



## **INDIGO SHIRE COUNCIL**

**NOTICE** is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 5 February 2008** in the **Senior Citizens Rooms, Conness Street, Chiltern** commencing at **7.00 pm**.

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

## **AGENDA**

- 1.0 Welcome - Mayor**
- 2.0 Opening Prayer**
- 3.0 Apologies and Leave of Absence**
- 4.0 Declaration of Pecuniary Interest and Conflict of Interest**
- 5.0 Open Forum**
- 6.0 Condolences**
- 7.0 Confirmation of Minutes**  
Council meeting 4 December 2007
- 8.0 Business Arising (previous Minutes)**

### **OUR VISION IS**

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

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**9.0 DEPUTATIONS AND PETITIONS**

**10.0 ENVIRONMENT AND DEVELOPMENT**

**10.1 INDIGO CULTURAL HERITAGE ADVISORY COMMITTEE  
(FILE NO: E511 - EDSM)**

**For Decision**

**RECOMMENDATION**

1. That the Indigo Heritage Advisory Committee be dissolved.
2. That the Indigo Cultural Heritage Advisory Committee Instrument of Delegation be adopted.
3. That in accordance with Section 86 (3) of the Local Government Act, 1989, the following representatives be appointed to the Indigo Cultural Heritage Advisory Committee:
  - a. 2 Councillors – Cr Dale, Cr Walsh, Cr Issell (sub);
  - b. 4 community town representatives  
Chiltern – Rex Fuge  
Yackandandah – Susan Reynolds  
Beechworth - Ian Jones  
Rutherglen - Karen O’Connor;
  - c. 2 general community or special interest cultural heritage representatives  
– Suzanne Grant, vacant
  - d. 1 Heritage Victoria representative – Geoff Austin;
  - e. 1 National Trust representative – Margaret Doring;
  - f. Environment and Development Services Manager or nominee – Susan Cheetham;
  - g. Tourism and Marketing Manager or nominee – Kate Biglin , Noelene Allen (sub);
  - h. Senior Town Planner – Francois Theron;
  - i. Indigo Shire tourism representative – vacant and
  - j. Indigo Shire Heritage Advisor (non voting) – Lorraine Huddle.

**SUMMARY**

It is proposed that the Indigo Heritage Advisory Committee be renamed the Indigo Cultural Heritage advisory Committee.

The Indigo Heritage Advisory Committee has been operating since formation of Indigo Shire. The Committee’s functions include administering the low interest heritage loan scheme, annual heritage awards, commenting on planning applications involving heritage matters, and commenting on other heritage matters.

The management of cultural heritage collections is an area which is not well covered within Indigo Shire and this committee has expertise in this area and is well placed to include this role.

Renaming of the Committee and a revised deed of delegation including revised membership is proposed. The proposal has been subject to consultation with the current committee and Council staff and the revised deed reflects an agreed structure based on consideration of a range of cultural heritage factors. The revised deed is attached.

## **BACKGROUND**

The cultural heritage of the Indigo Shire is one of its economic drivers. The cultural heritage tourism industry is one of the real growth areas in tourism and therefore it is a highly competitive industry. Indigo is fortunate as it is already has a well established brand and is identified as one of the most authentic historic regions.

The built fabric found throughout the shire is unparalleled and it is often convenient to focus purely on this. However, the cultural heritage values of the shire extend beyond the built fabric and include the collections, museums, archival material, cultural events, artefacts etc. The management of the built fabric would be made far more difficult if there were no archival resources or associated research materials. The interpretation and visitor experience would be diminished and the high degree of regard for the authenticity and integrity of the shire and its historical character would be reduced if the whole of the cultural heritage values are not managed in an appropriate manner.

Meetings were held in August and October 2007 with representatives from the museums within the shire to discuss issues and options to address management of the existing collections within the municipality. Needs and opportunities identified in these meetings include:

- Possibility of grants for moveable heritage from Heritage Victoria and National Library - Community Heritage Grants;
- Need for 5 – 10 year plans to manage and maintain collections (a more strategic approach);
- Need for a future support officer for Collections and Collecting Institutions (with Arts Victoria funding a position and Council providing office space and support); and
- Potential for community partnerships, community engagement, and building new partnerships.

Some form of advisory group is integral to the role.

