necessary and important part of any LTFP.

Further consideration of possible approaches to the initiation of a LTFP has taken place and the matter is listed for further consideration at the Finance Committee meeting August 4 2010.

Given the need to settle on some form of timely strategic focus with regard the LTFP, a recommendation will come from the Finance Committee to be considered by Council to enable required planning and communication of the process to proceed.

KEY IMPLICATIONS

From a risk management perspective, having a considered and adopted LTFP provides Council an agreed financial basis for consideration in future budgets. Without a LTFP the risk is that Council has no agreed budgetary framework and has no documented financial stewardship vision for the future, beyond the current four year Strategic Resources Plan.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

There are minimal direct environmental implications associated with a LTFP.

From a communication perspective, once Council has agreed on a process to proof or test LTFP strategy, these processes and opportunities for input can be effectively marketed.

From a Council plan perspective, Council has adopted a plan for the years 2010-2013, with key outcomes from this Council Plan needing to be factored into a LTFP.

FINANCIAL IMPLICATIONS

The whole issue of a LTFP is premised on the need to be able to project and plan where Council seeks to be over an extended period of time. The accuracy of the plan will decline the further out Council seeks to project. At the same time, the process provides Council a sound basis to make financial decisions around a host of inputs and assumptions as to where Council seeks to position itself over the longer term

POLICY IMPLICATIONS

The LTFP effectively provides Council a basis or direction which effectively becomes Council financial policy. Policies do and should change to the needs and directions of Council alter over time. A LTFP will provide a basis to make sound financial and budgetary decisions over successive budget periods.

CONCLUSION

It will be important for Council to settle on a process for the preparation of the LTFP. The Council budgetary process 2011/12 will commence early in calendar year 2011, and having a well considered and adopted LTFP will put Council on a sound footing for the coming and future years.

The LTFP should be premised on sound and agreed strategic directions as known or projected, and will involve considerable work by management and elected members.

11.0 SUSTAINABLE COMMUNITIES

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

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

For Decision

RECOMMENDATION

That Council gives notice of its intention to approve Planning Application 10-0021 for a telecommunications facility at Kiewa-Bonegilla Road, Tangambalanga, subject to the conditions recommended.

INTRODUCTION

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

BACKGROUND

A representative from Urbis Planning Consultants and Telstra attended a Council briefing session (28 July 2010) in relation to the above proposal. At this briefing session, councillors were provided with the opportunity to ask questions in relation to the proposal. Telstra was also provided with the opportunity to explain the location, siting and design aspects of the proposal.

In accordance with the information provided at this briefing session, it is recommended that Council support the previous recommendation presented at the June Council meeting.

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

PROPOSAL

ZONING AND PLANNING CONTROLS

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

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

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

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

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

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

INDIGO PLANNING SCHEME

STATE PLANNING POLICY FRAMEWORK

Introduction, Goal and Principles:

The purpose of state policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of state level planning policy which they are to take into account and give effect to in planning and administering their respective areas. It is the state government's expectation that planning and responsible authorities will endeavour to integrate the range of

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards health and safety, diversity of choice, adaptation in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

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

18.13 Telecommunications

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

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

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

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

- Principle 1: A telecommunications facility should be sited to minimise visual impact.
- Principle 2: Telecommunications facilities should be co-located wherever practical.
- Principle 3: Health standards for exposure to radio emissions will be met.
- Principle 4: Disturbance and risk relating to siting and construction should be minimised.

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement:

21.01-3 Settlement and Infrastructure

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

21.01-4 Economy

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

21.03-1 Vision and Strategic Framework

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

21.04 Objectives and Strategies

21.04-1-7 Kiewa-Tangambalanga

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

Local Planning Policies:

None Applicable

ZONING AND OVERLAY CONTROLS

Farming Zone (FZ):

The purposes of the Farming Zone include:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Environmental Significance Overlay (ESO):

The purposes of the ESO include:

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

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

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

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

PARTICULAR PROVISIONS

52.19 Telecommunications Facility

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

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

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

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

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

REFERENCE AND INCORPORATED DOCUMENTS

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

REFERRAL AUTHORITIES

No referrals were necessary.

PUBLIC NOTICE

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

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

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

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

Issues raised in objections include:

- Negative impact on land values.
- Detrimental effect on visual amenity.
- Potential negative health impacts.
- Concern over proximity to residential areas.
- Possible other locations.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

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

DISCUSSION

State Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Planning Policy Framework

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

Zones and Overlays

It is contended that the proposal before Council is in accordance with both the Farming Zone and the ESO1, being High Quality Agricultural Land. The proposal will not affect adversely the use of the land for agriculture, as the proposal involves fencing off a minimal area for the facility (60m²),

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

and will be accessed by an existing internal track. The surrounding land will continue to be part of a working farm that makes the most of the high quality agricultural land.

Particular Provisions

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

Issues Raised in Submissions

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

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

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

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

With regard to co-location of facilities, Member JA Bennett, in the case *Goldsworthy and Ors v Mildura RCC* [2009] (VCATP3407/2008) Rural CC stated that, "A[a]lthough residents did suggest alternate locations.....I accept the evidence of Mr Mews that these would not provide the necessary coverage. I am convinced that Telstra has considered the issue of co-location and alternative locations and that it has not been satisfied that its objective in terms of improved mobile phone coverage can be achieved by using alternative locations".

With regard to possible health effects, Member Bennett went on to say, "[c]learly residents have a strongly held fear about the effects of Electro Magnetic Radiation but I have reached the conclusion that I could not reject the proposal on health grounds because of the very easy compliance with the relevant Australian Standard in relation to electromagnetic radiation."

CONCLUSION

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

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

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

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

Attachments:
A: Permit Conditions
B: Application Documents
C: Location Plan
D: Council Report Appendix
E: Urbis Response
F: Urbis Planning Report

11.2 RUTHERGLEN PUBLIC PARK RESERVE – COMMITTEE OF MANAGEMENT

File No.: 09/1187 – David Koren – Manager Community Planning

For Decision

RECOMMENDATION

That:

- 1. Council write to the Department of Sustainability & Environment requesting that Council be appointed as the Committee of Management for the Rutherglen Public Park Reserve.**
- 2. Council begin the process to appoint a Section 86 Committee of Management for the portion of the Rutherglen Public Park Reserve as detailed in this report.**

INTRODUCTION

At the June meeting of Council a report was presented recommending that Council write to the Department of Sustainability & Environment (DSE) requesting that Council be appointed as the Committee of Management for the Rutherglen Public Park Reserve. Council could then appoint a Section 86 Committee of Management to manage a portion of the Reserve.

Council requested additional information detailing clarification on the reasons for the recommendation.

Additional information has now been gathered and this report presents to Council a case for the original recommendation to be adopted.

BACKGROUND

The Rutherglen Public Park Reserve is Rutherglen's major recreational and community reserve which contains community infrastructure important to the Rutherglen community.

The Reserve is Crown Land administered by DSE which has in place a variety of different management structures as follows (please also refer to the attached Plan):

Area Managed by Rutherglen Bowling Club

The Rutherglen Bowling Club is a separate DSE Committee of Management responsible for the bowling club area only. The Committee report directly to DSE.

Areas Managed by Indigo Shire Council (as the appointed DSE Committee of Management)

Rutherglen Pre-School

The Pre-School has an occupation agreement with Indigo Shire Council and reports directly to Council's Community Planning Unit.

Apex and Memorial Parks

Directly managed by Indigo Shire Council with support from Service Clubs and community.

Rutherglen Swimming Pool

Directly managed by Indigo Shire Council and includes the Swimming Club Clubrooms.

Rutherglen Caravan Park

The caravan park is leased by Council to a contractor who manages the operations of the park. Council's Tourism department administers the lease.

Rutherglen Skate Park

Directly managed by Indigo Shire Council.

Areas Managed by Rutherglen Public Park Reserve Committee of Management (as the appointed DSE Committee of Management)

Rutherglen Golf Course

The golf course is licensed by the Committee of Management to the Golf Club.

Rutherglen Tennis Courts

No agreement currently in place.

Show Pavilion and Showgrounds

No agreement currently in place.

Balance of the Reserve including Lake King

Directly managed by the Committee of Management.

The Reserve Committee have had ongoing issues with management of the whole reserve for a number of years. DSE do not have the resources or personnel to adequately support the Committee to resolve these issues. They have indicated that managing and supporting community reserves is not their core function and this is not likely to change in the future.

In particular, some of the issues that have arisen include:

- The Caravan Park lessee allowing and charging for unauthorised camping outside their leased area
- Non-cooperation of the Agricultural Society to manage their infrastructure
- Unauthorised removal of fencing
- Lack of consultation involving upgrades
- Lack of consultation and feedback from DSE regarding infrastructure issues

The variety of management structures currently in place and the inability for parties to appropriately communicate to resolve these issues is of concern. The lack of support and resources from DSE to assist Committees has also exacerbated the problem over time.

Since the report was presented to the June Council meeting, Council has been notified that the Rutherglen Public Park Reserve have now resigned. Council has also received a letter from the Rutherglen Golf Club expressing their deep concern for the future management of the Reserve. DSE are unlikely to act on either of these issues and are looking to Council for assistance.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

This is an issue where Council needs to show strong leadership and support the local community and clubs to ensure that the future management of the Reserve is sustainable and beneficial. A portion of the Reserve is already managed by Council as a DSE Committee of Management and it is deemed appropriate in this circumstance for Council to seek management of the whole Reserve as a DSE Committee.

With Council as the Committee of Management, local management of the areas currently managed by the Reserve Committee could be facilitated by Council appointing a Section 86 Committee of Management.

All positions on the current DSE Committee of Management would be 'spilled' and Council would call for nominations from the community to appoint a new Section 86 Committee of Council. A new Committee with new membership, strongly supported by Council is considered to be the 'fresh start' the users groups and community are looking for.

This arrangement would be similar to Baarmutha Park in Beechworth where Council, as the DSE Committee of Management, have appointed the Baarmutha Park Committee of Management as a Section 86 Committee to manage the day to day operations of the Park.

It would be important for Council to be represented on the new Committee to provide the vital communication and support link between the Committee and the other areas under direct Council control i.e. the Caravan Park, Pre-School, parks and Swimming Pool.

KEY IMPLICATIONS

The proposed new management structure will be the fresh start the current committees/clubs need. It is believed that this proposed arrangement will strengthen communication between all stakeholders and provide strong management and support, a good basis for addressing any issues at the Reserve.

The calling of nominations and appointment of new membership for the Committee is important.

The lack of support by DSE is expected to continue and the Rutherglen community are now looking to Council for leadership and assistance in this matter.

By appointing a new Section 86 Committee of Management, there will be some additional administrative duties Council officers will be responsible for to support and manage an additional Committee. They are considered relatively minor and do not outweigh the advantages outlined in the body of this report.

FINANCIAL IMPLICATIONS

The Rutherglen Public Park Reserve Committee of Management currently receives annual financial support through Council's Asset Maintenance Grants Program. The budgeted allocation for 2010/2011 is \$3,675. This level of support won't change with the appointment of the Committee as a Council Section 86 Committee of Management.

There are no other financial implications for Council.

POLICY IMPLICATIONS

Appropriate management of community facilities is consistent with the Council Plan Objectives 4.1 – Effective and efficient service delivery and 4.6 – Enhance the health and wellbeing of the community.

CONCLUSION

The Rutherglen Public Park Reserve currently has a variety of management structures in place, including areas that are under Council control. This has resulted in frustration with some of the managing committees as they believe that issues are not being adequately resolved. DSE have indicated that managing and supporting community reserves is not their core function and this stance is unlikely to change in the future. The situation has worsened in recent weeks with the resignation of the DSE Committee of Management and a letter being received from the Rutherglen Golf Club expressing concern for the future management of the Reserve.

The Park is a very important community facility for Rutherglen and strong management and support is required to ensure appropriate recreational and community services continue to be delivered.

Council is in a position to show strong leadership and support for the Rutherglen community by requesting the appointment of Council as the DSE Committee of Management. The nomination of a new Committee is considered the 'fresh start' the user groups and the community are looking for.

Attachment:
Areas of Responsibility

11.3 BARNAWARTHA RECREATION RESERVE - FUNDING FOR CONSTRUCTION OF MULTIPURPOSE COMMUNITY FACILITY

File No.: 10/2551 - David Koren - Manager Community Planning

For Decision

RECOMMENDATION

That Council submit an application for funding to the following funding programs for the development of the Multipurpose Community Facility at the Barnawartha Recreation Reserve:

- **Department of Planning & Community Development's 2010/2011 Community Facility Funding Program - Majors**
- **Department of Planning & Community Development's Victorian Community Support Fund - Building Community Infrastructure**
- **Regional Development Victoria's Sustainable Small Towns Development Fund.**

INTRODUCTION

The Barnawartha Recreation Reserve Masterplan, completed in 2005, recommended that a new multipurpose pavilion be constructed to replace the dilapidated golf clubhouse and visitor change room buildings at the Reserve. This recommendation was supported by Council's Recreation Plan and more recently by the Barnawartha Community Plan prepared by the Community Strengthening Team.

Following extensive consultation with the Barnawartha community, user groups and service providers, a Draft Design Plan and estimated cost has been prepared to assist in the sourcing of funds for the project.

A Council resolution is sought to meet a requirement of funding agencies that Council are committed to the project if funding is secured.

BACKGROUND

The Barnawartha Recreation Reserve is located on Crown Land managed by a Department of Sustainability & Environment (DSE) Committee of Management. The primary users of the Reserve are the local football, cricket, netball, golf and tennis clubs. The Reserve is also used by the local community and the local primary school as a recreational space for a variety of active and passive activities.

The Reserve will shortly have a water bore, holding tank and irrigation system installed and the netball/tennis courts have also undergone a major renovation.

The golf clubroom and visitor change room buildings at the Barnawartha Recreation Reserve are in extremely poor condition. The existing "youth hall", primarily used by the football and netball clubs, is also run-down but is structurally sound and in a good location on the Reserve.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

Key strategic documents produced over the last 5 years or so have all indicated that the project to construct a new multipurpose facility at the Barnawartha Recreation Reserve is a high priority for Council and the community.

Barnawartha Recreation Reserve Masterplan (adopted by Council in 2005) - identified the construction of a new multipurpose facility to cater for the needs of all users as the number 1 priority.

Indigo Shire Council Recreation Plan (adopted by Council in 2008) - the recreational capital works priority list, updated in 2010 highlighted the construction of a new multipurpose facility at the Barnawartha Recreation Reserve as the number 1 recreational priority for Council.

Barnawartha Community Plan - completed by Council's Community Strengthening Team and the local community identified "Recreational Reserve developments" as the town's number 1 priority.

In May 2010 Council contracted an architect to work with the local community, user groups and service providers to develop a design for a new Multipurpose facility at the Reserve that will cater for the current and future needs of the existing sporting clubs and also provide spaces for new and possible future health, educational and community services.