It would seem a logical and pro-active move to rename and refocus the direction and scope of the Heritage Advisory Committee. It is anticipated that the Cultural Heritage Advisory Committee's role would be broadened to include offering direction to the preservation of the cultural heritage places and items in the Indigo Shire and new directions in the promotion and marketing of the cultural heritage of Indigo.

**CONSULTATION**

The existing Committee supports the additional area of focus and the proposed role of the new committee has been discussed between Environment and Development Services staff and Tourism and Marketing staff.

**POLICY IMPLICATIONS**

While the proposal for change to the Committee is a shift in direction from heritage to cultural heritage, this recognises the need for more focus in the area of cultural heritage management. The Committee has capacity and expertise in this area.

**FINANCIAL & RESOURCE IMPLICATIONS**

The Committee has a nominal budget only of \$2,000. This allows for a low cost awards assessment and presentation of the annual heritage awards. The budget covers very little else.

It is not proposed to change the budget at this time.

*Attachment*

**10.2 PLANNING PERMIT APPLICATION 07-4091 - APPLICANT:  
FORREST (EDSM)**

**For Decision**

**SUMMARY**

**Application No:** 07-4091

**Applicant:** R Forrest

**Subject Land:** Lot 1 on Title Plan 242353B (formerly known as part of Crown Allotment 12 Section A1 Parish of Beechworth), Flat Rock Road, Beechworth

**Proposal:** Dwelling

**Recommendation:** Refusal

**RECOMMENDATION**

**That Council refuse Planning Application PP 07-4091 to use and develop Lot 1 on Title Plan 242353B (formerly known as part of Crown Allotment 12 Section A1 Parish of Beechworth), Flat Rock Road, Beechworth for the purposes of a dwelling for the following reasons:**

- 1. The proposal is inconsistent with Clause 35.07 (Farming Zone), as the dwelling has not been shown to be reasonably required for the operation of the**

**agricultural activity conducted on the land.**

- 2. Having particular regard to the objections received and the orderly planning of the area, the proposal is inconsistent with Clause 17.05 (Agriculture) of the Indigo Planning Scheme, as it is incompatible with the existing use of the surrounding land (in particular the adjacent Unimin hard rock mining operations and Licensed area).**

**BACKGROUND**

Planning application 07-4091 was lodged on 17 September 2007. The purpose of this application is to seek approval to use and develop the subject site for the purposes of a dwelling.

The subject site is approximately 20 hectares in size and is located approximately 4km west of Beechworth with a frontage of approximately 180 metres to Flat Rock Road (refer to locality plan and copy of proposal at Attachments A and B). The property is predominantly cleared grazing land with some scattered native vegetation and no improvements. Two drainage depressions traverse the property and drain to the north west and have been assumed to be waterways for the purpose of the application. The land is slightly undulating with slopes less than 10% toward the north west.

The subject site adjoins similarly managed grazing land to the west and south, a freehold uncleared lot to the north and Unimin's hard rock mine to the east.

Despite the variation in allotment sizes in the area, the predominant land use in the locality is extensive grazing however the Unimin hard rock mine operations dominate to the east of the subject land.

It is proposed to use and develop the subject land for the purposes of a dwelling. The application includes an aerial photograph of the site annotated with the two aforementioned 'waterways' and titled a site context plan. The design response entails the same plan with an indicative building envelope toward the south east of the property.

The report and land capability assessment submitted with the application indicates that the lot is able to be developed in accordance with the local development policy content of the Indigo Planning Scheme such as the Rural Dwelling Siting and Design Guidelines and the Effluent Disposal Policy.

Council's Environmental Health Officer has reviewed the Land Capability Assessment and advises that it will be possible to treat and retain wastewater onsite provided appropriate distances for the land application area are maintained from all water sources.

It is proposed to provide a potable water supply for the dwelling from roof catchment and water tanks that will be located close to the dwelling. Electricity and telephone services would be required to be extended from the Beechworth-Wangaratta Road or from the property located to the west.

**ZONING AND PLANNING CONTROLS**

Zoning:	Farming Zone
Overlay/s:	None applicable
Permit Trigger:	A planning permit is required for the use and development for the purposes of a dwelling under Clause 35.07 (Farming Zone), as the land is less than 40 hectares.

**Planning and Environment Act 1987 - SECT 60**

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

- (a) the relevant planning scheme; and
- (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...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (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 (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; and...
- (j) any other relevant matter.