Following consultations with the community, a Final Draft Design for the facility has been completed and will be used as a key document for future funding submissions. As part of the contract brief, the Barnawartha Recreation Reserve Masterplan was also updated to reflect the needs of the community.

A key outcome from the consultations was the development of a possible partnership with Indigo North Health to provide health services from the new facility for the Barnawartha community. These services could include allied health services such as physio, counselling, podiatry, Occupational Therapy and GP services on a part time basis e.g. one or two days a week.

Other key outcomes from the Final Draft Design included the following recommendations:

- Demolish the existing golf clubrooms and visitors change rooms and extend on the existing "youth hall" to develop the new multipurpose facility.
- Create a new carparking area
- Relocate the playground
- Creation of meeting spaces and a large activity area for use by the broader community
- Creation of consultation rooms for health services
- Refurbishment of the existing "youth hall" to primarily cater for football (home side), netball and tennis
- Environmentally sustainable and energy efficient design components

The total cost of the project has been estimated at \$1.3605 million. The following is a brief breakdown of costs:

Construction of new facility	\$950,500
Fees and charges, demolition works, renovation works	\$220,000
Fitout, playground, carpark, roadworks, sundries	\$190,000
TOTAL	\$1,360,500

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

Following discussions with external funding bodies, it has been determined that the most appropriate sources of funding are as follows:

- Department of Planning & Community Development's (DPCD) 2010/2011 Community Facility Funding Program - Majors.

The Program funds large recreational projects with grants up to \$500,000 available. The Program closes on 18 August 2010.

- Department of Planning & Community Development's (DPCD) Victorian Community Support Fund - Building Community Infrastructure.

The Program receives applications on an ongoing basis with quarterly assessments. The next assessment for the Program has a closing date of 10 September 2010. Applications can seek up to \$1 million under the Program.

- Regional Development Victoria's (RDV) Sustainable Small Towns Development Fund

The Program receives applications on an ongoing basis with projects needing to demonstrate economic and socio-economic benefits for the community.

As part of the project, there will be significant contributions required from the community and from Council.

If funding submissions are successful, the commitment from Council will be required over two financial years, 2011/2012 and 2012/2013.

A projected breakdown of the income for the project is as follows:

DPCD Grant (Majors)	\$235,000
DPCD Grant (Community Support Program)	\$250,000
RDV Grant	\$300,000
Indigo Shire Council 2011/2012 Budget	\$250,000
Indigo Shire Council 2012/2013 Budget	\$250,000
Barnawartha community/user groups - cash	\$ 25,500
Barnawartha community/user groups - in-kind	\$ 50,000
TOTAL	\$1,360,500

A Council resolution on the funding commitment is sought to meet a requirement of funding agencies that Council are committed to the project if funding is secured.

KEY IMPLICATIONS

The proposed project has many benefits to the local community. The existing facilities at the Barnawartha Recreation Reserve are a very poor state and detract from the amenity of the Reserve. Poor facilities also discourage participation in the activities at the Reserve and have negative follow-on effects in township development.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

The project will provide modern, efficient, usable spaces that will cater to the broader sporting, community, health and education needs of the community. It is anticipated that the project will result in greater participation with the sporting clubs, increased community and school usage.

Very importantly, the proposed facility will provide appropriate facilities for the provision of allied health and GP services for the Barnawartha community.

The project will enhance the overall quality of facilities and services available for the Barnawartha community.

FINANCIAL IMPLICATIONS

The estimated total project cost is \$1,360,500. The commitment required from Council's capital works budget will be \$250,000 from 2011/2012 and \$250,000 from 2012/2013. The balance of the funds for the project will be sourced from grants and community contributions.

The ongoing maintenance and operating costs will be the responsibility of the Barnawartha Recreation Reserve Committee of Management. It is anticipated that the additional income received from hiring out or leasing portions of the facility will adequately cover the additional 'running costs'.

POLICY IMPLICATIONS

Appropriate management and development of community facilities is consistent with the Council Plan Objective 4.1 - Effective and efficient service delivery and 4.6 - Enhance the health and wellbeing of the community.

The project is also supported by appropriate Council Strategic Plans, the Indigo Shire Recreation Plan and the Barnawartha Recreation Reserve Masterplan.

CONCLUSION

The project to construct a Multipurpose Community Facility at the Barnawartha Recreation Reserve is strongly supported by key Council strategic documents and the community. Following the completion of a Final Draft Design for the facility, it is now considered appropriate to seek funding to complete the project.

Attachments:

- A: Draft Final Design Barnawartha Reserve Multipurpose Facility
- B: Draft Final Site Plan Barnawartha Reserve Multipurpose Facility

11.4 HEALTHY CHILDREN AND FAMILIES PLAN 2010 - 2014**File No.: 09/103 - David Koren - Manager Community Planning****For Decision****RECOMMENDATION****That Council adopts the Draft Municipal Early Years Plan 2010 – 2014.****INTRODUCTION**

The Draft Healthy Children and Families Plan (Council's Municipal Early Years Plan) has been developed through a full consultative process with key agencies and community members. The draft plan was presented to Council at its June 2010 meeting and following some minor amendments, the plan was placed on public display to receive feedback from the community until 16 July 2010.

Constructive feedback from service providers and the community has been incorporated into the final draft of the plan which is being presented for adoption by Council as recommended by this report.

BACKGROUND

All Victorian local governments are required to develop a Municipal Early Years Plan. Whilst it is not a legislated requirement, it is a condition of funding from the Department of Education and Early Childhood Development (DEECD). The Department also requires reference to the plan in any funding applications that may be submitted.

The development of the plan has been overseen by a steering committee made up of local service providers including Indigo North Health, Beechworth Health and Indigo Health Consortium, and a number of community members.

An extensive consultation process, including a number of forums and information sessions held around the Shire, resulted in a draft plan which outlined:

- A snapshot of Indigo's children and families.
- Indigo Shire's current services for children and families in the Shire.
- What Council and service providers are going to do in the next four years to support children and families.
- What partnerships will be formed to achieve better outcomes for children and families.

The draft plan was presented to Council at its June 2010 meeting and then put on public display to receive feedback from the community until 16 July 2010.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

Key comments were received around creating stronger synergies within the document, particularly around aligning the key understandings of the plan to the action plan. To this end, amendments have been made to the original key understandings of:

1. Children's development takes place in the context of their families.
2. All children and families are different.
3. Access to support is essential to ensure maximum benefits for children and families.
4. Successful planning for local communities requires a strong knowledge base around what really matters for children and families in the local area.

These four key understandings have been refined into the three broader areas of Families, Access and Planning which will now link directly into the three key sections of the Action Plan (What are we going to do).

It should also be noted that the draft plan refers to, and is informed by, the key federal and state government policy around strengthening families and communities in order to provide children with a good start in life. This is an important link for the document, as it has the appropriate synergies with state and federal policy direction.

Other minor amendments were made to the draft plan following feedback from the public display process:

- Consistent use of the terms 'kindergarten' and 'pre-school'.
- Greater emphasis on meeting the needs of children and families from minority groups eg children with a disability or from culturally and linguistically diverse backgrounds.

KEY IMPLICATIONS

The Healthy Children and Families Plan has used a collaborative approach involving key agencies and community members. The development of the strategies/actions has come directly from consultations and forums. These strategies/actions are linked to the three key understandings (Families, Access and Planning) of the document which are supported by relevant federal and state government policy.

The three key understandings are supported by a series of objectives which have their own set of strategies/actions identifying who will implement them, when and a review mechanism.

Implementation of the plan will be overseen by an implementation committee or reference group made up of agency representatives and community members. This approach will continue the approach used to date and ensures that the plan, and its implementation, continue to be accountable to the community.

A key factor of this plan is that it draws on the involvement of a broad range of stakeholders to implement the actions. It relies on a partnership approach and acknowledges that responsibility for the early years does not just sit with Council, rather it requires a community wide approach.

FINANCIAL IMPLICATIONS

Although there are no immediate financial implications other than the provision of basic support to the proposed implementation committee, each of the strategies/actions will require resources (human, financial or both) to implement. The extent of the resources required and the financial impact on Council has not been fully determined; however, as the plan is implemented, the specific actions which require budgeting support will be factored into the budget preparation process as required.

For example, the supported employment of an Early Years Officer at some later stage e.g. from 2011/2012, would result in a financial cost of approximately \$50,000 to Council. Some of this cost may be offset by any available grant support.

POLICY IMPLICATIONS

The development of the Healthy Children and Families Plan is a requirement from DEECD and is a key action within the Council Plan 2009/2013 – 4.6 – Enhance the Health and Wellbeing of the Community.

CONCLUSION

The Healthy Children and Families Plan is a good example of working with the community to determine the direction of early years services within the Indigo Shire. Whilst it is a Council document, it is owned by the community and requires actions by all sectors to ensure its successful implementation. The development of a reference group, consisting of agency representatives and community members, is of critical importance to continue the success of the process to date. The work of the original steering committee, particularly the community members, has been important to the development of the draft plan, and reflects a good model of community engagement.

Following the appropriate consultation to develop the draft plan presented by this report, it is now considered appropriate for Council to adopt the plan.

Attachment:
Healthy Children and Families Plan

11.5 HEALTHY COMMUNITIES PLAN 2010 - 2014

File No.: 09/853 - David Koren - Manager Community Planning

For Decision

RECOMMENDATION

That Council adopts the Draft Healthy Communities Plan 2010 – 2014.

INTRODUCTION

Following an extensive consultation process the Draft Healthy Communities Plan 2010 – 2014 was presented to Council at its June 2010 meeting. Council endorsed the recommendation to place the plan on public display to allow final community feedback and comment.

This report presents the final draft of the plan, which is Council's Municipal Public Health Plan.

BACKGROUND

The Public Health and Wellbeing Act 2008 requires all councils to prepare a Municipal Public Health and Wellbeing Plan.

The plan must:

- Include an examination of data about health status and health determinants.
- Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.
- Provide for the involvement of people in the local community in the development, implementation and evaluation of the Public Health and Wellbeing Plan.
- Specify how the Council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the plan.
- Be connected with the Council Plan and Municipal Strategic Statement.

A draft of the plan was developed in consultation with the Indigo Health Consortium which incorporates health agencies such Indigo North Health and Beechworth Health Service. The draft was presented to Council at its June meeting and following minor changes was placed on public display for comments and feedback from the community until Friday 16July.

No comments were received.

KEY IMPLICATIONS

The Healthy Communities Plan focuses on promoting and ensuring that our communities are in good health, have access to services and facilities, access to housing etc. It does not focus on ill health or the medical model, rather it embraces the social model of health and acknowledges that maintaining healthy communities is multi faceted and involves a range of partnerships.

The plan aims to provide information about the Indigo Shire, how healthy we are, what health issues we face and how Council is going to address these issues and improve the health of Indigo communities.

To achieve this, the plan is framed by 5 key factors:

- Healthy spaces and places.
- Healthy neighbourhoods.
- Healthy lifestyles.
- Healthy services and supports.
- Healthy economies.

Each key factor has a number of priorities identified, along with the existing plan or strategy that will address that particular priority. Linked to each priority is also a set of actions to achieve the outcomes of that priority.

The actions that address each priority have been taken from and reflect the key recommendations and actions of existing plans and strategies. To this end, the plan does not specify timelines as these are contained in the source documents.

FINANCIAL IMPLICATIONS

As mentioned previously in this report, all actions referred to in the Action Plan refer to existing plans and strategies from Council and other agencies. As a result, there are no current specific financial implications associated with the Healthy Communities Plan.

However, some of the actions refer to projects/programs that, if implemented, would have financial implications for Council. These actions have not been scoped or costed in this plan but may have been in the existing strategies/plans the action refers to.

Some examples of this inferred financial implication are as follows:

- Factor 1 – Healthy Spaces and Places – Increase Transport options refers to the action to “[m]aintain and develop walking tracks, bike paths and footpaths which connect communities as well as within communities”. If this strategy was actioned, there would be a cost involved; however, the extent of the financial implication for Council has not been fully scoped.
- Factor 1 – Healthy Spaces and Places – Improve access to and use of public spaces refers to the action to “[i]mplement recommendations from the Playground Strategy”. Once again, if this action is implemented there would be financial implications for Council.

Where specific actions require budgeting support, these will be factored into the budget preparation process as required.

POLICY IMPLICATIONS

The development of the Healthy Communities Plan is a specific action in the Council Plan under the Objective 4.6 - Enhance the Health and Wellbeing of the Community.

CONCLUSION

The development of the plan is a legislative requirement; however, it is also a critical strategic document for Council in continuing to support and build a resilient community.

11.6 REGIONAL PLANNING: HUME STRATEGY FOR SUSTAINABLE COMMUNITIES

File No.: Mark Florence- General Manager Sustainable Communities

For Decision

RECOMMENDATION

That the Hume Strategy for Sustainable Communities as presented including the Executive Summary, Regional Plan and four Subregional Plans be endorsed and the Minister for Rural and Regional Development be advised accordingly.

INTRODUCTION

The regional planning initiative known as the Hume Strategy for Sustainable Communities has now been finalised and can be considered by Council for endorsement.

BACKGROUND

The Hume Strategy for Sustainable Communities project is a major planning initiative of the Hume Regional Management Forum. It involves determining how catchments (or sub regions) can strategically plan and co-operate over such matters as land use planning, delivery of services, development of infrastructure and protection of the environment while addressing skills, lifestyle and climate change influences.

For the purposes of undertaking this project, the Hume Region was broken into four sub regions, or natural catchments, as follows:

- Lower Hume: Mitchell, Murrindindi
- Goulburn Valley: Greater Shepparton, Moira, Strathbogie
- Upper Hume: Wodonga, Indigo, Towong
- Central Hume: Wangaratta, Alpine, Benalla, Mansfield

Since being adopted as a project by the Hume Regional Management Forum with state government funding support, the Hume Strategy has been incorporated into the wider planning initiative being undertaken across Victoria by the state government through Regional Development Victoria.

It is anticipated that regional plans emanating from this process will form the basis for investment and interaction by state and federal governments under the new Regional Development Australia/Regional Development Victoria structure. The recently released state government blueprint for rural and regional Victoria entitled *Ready for Tomorrow* has a direct link to the regional plans and is the first tangible manifestation of their importance in future government investment decisions

PROCESS AND STATUS

After two and a half years of development, input and revision through a number of drafts the Hume Strategy is finally available for endorsement. Its content has largely been drawn from existing strategies, plans and vision documents of local councils, state departments and agencies of the Hume Region. Then, it has been sifted through a community perspective and peer review process having regard to the competitive advantages of the Hume Region and the challenges facing it.

Key directions were identified upon which were developed a series of priority strategies supporting each of them. A list of actions were then determined as a means of achieving the strategies.

STRUCTURE AND CONTENT

The Hume Strategy is presented in six parts:

- Executive Summary.
- Regional Plan.
- Four Subregional Plans.