**STATE PLANNING POLICY**

**11 Introduction, Goal and Principles**

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to take into account and give effect to in planning and administering their respective areas. It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic 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.

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:

11.03-3          Management of resources

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, flora, fauna and minerals to support both environmental quality and sustainable development over the long term through judicious decisions on the location, pattern and timing of development.

**15                  Environment**  
15.01              Protection of Catchments

**17                  Economic Development**  
17.05              Agriculture

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.

- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.

17.08 Mineral resources

17.08-1 Objective

To protect identified mineral resources, to encourage mineral exploration and mining in accordance with acceptable environmental standards and to provide a consistent planning approval process.

17.08-2 General implementation

Planning schemes must not prohibit or require approval for mineral exploration. Mineral exploration is to be managed solely under the Mineral Resources (Sustainable Development) Act 1990.

Planning and responsible authorities should endeavour to maintain access to land prospective for mining where this is consistent with overall planning considerations and application of acceptable environmental practice.

17.09 Extractive industry

17.09-1 Objective

To identify and protect stone resources accessible to major markets and to provide a consistent planning approval process for extraction in accordance with acceptable environmental standards.

17.09-2 General implementation

Planning schemes must not prohibit extractive industry in non-urban zones, except if it is prohibited by an Act of Parliament.

Provision for buffer areas between new extractive industries and sensitive land uses should be determined on the following principles:

- Clearly defined buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry, are specified in an application for permit.
- Performance standards for the buffer area are set in accordance with requirements of the Extractive Industries Development Regulations 1996 or a work authority or a permit and have regard to the zoning of the land surrounding the extractive industry.
- Activities within land zoned for public use may be taken into consideration in determining the buffer areas.

Provision for buffer areas between existing extractive industries and sensitive land uses should be determined on the following principles:

- The buffer areas are determined so that appropriate limits on effects can be met at the sensitive locations using practical and readily available technology.
- The required buffers are taken into consideration if a change of land use in the vicinity of the extractive industry is proposed.
- Land within the buffer areas may be used for purposes that are not adversely affected

by the extractive industry.

**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**

- 21.02 Key Issues
- 21.03-1 Vision & Strategic Framework
- 21.04-2-1 Agriculture
- 21.04-3-1 Natural Resource Management

**Local Planning Policies**

- 22.01-2 Rural Dwelling Siting & Design Guidelines
- 22.02-2 Land use, development and subdivision in rural areas
- 22.02-1 Landcare & Catchment Management
- 22.03-2 Fire Hazard
- 22.03-4 Effluent Disposal & Water Quality
- 22.03-11 Stormwater Management Policy

**PARTICULAR PROVISIONS**

**52.09 Extractive Industry and Extractive Industry Interest Areas**

These provisions apply to:

- The use and development of land for extractive industry.
- The use and development of land within 500 metres of an extractive industry.

The purpose of these provisions is to ensure:

- that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.
- that excavated areas can be appropriately rehabilitated.
- that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

**52.09-3 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, responsible authority must consider, as appropriate:

- The ability of the extractive industry operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Extractive Industries Development Act 1995 and other relevant regulations.

- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.

**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.

**REFERRAL AUTHORITIES**

None Applicable

**INTERNAL REFERRALS**

**Assets**

No objection subject to conditions.

**Health**

Council's Environmental Health Officer has reviewed the Land Capability Assessment and advises that it will be possible to treat and retain wastewater onsite provided appropriate distances for the land application area are maintained from all water sources.

**PUBLIC NOTICE**

Following receipt of comments from Council's Assets Department and Environmental Health Officer, an inspection of the site was carried out on the 29 October 2007 wherein it was discovered that the application had been silent on the impacts that the adjacent Unimin operations may have on the proposal. Despite the proposal not being for a sensitive use listed in Clause 52.09-4, notice of the application was given to adjoining owners and occupants on the 8 November 2007.

In response two objections were received and form a separate attachment to this report. Issues raised include:

- Conflict with Unimin hard rock mining operations within the licence area including amenity impacts such as vibration, noise, dust, and visual impacts;
- Impact on stock including noise, cats, dogs, traffic, people;
- Weeds;
- Water contamination, and;
- Precedent.

A planning focus meeting was held on the 10 January 2008 attended by the applicant, objectors, E & DS officers and Councillor Peter Graham to clarify the issues raised in objection which are discussed in more detail below.