Common to the regional and subregional plans are the following key themes and directions:

1. Environment Theme: Natural Resources protected and enhanced for future generations.
2. Community Theme: Healthy, vibrant and resilient communities.
3. Economic Theme: A thriving and dynamic economy.
4. Transport Theme: An integrated network of efficient and high functioning transportation systems.
5. Land Use Theme: An efficient and sustainable pattern in rural and urban land use and development.

From these themes and directions a number of outcomes emerge including:

- Maximising the benefits of the Hume Corridor.
- Utilising water closest to its source.
- Protecting the Northern Rivers systems.
- Establishing centres of excellence.
- Capitalising on the regions tourism advantages.
- Enhancing lifestyle opportunities.
- Supporting renewable energy opportunities.
- Protecting the regions natural assets and biodiversity.
- Supporting urban renewal programs.

These sit comfortably with the Indigo Shire's Council Plan.

INDIGO SHIRE PERSPECTIVE

At an Upper Hume subregional level, opportunities specifically supported by the Hume Strategy include:

- Developing innovative solutions to improve water supply, sewerage and wastewater management in settlements.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

- Partnering with North East Greenhouse Alliance to reduce emissions from street lighting.
- Expanding existing sustainable energy projects eg Pure Towong Energy.
- Creating renewable energy hubs to co-locate industries.
- Further developing existing centres for higher education and research in the Upper Hume in the areas of health and community services.
- Expanding government service centres.
- Expanding access to general practitioner and dental services.
- Increasing community participation in arts and culture.
- Strengthening community leadership skills.
- Developing the “My Farm” telemetry service to support the agriculture sector.
- Developing a detailed Upper Hume sub regional strategy for off road cycling paths and trails.
- Maintaining and growing support for innovative events to provide expanded tourism opportunities.
- Increasing the rate of road improvements to facilitate higher mass transport movements across east and west transport routes for major industries.
- Increase seven day services for rail and bus services.
- Mitigating impacts of freight movements on settlements.
- Supporting and capitalising on the unique opportunity of the Wodonga rail bypass to renew the CBD in a major regional centre.
- Promoting residential development in Indigo and Towong shires.
- Managing the development and service delivery in small settlements and rural areas.

Again, these actions accord with the Indigo Shire’s Council Plan.

OPPORTUNITIES

The state government blueprint *Ready for Tomorrow* became operational on 1 July 2010. Having regard to this, the Hume Regional Management Forum considered that an opportunity could be lost if the Hume Strategy was not positioned to promote “ready to advance” projects and initiatives”.

As such, the process was applied to the many actions at regional and sub-regional level to determine those ready to advance opportunities. This involved assessing the actions against a set of criteria that looked at its significance at a regional or subregional level, whether it required further development or met the needs at this time and whether it needed appropriate funding.

As a result, the following projects were identified as “ready to advance” and have been lifted into the Executive Summary with that status:

REGIONAL

1. National Broadband Network (NBN) roll out.
2. Urban renewal projects in regional centres.
3. Fast rail alternatives along the Goulburn Valley and Hume transport corridors:
 - Sprinter service from Seymour to Shepparton.
 - Transit business centres – train carriages on Hume corridor daily service.
4. Develop and implement a workforce planning and attraction strategy.

5. Develop sub regional land use and urban planning strategies for Goulburn Valley, Upper Hume and Central Hume.

UPPER HUME

1. Redevelopment of Wodonga CBD.
2. Student accommodation at Latrobe University.
3. Rail and road-to-road terminals at Logic.

CENTRAL HUME

1. Rail Trail infrastructure for cycling and walking trail links.
2. Bright to Harrierville/ Wangaratta to Whitfield/ Winton Wetlands.
3. Interpretive Centre.
4. Lower Ovens – Warby Range National Park – Winton Wetlands – Ned Kelly.
5. Seal the Jamison to Licola Road.

GOULBURN VALLEY

1. Goulburn Valley Highway Shepparton bypass.
2. Murray River bridge at Yarrawonga.
3. Air freight centre at Mangalore Airport.

LOWER HUME

1. Ongoing commitment to bushfire recovery and rebuilding.
2. Plan for growth in Wallan and surrounds.

It is important to note that these projects are not priorities, but are assessed as in a state of readiness to pursue at state or federal government level.

ENDORSEMENT AND IMPLEMENTATION

The state government’s blueprint establishes a three point process for endorsement of regional plans. These are:

- Endorsement by Regional Management Forum.
- Endorsement by local councils.
- Endorsement by state government.

It is expected that Regional Development Australia regional committees will also endorse the plans.

At this time, the Hume Regional Management Forum has endorsed the Hume Strategy for submission to the state government and local councils for similar action. It now remains for the Indigo Shire to consider doing so.

KEY IMPLICATIONS

The Hume Strategy provides advice and recommendations that:

- Are framed from a regional and sub-regional perspective.
- Are consistent with existing policy, processes and plans.
- Allow the region and sub regions to build on existing strengths.
- Embrace a multi-line approach to the growth of settlements across the region.
- Will continue to evolve as new opportunities arise.

The Hume Strategy also:

- Defines the competitive advantages, challenges and opportunities.
- Identifies a vision, goals, key directions and priority strategies under a themed approach.
- Establishes a strategic framework for managing regional growth and change.
- Identifies actions of regional and sub-regional significance.

The Hume Strategy does not include actions that are unlikely to have an impact beyond a local municipal boundary. It does not seek to duplicate or reiterate existing policies, plans or strategies that adequately address matters of significance to the region.

FINANCIAL IMPLICATIONS

The financial implications for any Council, including Indigo Shire, will be heavily dependent on the project or strategy identified for action, what the level of partnership might be with other sub-regional or regional councils and agencies, the opportunity provided and benefits to be achieved, and also the level of funding available and likely to be received from state and federal sources.

POLICY IMPLICATIONS

Indigo Shire Council's participation in the development of the Hume Strategy for Sustainable Communities project and subsequent Regional and Sub-Regional plans concludes a key Council Plan action for 2009/10. It provides an opportunity to focus on Objective 4.4 of the revised Council Plan which is to Promote and Manage Sustainable Development and its key action – *Understand the implications of the Hume Sustainable Communities Strategy on the development opportunities for Indigo Shire and the region.*

CONCLUSION

The Hume Strategy for Sustainable Communities is the first integrated strategic plan for the Hume Region. Set under five themes of environment, community, economy, transportation and land use, each theme comprises a comprehensive package of key directions and strategies. This package forms the basis for regional collaboration and co-operation to advance over 300 recommended actions.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

12.0 MAJOR PROJECTS & PROGRAMS

12.1 ROAD NAMING

File No.: 09/1390 - Mark Greene - Civil Works Officer

For Decision

RECOMMENDATION

That Council notes that no submissions were received following the public consultation process and adopt this report as recommended and complete the formal road naming process.

QUERY NO.	UN NAMED ROAD LOCATION	LOCALITY	PROPOSED NAME	COMMENTS
1	South of Fanning Lane	Wooragee	Birtles Road	No objections received to Birtles Road. Recommend Birtles Road be adopted.

INTRODUCTION

From time to time, un-named roads are identified throughout the municipality that are required to be named. It is Council's responsibility to name these roads in accordance with our Local Law No. 1 Council's Naming of Local Roads Policy and the Guidelines for Geographic Names Victoria.

BACKGROUND

Council, at its meeting of 25 May 2010, considered a report relating to the naming of an un-named road in the Wooragee locality. The name chosen by Council has been advertised for public comment with no submissions being received.