### **DISCUSSION**

The focus meeting clarified that the building envelope submitted was indicative only to illustrate that development policy setbacks could be achieved. In this regard, had the application been recommended for approval, an alternate location for the building envelope would have been recommended in a less prominent location to aid in protecting the amenity of the area which presents as an open agricultural landscape.

It is the open character of the landscape and the location of the subject site downslope from the Unimin licence area that is considered by the Operations Manager of Unimin to potentially exacerbate land use conflicts between mining operations and residential uses due to the manner in which noise and vibration are transmitted in the environment.

Mining operations and plans are long-term and there is a potential to jeopardise these if decisions on the location, pattern and timing of development are not made judiciously so as to protect resources, which may be required by the community for future use, from inappropriate development. In this regard the compatibility between the proposed or likely development and the existing uses of the surrounding land becomes paramount in decision making.

The possibility of a Section 173 Agreement being entered into acknowledging potential impacts of mining operations on the amenity of the dwelling, and excluding any residents from objecting to mining activities was raised at the focus meeting. It is contended however that the change in land use that creates this potential situation should be avoided rather than ameliorated by restricting rights to residential amenity.

It was also raised by the applicant that buffers for mining activities should be maintained on land owned or leased by the mining operation. Although this may represent an ideal situation, the fact remains that perceptions of amenity impacts such as noise and vibration can become focussed to a point where even operations within statutory limits are perceived as intolerable.

In the case *Van Der Heyden v Mansfield SC [2007] VCAT 1478 (7 August 2007)* the issue of noise was commented on by the Tribunal in relation existing quarry operations

located approximately 500m from an adjacent residence. While not directly relevant to this proposal, the following comments provided by the Tribunal help to clarify Unimin's concerns should a dwelling be approved on the subject site:

Mr van der Heyden's daughter in law, Kristeen who lives with her family in the dwelling on 'Blue Range' which is located approximately 500m from the eastern boundary of the subject land gave evidence of the impact the existing quarry operations have on her and her family's amenity.

She described the noise associated with the constant beeping of backing trucks, the movement of machinery and trucks and of rocks being loaded into the trucks, the use of rock hammers and the impact of blasting. Ms van der Heyden also indicated she could on occasions here the rock crusher operating at the corner of Quarry Lane and Monkey Gully Road some distance from the subject land.

Ms van der Heyden indicated the quarry operations had a great impact on her daily life and on her family, the family is woken at 7am when work commences, and the blasting often frightens her youngest child. She described the overall noise as 'deafening and tumultuous'. Both Ms and Mr van der Heyden referred to operations having occurred in the past on Good Friday and were concerned that the operators appeared to breach conditions on the existing permits.

The van der Heyden dwelling is located at the top of a ridgeline and has sweeping views. The dwelling is slightly exposed but between the dwelling and the boundary of the quarry site there is a considerable amount of vegetation that extends from close to the area of the dwelling down the slope towards the common boundary. The van der Heyden's dwelling is sited so that its frontage is towards the east and looks away from the quarry site. Bedrooms are located at the rear of the dwelling, that is looking towards the quarry site and to the northwest is part of the living area. Ms van der Heyden indicated several windows towards the rear of the dwelling have been double-glazed to prevent noise from the quarry. Although it was not clear, whether the double-glazing that had been installed was specifically for acoustic purposes or was for climate conditions. Ms van der Heyden indicated she was not able to open windows whilst the quarry was in operation due to the invasiveness of the noise.

Mr Goddard an acoustic engineer gave evidence in relation to the noise sources currently experienced at the quarry. The ambient or background noise level measured was 31 dB(A) L90. The Work Authority requires noise emissions at any residence in the vicinity to comply with limits set by the Environment Protection Authority (EPA). The appropriate levels are found within the EPA publication Interim Guidelines for Control of Noise from Industry in Country Victoria (N3/89). The minimum limit at the van der Heyden dwelling during the day is required to be 45 dB(A) Leq.

Mr Goddard indicated the current quarry operation consists of extraction using an excavator, which loads trucks to transport the raw material for off-site crushing. Measurements taken 20m from the operating vehicles indicated noise levels between 69 dB(A) Leq and 74 dB(A) Leq. Whereas noise measurements undertaken on the hilltop east of the quarry, at a location said to be close to and representative of the van der Heyden dwelling gave noise levels in the order of

35 dB(A) Leq with the highest sample being 37 dB(A) Leq. Whilst these noise levels were not actually taken at the Van der Heyden dwelling we accept that they provide a good indication of the level of noise at the van der Heyden dwelling.