KEY IMPLICATIONS

Naming of these roads will allow for better identification of properties and locating by emergency services.

On completion of the naming process, the adopted name will be forwarded to the Registrar of Geographic Names for inclusion on its data base.

FINANCIAL IMPLICATIONS

Some costs will be incurred in placing a new sign and also in the consultative advertising process. This will be covered by the existing budget.

POLICY IMPLICATIONS

This road naming process is undertaken in accordance with Council's Naming of Local Roads Policy.



ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

CONCLUSION

To facilitate the naming process, Council is requested to adopt the preferred name shown in the table above.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

12.2 DEEDS OF DELEGATION FROM COUNCIL TO STAFF

File No.: 09/286: - Andre Kompler - General Manager Major Projects & Programs

For Decision

RECOMMENDATION

That Council delegates authority to staff in relation to sections 13(1), 17(3) and 17(4) of the Road Management Act 2004 to the extent of application highlighted below in Key Implications.

INTRODUCTION & BACKGROUND

At the 13 July Council meeting, all Deeds of Delegation from Council to staff were approved except for those pertaining to sections 11.8, 12.2, 13.1, 17.3, 17.4 within the Road Management Act 2004. The opportunity remained for the provision of further information via a report back to Council if staff felt the deleted delegations remained worth pursuing. For the delegations requiring Council reconsideration, this report provides an overview of where the delegation might be used.

KEY IMPLICATIONS

Section	Power affected	Delegate	Implication of delegation and limits of delegation sought
s.11(8)	Power to name a road or change the name of a road by publishing notice in <i>Government Gazette</i>	General Manager Major Projects & Programs	Leave current practice as is. Power to remain with Council- no affect on operations
s.12(2)	Power to discontinue road or part of a road	General Manager Major Projects & Programs	Leave current practice as is. Power to remain with Council- no affect on operations
s.13(1)	Power to fix a boundary road by publishing notice in <i>Government Gazette</i>	General Manager Major Projects & Programs Manager Planning & Sustainable Development	Power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate s.13(1) is a procedural process which can relate to; subdivisions, a change to a council road or a change to a crown road reserve. To-date, such changes are put to Council. An officer would only use this power to fix a boundary

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

			and publish after the change has been brought before Council in the first instance. Thus this power should be delegated in the interests of more timely dealing with issues.
s.17(3)	Power to decide that a road is reasonably required for general public use	General Manager Major Projects & Programs Manager Civil Operations	<p>This section could apply to existing roads or the creating of road reserves or corridors for future local roads. Such may be called upon when land exchanges are involved. These sorts of outcomes have been put to Council for decision in the past.</p> <p>Power to remain with Council for existing trafficked roads.</p> <p>However delegation should be extended in relation to unused Government roads and or road reserves on crown land so as to be more time efficient in dealings with other land authorities like DSE, Parks Vic etc, and to facilitate timely resolution of boundary issues in general where no money changes hands such as in the case of land exchanges.</p>
s.17(3)	Duty to register a road reasonably required for general public use in public roads register	General Manager Major Projects & Programs Manager Civil Operations Manager Assets	This is a procedural issue to be done by operations after Council has determined whether a road is reasonably required. Accordingly such should be a delegated authority in the interests of timely outcomes.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

s.17(4)	Power to decide that a road is no longer reasonably required for general public use	<p>General Manager Major Projects & Programs</p> <p>Manager Civil Operations</p> <p>Manager Assets</p>	<p>This section could apply to existing roads or the nullification of road reserves or corridors for future local roads. Such may be called upon when land exchanges are involved. These sorts of outcomes have been put to Council for decision in the past.</p> <p>Power to remain with Council for existing trafficked roads.</p> <p>However delegation should be extended in relation to unused Government roads and or road reserves on crown land so as to be more time efficient in dealings with other land authorities like DSE, Parks Vic etc, and to facilitate timely resolution of boundary issues in general where no money changes hands such as in the case of land exchanges.</p>
s.17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	<p>General Manager Major Projects & Programs</p> <p>Manager Civil Operations</p> <p>Manager Assets</p>	<p>This is a procedural issue to be done by operations after Council has determined whether a road is reasonably required. Accordingly such should be a delegated authority in the interests of timely outcomes.</p>

FINANCIAL IMPLICATIONS

To continue with the previous 13 July Council resolution as is, simply imposes unnecessary delays to outcomes and more officer reporting than otherwise needed.

POLICY IMPLICATIONS

These delegation amendments seek to facilitate more efficient operational process without impacting Council's say on the current level of road service provided.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010CONCLUSION

The above revised amended delegations will help Council to continue focussing on the strategic level and still allow councillors to have a say on opening and closure of existing used roads. Such will also allow staff and or their delegates to deliver operational issues in the most efficient manner possible consistent with accountability.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

12.3 PROPOSED ROAD DEVIATION AND LAND EXCHANGE PROPERTY NO 8695, CM CHAMBEYRON AND MJ WILKINSON - MALONEY LANE, STANLEY

File No: S250/020, Mark Entwistle, Development Engineer

For Decision

RECOMMENDATION

That Council:

1. Agrees to the road deviation and land exchange of the unnamed government road intersecting Maloney Lane and contained within the boundaries of Property No 8695 in accordance with the road deviation diagram contained within this report.
2. Seeks consent of the Minister administering the Land Act 1958 so that Council can exercise its powers under the Local Government Act 1989 Schedule 10 clause 2 *Power to deviate roads*.
3. Agrees that, subject to Section 223 of the Local Government Act 1988, public notice of the proposed road deviation and land exchange is given in the local papers.
4. Agrees that a date be set not less than 28 days after the publication of the notice of the road deviation for Council, or should Council so determine a committee of Council, to consider any written submission.
5. Agrees that in the event that no written submissions are received Council authorises officers to proceed with the gazettal and land exchange.

INTRODUCTION

Council has been approached by CM Chambeyron and MJ Wilkinson, the owners of property No. 8695 seeking consent for a road closure of an unused government road within their property. The origin of this application is the owners' intent to construct a dwelling on their property, and subsequent discovery that the proposed location impinged on the unused road reserve. While a road closure was not supported by Council, the alternative of a road deviation was presented to the property owners who have agreed to this course of action.

BACKGROUND

This report relates to Planning Permit No PP05-265, an application for a dwelling on Property No 8695. The applicants nominated a building envelope for their proposed dwelling after considering available open areas within their chestnut orchard. At the time of the application, the applicants were not aware of the precise location of the unused government road reserve which bisects their property.

After the issuing of the permit, the applicants became aware that the unused road reserve was closer to the site of their proposed dwelling than they had previously realised. As a result, they applied for an amendment to the permit to reduce the offset from the building envelope to the road reserve to 3m. This amendment was approved with the condition that the applicants have the location of the road reserve properly surveyed.

As a result of the survey, it was apparent that their proposed location of the dwelling encroached on the road reserve. By this stage, the applicants had already installed power to the site at significant expense.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

Subsequently, the applicants contacted the Department of Sustainability and Environment, and then Council with the proposal to have the road reserve closed. This was not seen to be a desirable outcome for Council; however, the option of a road deviation was supported.

The road deviation was not supported by DSE initially, though through clarification provided by the Titles Office at Council's request, this proposal now has the acceptance of DSE. A formal application to DSE for consent to the road deviation will be made once the recommendations of the report are adopted.