.....We accept that the noise levels we heard at the van der Heyden dwelling at the time of our inspection were similar to the levels Mr Goddard measured on the nearby hilltop in the order of 35 to 37 dB(A) Leq and that these noise levels are below the 45 dB(A) Leq minimum required by the EPA guidelines.

.....We acknowledge that the van der Heyden's may not consider that even this noise level is acceptable but it is a well-established guideline that is considered to allow the operation of such activities within acceptable noise levels.

The EPA Publication "*Recommended Buffer Distances for Industrial Residual Air Emissions*" AQ 2/86 July 1990 comments that where sensitive land uses are not sufficiently separated from industries, amenity and quality of life in the adjacent area may be reduced, due to odour dust or noise emissions, creation of a potential hazard or aesthetically. Because it is not always possible to eliminate impacts on adjacent areas, it is unwise to permit land uses which would be sensitive to such reduced amenity to be located within the affected area.

People who use land in particular ways have expectations of amenity that relate to that use. Residents, for example, expect higher standards of amenity than people at work in an industrial area. As such the publication recommends buffer distances for industrial residual air emissions. In the case of quarrying hard rock with blasting a buffer distance of 500m is recommended. Scaling off the plans submitted with the application it appears that the entire site is within 500m from the Unimin licenced area indicating that the potential for unacceptable amenity impacts on a dwelling may be significant.

A review of VCAT decisions in relation to quarries indicates that a number of appeals are brought before the Tribunal on the grounds of amenity based objections to noise, vibration, blasting and dust emissions by residents in excess of 1km from both existing and proposed quarries. Whether or not statutory levels for emissions can be met appears to have little impact on perceptions of the amenity impacts of this form of land use. It is contended therefore that while the use of the subject site for agriculture is compatible with the adjacent Unimin operations, the use and development of the land for the purposes of a dwelling is not compatible with adjacent land uses and is not demonstrably required for the existing agricultural activity to be continued.

In addition to this, whilst the rural sector may be able to absorb a limited amount of residential/rural living development on isolated small rural allotments without affecting land prices, approval of this application would create an expectation that other lots in the locality could be used in the same manner and inevitably result in land values being inflated above agricultural levels.

As the Responsible Authority must be consistent in its administration of the Indigo Planning Scheme, approval of this application has the potential to encourage an increase of residential development in this locality, and a consequent conversion of land to residential uses that are not necessarily required for the continued use of the land for agriculture or compatible with adjacent mining operations.

As mentioned previously Clause 17.05-2 Agriculture of the SPPF states that in considering a proposal to develop agricultural land, the following factors must be taken into consideration:

- The impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production
- The compatibility between the proposed or likely development and the existing use of the surrounding land

In this instance the application has demonstrated that a dwelling may not necessarily be inconsistent with the use of the land, or adjacent land for agriculture and approval of a dwelling may allow higher inputs into the management of the property. Such a scenario may or may not exacerbate or alleviate some of the concerns raised in objection and at the focus meeting in relation to impact on stock including noise, cats, dogs, traffic, people and weed management, depending on whom occupies the dwelling and what their means, expectations and intentions are.

It has not been demonstrated however, that a dwelling is required for the continued use of the land for agriculture. It is contended therefore that whilst a dwelling on the land may be desirable from the applicant's perspective, a dwelling is not required for the agricultural activity conducted on the land and has the potential to detrimentally impact on the use of adjacent land.

### **CONCLUSIONS**

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development aspects of the proposal (such as Effluent Disposal & Water Quality, Land Care and Catchment Management, Access, Rural Dwelling Siting and Design Guidelines), the fact remains that the land is currently used for agriculture and appears to be managed in a sustainable manner. It is contended that the subject land can continue to be used for agriculture without the need for a dwelling and that the application has failed to demonstrate that a dwelling is reasonably required for the operation of the agricultural activity conducted on the land.

Having particular regard to the circumstances of the case, the orderly planning of the area, consistency in interpretation of the planning scheme and considering the effect the proposal will have on adjoining land, it is therefore recommended that the application should be refused.

*Attachment A – Locality plan  
Attachment B – Proposal*

**10.3 SECTION 173 AGREEMENTS - (07/4031, 07/4096, 07/4122)**  
**(EDSM)**

**For Decision**

**RECOMMENDATION**

**That Council as the relevant Responsible Authority, resolve to enter into the subject Section 173 Agreements with the following landowners and to sign and seal the appropriate documentation:**

- A) Evans**
- B) Smith**
- C) Rule**

**INTRODUCTION**

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

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

**COMMENT**

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

**BACKGROUND**

**A)** Planning Permit 07/4031 relates to a proposed 3 Lot subdivision of land with frontage to both Kars and Barnard Streets, Beechworth. The land is comprised of two Crown Allotments with an existing dwelling. The proposal will result in two vacant Low Density Residential allotments fronting Barnard Street. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority which:

- (i) ensures that all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
  - (a) All dwellings must incorporate a minimum 20,000L rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).

- (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales.
- (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) ensures that all buildings and works are designed and sited in accordance with the endorsed Development Plan, and;
- (iii) provides notification that the owner of the property at the time may be required to contribute to the cost of street, drainage, footpaths or other works in accordance with Indigo Shire Council Policy for contribution to Special Charge Schemes at the time of the works.
- (iv) ensures that, if not carried out as part of the subdivision, prior to the construction of a dwelling on Lots 2 or 3, the owner at the time shall construct the vehicle crossing(s), including all necessary culverts in accordance with Council standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.

**B)** Planning Permit 07/4096 relates to a proposed 7 Lot subdivision of land with frontage to High and Barber Streets, Chiltern. The proposal involves the resubdivision of 3 Residential 1 Zoned lots into 7 lots averaging 1,400m<sup>2</sup>. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority which ensures:

- (i) That all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
  - (a) All dwellings must incorporate a rainwater tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).
  - (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 75%.
  - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.

**C)** Planning Permit 07/4122 relates to a proposed 3 Lot subdivision of land with frontage to Balaclava Road, Beechworth. The land is developed with an existing dwelling and it is proposed to create two additional Residential 1 Zoned lots of 920m<sup>2</sup>

and 1732m<sup>2</sup>. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority which ensures:

- (i) That all dwellings are sited, designed and constructed using principles of Water Sensitive Urban Design and in particular that:
  - (a) All dwellings must incorporate a minimum 10,000 Litre rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).
  - (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 60%.
  - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.

*Attachments*

- Attachment A: Locality/Site Plan – PP07/4031 Barnard Street, Beechworth.*
- Attachment B: Locality/Site Plan – PP07/4096 High and Barber Streets, Chiltern.*
- Attachment C: Locality/Site Plan – PP07/4122 Balaclava Road, Beechworth.*

**10.4 PLANNING APPLICATION PP-074119 – APPLICANTS: T AND C WELSH (STP)**

**For Decision**

**SUMMARY**

<b>Application No:</b>	PP-074119
<b>Applicant:</b>	Tara and Christopher Welsh
<b>Subject Land:</b>	Lot 2 on Plan of Subdivision 124941
<b>Proposal:</b>	To use and develop the site for a dwelling and associated outbuildings for the purposes of habitation.
<b>Date application lodged:</b>	15/10/07
<b>Subject site land area:</b>	12.42 ha

**Current use of subject site:** The site is currently used as a sheep-grazing paddock.

**Recommendation:** Refusal

**RECOMMENDATION**

**That Council refuse planning permit application PP07-4119 to use and develop Lot 2 on Plan of Subdivision 124941, 369 Riley Road, Barnawartha for the purpose of a dwelling and associated outbuildings for the following reasons.**

- 1. The proposal is inconsistent with the State and Local Planning Policy Framework;**
- 2. The proposal is inconsistent with the purposes of the Rural Zone (Clause 35.01), and in particular:**
  - a) The development and use is not associated with any genuine intensive agriculture and/or rural production;**
  - b) The development of the subject land is not compatible with the purpose of the Rural Zone and will contribute to an increase in the concentration of dwellings in this locality;**
  - c) The proposal will not necessarily facilitate agricultural use of land;**
  - d) It cannot be demonstrated that the proposal is not solely for the purposes of providing for a future dwelling for rural living purposes only**
- 3. The proposal is not consistent with the intent of Clause 22.01-5 (Dwelling on existing small rural allotments);**
- 4. The proposal if approved would set an undesirable precedent in the area leading to an increase in concentration of dwellings in this locality and the fragmentation of rural land\**
- 5. The proposal is contrary to the provisions of Clause 65.01 of the Indigo Planning Scheme and in particular the orderly planning of the area.**