KEY IMPLICATIONS

The road deviation and land exchange procedure are statutory processes and are subject to the following sections and schedules of the Local Government Act 1988:

- Section 207B(2a), Certain Land Used, Or To Be Used, For Roads To Vest In Council.
- Schedule 10 Clause 2, Power to Deviate Roads.
- Section 223, Right to Make Submission.

FINANCIAL IMPLICATIONS

Nil. The proposal is for an exchange. There are no contributions from Council required and any associated costs are to be borne by the property owner.

POLICY IMPLICATIONS

The proposal is consistent with Council practices to realign road reserves where roads have developed historically outside the road reserve, or where development has intruded on the road reserve. The proposed deviation is bound wholly by land owned by the applicant and there are no effects on future access requirements of neighbouring properties.

CONCLUSION

This report is presented to Council so that it may consider the road deviation and land exchange of part of the unused road reserve and part PC363433, Maloney Lane, Stanley as shown on the plan Attachment 1 contained within this report.

Attachments:

- A: Survey plan of road deviation and road exchange
- B: Aerial photo highlighting existing and proposed alignment

13.0 GOVERNANCE

13.1 MURRAY DARLING ASSOCIATION INC. - NOMINATIONS

File No: Brendan McGrath - Chief Executive Officer

For Decision

RECOMMENDATION

That Council nominate a Councillor and the General Manager Sustainable Communities, as the Murray Darling Association contacts and committee members.

INTRODUCTION

The Murray Darling Association was formed in 1944 as the Murray Valley Development League. It is an association of over 90 local government municipalities, along with community groups, businesses and individuals with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all.

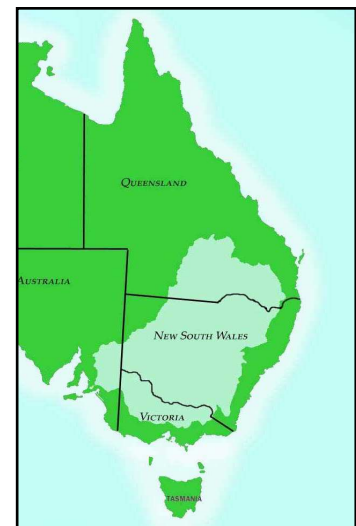
The association is a non-government organisation that transcends state boundaries and represents the views, aspiration and concerns of a large number of people living in the Murray-Darling Basin.

The association:

- Seeks to ensure that the environmental integrity of the Murray-Darling Basin is conserved and protected.
- Believes that local government is central to the orderly management of the basin.
- Encourages responsible development while ensuring that the environment is protected.
- Fosters the involvement of local government in natural resource management and decision making processes within the basin.
- Supports integrated catchment management.
- Provides leadership and helps to resolve conflict.
- Is committed to best practice in management, community involvement and participation, service delivery and accountability.

The association represents local government along the Murray, Darling and other rivers in New South Wales, Victoria, Queensland and South Australia as well as communities that rely on water from the basin.

The map to the right highlights the Murray Darling Basin (light coloured mass).



BACKGROUND

The Murray Darling Association has requested two Indigo Shire Council delegates be nominated as contacts.

Indigo Shire Council has been associated with the association during the periods 1996–1999 and 2006–2010, working in alliance to highlight a variety of their issues to the government arena. This information is gathered from within the basin communities.

The goal of the association is to "reach a solution for a balanced and new national approach to water management and water sharing plans that all constituents can work within".

Listed below are a number of other achievements/activities:

- Launch of the "Discovering the Darling" website (www.discoveringthedarling.org.au).
- Release of MDA 2009/2010 Annual Report.
- Awarded the NSW Landcare Award for local government activities.
- Finalist at the National Landcare Awards.

KEY IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Endorsement of the above recommendation would support Item 4.3 "Protect and enhance the Shire's natural environment" with the 2010-2013 Council Plan.

CONCLUSION

The issue of water and the environment is an ongoing body of work for everyone. It is one which Indigo Shire Council is keen to work with the Murray Darling Association to progress a better approach and plan towards its management.

The alliance already formed between Indigo Shire Council and the Murray Darling Association would be further strengthened by nominating two Indigo Shire Council contacts.

Attachment:
Letter _ Murray Darling Association Inc.

13.2 SOUTHERN SPORTS ACADEMY SPONSORSHIP REQUEST

File No: Brendan McGrath - Chief Executive Officer

For Decision

RECOMMENDATION

That Council supports the Southern Sports Academy sponsorship request by donating a total of \$450 for the three Indigo Shire athletes from the Mayor and Councillors' discretionary fund.

INTRODUCTION

The Southern Sports Academy was established in 1992 and is an incorporated, autonomous community based organisation. It identifies and prepares talented sports people in the Southern NSW region to reach their maximum potential, on and off the field. It ensures athletes graduate from the academy, but also as well rounded individuals with skills to excel in the next stage of their personal and sporting endeavours.

Current programs include basketball, cycling, golf, hockey, lawn bowls and netball.

Students meet monthly to learn about nutrition and hydration, recovery strategies, yoga and meditation, as well as sports psychology and exercise physiology principles. They also learn about leadership skills, setting goals, career education, expectations and obligations of the professional athlete, media skills, attracting and keeping sponsors, time management and effective study skills.

BACKGROUND

Southern Sports Academy has requested financial support for three athletes who reside within Indigo Shire and are currently attending the academy under the hockey program.

Indigo Shire Council has provided funding support for Indigo Shire athletes in 2006, 2007 and 2009 at \$150 per year (one student residing within Indigo Shire for each of these years).

KEY IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Approving this request would support Item 4.6 "Enhance the health and wellbeing of the community" within the Council Plan 2010-2013.

FINANCIAL IMPLICATIONS

If Council approves the funding request, \$450.00 would be sourced from the Mayor and Councillors' Discretionary Fund.



CONCLUSION

Encouraging and promoting youth within Indigo Shire to be active, striving to achieve their goals, both professionally and personally, and providing an opportunity for them to succeed and to be the best they can be should strongly supported by Council.

Attachment:
Letter _ Southern Sports Academy

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

13.3 COUNCIL ADVISORY COMMITTEES REPORT

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

For Decision

RECOMMENDATION

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

COMMITTEE	DATE OF MEETING
Indigo Tourism Advisory Committee	Nil
Indigo Environmental Advisory Committee	Nil
Heritage Advisory Committee	15 July 2010
Arts and Cultural Advisory Committee	20 July 2010
Disability Advisory Committee	19 July 2010
Finance Committee	16 June 2010 (confirmed) 7 July 2010
Audit Committee	Nil
Burke Museum and Historic Precinct Advisory Committee	Nil

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

COMMITTEE	RESOLUTION	MOVED	SECONDED	OFFICERS COMMENTS
Indigo Heritage Advisory Committee	Deb Kemp to produce a new Heritage Loan brochure with details as discussed.	Paul Bowman	Carole O	
	Katie Rizzuto and Deb Kemp to rewrite the Instrument of Delegation as discussed and to circulate to IHAC members for comment.	Susan Reynolds	Paul Bowman	
Indigo Arts and Cultural Advisory Committee	A recommendation was made that a total of \$7,500 within the Community Grants be put aside for Arts and Culture, that the Arts and Culture Committee make a recommendation on all Arts and Cultural applications for grant funding purposes, and that if that amount is not	Louise Hazelton	Stephen Routledge	

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

	expended in total, that it be used in the allocation of general Community Grants. See item 2.4 of the S86 Instrument of Delegation.			
--	---	--	--	--

INTRODUCTION

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

BACKGROUND

Please refer to the appended minutes.

IMPLICATIONS

There are no key, financial or policy implications.

CONCLUSION

Not applicable.