**BACKGROUND**

**Description of the site**

The subject site has an irregular form in that the south-eastern corner 3.088 ha has previously been excised from the original property. The site is fairly flat but slope slightly towards the north and the eastern portion of the site slopes towards stockyard creek that runs east of the subject site. An old earth dam is located approximately in the middle of the site. The site is mostly cleared from vegetation except for a few scattered trees and more significant vegetation along the boundaries of the site and in the road reserve. Riley Road bound the subject site in the south and McKeone Road abuts the western and northern boundary of the subject site.

The subject site is located approximately 2 kilometres west of Barnawartha in the

Farming Zone.

**Surrounding land use**

The subject site is surrounded by mostly agricultural properties of which the dominant uses are sheep and cattle grazing. The properties to the east, south and west of the subject site contain dwellings. The properties in the area range in size from approximately 3 ha to 30 ha. and houses are developed on some of the property in the wider area.

**PROPOSAL**

The proposal is to use and develop a dwelling and associated out buildings on the subject property. The proposed dwelling is to be located in the south-eastern section of the subject site approximately 95 meters north of Riley Road and 72 meters west of the eastern boundary and a waste water disposal envelope is located north of the proposed dwelling. The exterior of the proposed buildings will be clad in natural colour bond colours. The applicant further proposed to do some pasture improvement and revegetation of smaller areas of the site. Power is available to the site.

**ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone

Overlay/s: Environmental Significant Overlay Schedule 3

Permit Trigger: Farming Zone:

Under the provisions of the Farming Zone a dwelling is a Section one use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section two use (planning permit required). In this case the subject site is 12.42 ha, thus a planning permit is required.

Environmental Significant Overlay Schedule 3:

In terms of this Overlay a Planning Permit is required to construct a building or construct or carry out any works on the subject site. This however does not apply if a schedule to the Overlay specifically exempts the proposed development. Schedule three of the Environmental Significant Overlay (Black Dog Creek) does not specifically exempt the proposed development and therefore a Planning Permit is triggered.

**STATE PLANNING POLICY**

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

**Settlement**

- 15.01 Environment
- 15.07 Protection from wildfire
- 15.09 Conservation of native flora and fauna

15.12 Energy efficiency

17.05 Agriculture

**LOCAL PLANNING POLICY FRAMEWORK**

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

**Municipal Strategic Statement**

Relevant clauses of MSS include:

20.01 Operation of locale Planning Policies

21.01-4 Economy

21.01-5 Environment

21.03 Vision

22. Local Planning Policies

22.01. Rural dwelling siting and design guidelines.

22.01-5 Dwellings on existing small rural allotments

**REFERRAL AUTHORITIES**

None applicable.

**INTERNAL REFERRALS**

**Assets** - No objection to the issuing of a planning permit subject to inclusion of the following conditions:

Point of Access

- The point(s) of access shall be in accordance with the location nominated upon the endorsed plan, unless otherwise varied as a further condition of this permit.

Vehicle Crossings

- Prior to the commencement of any on-site works the applicant shall construct the vehicle crossing to the proposed dwelling in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.
- Prior to the commencement of any on-site works any other existing accesses not complying with current standards, including gateways and/or driveway crossings, must be removed and fenced across to prevent further vehicle access. The road

reserve and road formation must be left in a neat and tidy manner.

**Environmental Management**

- All works within the Riley Road road reserve, this section classified as a Medium Conservation zone, will be undertaken in accordance with the requirements of the Indigo Shire Roadside Management and Code of Works Practice Plans.
- Prior to the commencement of any works an assessment of the vegetation affected within the road reserve as a result of any new property access shall be made by Council in conjunction with the vehicle crossing permit inspection.
- All works shall be prepared and undertaken in accordance with EPA Publication 275 “*Construction Techniques for Sediment Pollution Control*”.

**Stormwater Drainage**

- All stormwater emanating from the developments approved by this permit shall be disposed of within the curtilage of the property.

**Road Infrastructure Contribution**

Prior to the commencement of any works on site the applicant shall contribute towards general road infrastructure improvements in accordance with Council policy at the time. The current contribution rate is \$1,500 per new development being a total of \$1,500 in this instance.

**Health:** No objection to the issuing of a planning permit subject to construction of the proposed wastewater system.

**PUBLIC NOTICE**

**Public Notice/Advertising**

Council gave notice of the application by mail to the owners and the occupiers of adjoining lots. No objections or submissions were received.

**CONSIDERATION OF THE PLANNING MERITS OF THE PROPOSAL**

The question that needs to be answered in this case is whether the proposed dwelling will be in keeping with the character of the surrounding area and whether the proposed use will be prejudice to agricultural production and/or lead to the fragmentation of agricultural land and the proliferation of dwellings in rural areas.

The character of the surrounding area can be described as open farmland use for broad acre agriculture for cattle and sheep grazing and range in lot sizes from approximately 3ha to 30ha with an average lot size of approximately 25 ha. Some of the surrounding properties are developed with dwellings. Further towards the east of the subject site closer to the township of Barnawartha the character of the area changes into a rural living character with smaller lot sizes containing more dwellings. The zoning map of the area

reflect this situation in that approximately 1 km east of the site the Rural Living Zone commence. Quite a significant area towards the west of Barnawartha is set a side for rural living purposes. A relatively narrow stretch of land is set a side for farming purposes between the Rural Living Zone and the Public Recreation and Conservation Zone located approximately 500m towards the west of the subject site. This narrow strip of land depicts a distinct rural character of broad acre grazing and is therefore appropriately zoned "Farming Zone".

Developing a dwelling on the subject site will take a relative small portion of productive agricultural land out of production, which is not detrimental to the potential of the subject site (broad acre grazing), however allowing a dwelling on the site will have a negative impact on the surrounding agriculture production capacity in that this will artificially increase the land values of the area beyond that of agriculture land, which will further put pressure on subdivision and development of existing lots smaller than 40 ha.

The Municipal Strategic Statement at Clause 21.04 (Economy) and the Locale Planning Policy at Clause 22.01-5 (Dwellings on existing small rural allotments) and the Farming Zone at Clause 35.07 reiterate the importance of agriculture in the Shire and state amongst others that the strengthening of the Shire's economy will be facilitated by a strategy of reinforcing the importance of agriculture to the region and allowing new industries and existing primary industries to diversify and expand in appropriate ways.

The Municipal Strategic Statement goes on at Clause 21.04 (Environment) and the Local Planning Policies at Clause 22.01-2 and also Clause 22.01-5 to emphasise the importance of the Shire's landscapes. The quality of the landscape setting of the Indigo Shire is also a great natural and community resource. The cultural value of the landscape within a number of areas of the Shire is high, evidenced by the classification applied to large areas of the Shire by the National Trust (Victoria) and its attractiveness as a residential and tourist environment. In particular the protection of the visual quality and significance of the prominent hills, slopes and extensive open landscapes is a key goal of the Shire.

Agriculture in the Shire thus is important from an economic perspective in that it comprise a major component of economic activity in the shire and should therefore be protected. In protecting agriculture will not only maintain and increase agricultural production, but will also facilitate protection of the Shire's rural landscapes for which Indigo Shire is renowned and contribute to the tourist potential of the Shire, another major form of income for the Shire.

The MSS recognises that regional influences on the Shire create a pressure for realising rural lifestyle opportunities as well as the importance of, and the necessity to, support agriculture. In order to achieve a balance between the two, the Rural Living Zone is strategically applied to large areas within the Shire to direct the provision of this form of land use. C22.01-5 was also adopted in recognition of the need for a balanced approach to the provision of rural lifestyle opportunities in broader acre rural areas whilst protecting the Shires agricultural base.

Due to the precedent that would be set for this locality if the application were to be approved, State policy in respect to the protection of agricultural land, including the impacts of decisions on land values, as well as the significance of the rural sector for the Shire's economy tends to outweigh the opportunities for rural living in this instance.

Decisions made with respect to dwellings on existing small rural allotments, therefore need to be managed so as not to create defacto Rural Living Zones. Where there is the potential for this to occur, decisions should err on the side of caution and should reflect the underlying purpose of the Zone which is to:

- Implement the SPPF and LPPF including the MSS and local planning policy, and;
- Provide for the sustainable use of land for