Attachment:
 Indigo Heritage Advisory Committee Minutes – 15 July 2010
 Arts & Cultural Advisory Committee Minutes – 20 July 2010
 Indigo Disability Advisory Committee Minutes – 19 July 2010
 Finance Committee Minutes – 16 June 2010 & 7 July 2010



14.0 NOTICES OF MOTION

Nil.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

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

15.1 CR GAFFNEY - MAYOR

DATE	TIME	FUNCTION/EVENT
1	12.30pm	Rostrum, Albury
2	6.30pm	Beechworth Rotary Changeover Dinner, Beechworth
5	10am	Meeting with CEO, Beechworth
6	9am	Rutherglen Wine Board Meeting, Rutherglen
	4pm	Council Briefing Meeting, Bruarong
7	1pm	Meeting with Department of Corrections, Wangaratta
	4pm	Finance Committee Meeting, Beechworth
12	10am	Meeting with CEO, Beechworth
	11am	Planning Meeting with CEO & Katie Rizzuto, Beechworth
13	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
16	9am	On Site Planning Meeting, Wooragee
19	8.45am	Meeting with CEO, Beechworth
	10am	Rutherglen Wine Board Meeting, Rutherglen
	6.30pm	Indigo North Health Community Forum, Chiltern
26	9am	Indigo Tourism Advisory Committee Meeting, Rutherglen
	10am	Meeting with CEO, Beechworth
	5pm	Familiarisation Meeting for Rutherglen Volunteers, Rutherglen
27	4pm	Council Briefing Meeting, Yackandandah
	6.30pm	Wahgunyah Progress Association AGM, Rutherglen
28	5.30pm	Alliance of Councils and Shires of Upper Murray, Wodonga
29	8.30am	Hume Municipality Cluster Meeting, Beechworth
30	7pm	Apex Changeover Dinner, Rutherglen

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

15.2 CR POCKLEY - DEPUTY MAYOR

DATE	TIME	FUNCTION/EVENT
1	12.30pm	Rostrum, Albury
6	4pm	Council Briefing Meeting, Bruarong Hall
7	4pm	Finance Meeting, Beechworth Office
9	1pm	Launch Aboriginal Art Exhibition, Beechworth
12	10am	Meeting with Stanley and Yackandandah Constituents, Yackandandah
	7pm	North East Multicultural Association, Myrtleford
13	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
15	9.15am	NERWA Yackandandah Advisory Group Meeting, Yackandandah
	1pm	Developing Women's Business Meeting, Beechworth
	3pm	Indigo Heritage Advisory Group, Beechworth
16	10am	Meeting with Chiltern Constituents and Planning Officer, Chiltern
17	1pm	Hazelwood Power Station Photo Shoot, Wodonga
	7pm	Beechworth Hockey Club Trivia Night, Beechworth
18	3pm	Yackandandah Museum Launch of new exhibition, Yackandandah
20	6pm	Arts and Cultural Committee Meeting, Chiltern
21	10am	Meeting with Jeanette Powell, Beechworth
24	6pm	Kerferd Oration Welcome Dinner, Beechworth
25	11am	Kerferd Oration, Beechworth
26	7pm	YCEN AGM, Yackandandah
27	4pm	Council Briefing Meeting, Yackandandah
29	All Day	Disability Convenor Meeting with Heritage Advisor

15.3 CR GRAHAM

DATE	TIME	FUNCTION/EVENT
1	1.30pm	nevRwaste Meeting, Wangaratta
2	7pm	Impressions of the Historic Track Kokoda, Rutherglen
6	4pm	Council Briefing Meeting, Bruarong
8	All Day	nevRwaste Meeting, Wangaratta
9	9.30am	Murray Darling Association Region 1 Meeting, Corowa
13	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Form, Chiltern
14	All Day	AVRWGM General Meeting, Lakes Entrance
15	All Day	AVRWGM General Meeting, Lakes Entrance
19	1.30pm	Indigo Disability Advisory Committee Meeting, Rutherglen
20	All Day	Veterans Affairs, Melbourne
21	All Day	Road Safety Seminar, Walwa
26	10am	Murray Darling Association Meeting, Albury
27	4pm	Council Briefing Meeting, Yackandandah
28	7pm	Beechworth Chamber of Commerce AGM, Beechworth

15.4 CR CROUCHER

DATE	TIME	FUNCTION/EVENT
1	12.30pm	Rostrum, Albury 12.30
13	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
15	12.30pm	Rostrum
	3pm	Indigo Health Advisory Committee Meeting, Beechworth
16	12pm	Constituent Meeting, Chiltern
19	10.30am	Meeting with Beechworth Health, Tangambalanga
20	12pm	Chiltern Bush Nursing Hospital Thank You Luncheon, Chiltern
22	10am	Meeting with Jenny Indian, Beechworth
23	All Day	Councillor Development Weekend, Creswick
24	All Day	Councillor Development Weekend, Creswick
25	All Day	Councillor Development Weekend, Creswick
26	9.30am	Indigo Tourism Advisory Committee Meeting, Rutherglen
26	5pm	Familiarisation Meeting for Rutherglen Volunteers, Rutherglen
27	10am	Upper Murray Regional Library Meeting, Wodonga
27	4pm	Council Briefing Meeting, Yackandandah
28	9.30am	Hume to Yarrawonga Meeting, Howlong
	5.30pm	Alliance of Councils and Shires of Upper Murray, Wodonga
29	10am	Junior Council Meeting, Rutherglen
30	9am	Lake Hume Land & Waterway Management Meeting, Lake Hume

LAKE HUME COMMUNITY REFERENCE GROUP - 30 July 2010 - Hume Dam Meeting Room

I attended this Meeting on behalf of Indigo Shire Council.

The following items were on the agenda and discussed:

1. The proposed Lake Hume/River Murray Interpretive and Education Centre. A letter was sent to the Chief Executive of the Murray Darling Basin Authority requesting assistance/advice/funding to build such a centre. Although the MDBA thought it would serve a useful role, it was not high on their priority at the moment. Attendees of the meeting agreed that a briefing paper/feasibility study should be drawn up in preparation. It was also agreed that it would be a wonderful opportunity for our region, especially in regard to tourism and education - it ideally needs to be a Murray Darling Project.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

2. Camping and Caravan Policy/Strategy. (Item 12 in the Plan). Consultant coming to area to review the Camping Policy around Lake Hume (18 August 2010).
3. Interactive Website (Item 14 in the Plan). The aim is to have a website that
 - a. Connects all parties linked with Lake Hume.
 - b. Becomes a community information service.
 - c. Promotes the Hume “Brand”.
 - d. Is easy to maintain and update.
4. Overview of systems and storage operations of Lake Hume. Season forecast.

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

15.5 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT
6	4pm	Council Briefing Meeting, Bruarong
7	4pm	Finance Committee Meeting, Beechworth
8	7pm	Lake Sambell Committee Meeting, Beechworth
13	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
15	3pm	Heritage Advisory Committee Meeting, Beechworth
17	7 pm	Beechworth & District Hockey Club, Fund raiser, Beechworth
22	10am	Lake Sambell Site Inspection Meeting, Beechworth
27	4pm	Council Briefing Meeting, Yackandandah
28	5.30 pm	ASCUM, Wodonga

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

15.6 CR ISSELL

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

ORDINARY COUNCIL MEETING AGENDA – 10 AUGUST 2010

15.7 CR MURDOCH

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

16.0 GENERAL BUSINESS

Nil.

17.0 CONFIDENTIAL

Nil.

Meeting Concluded:

Next Meeting: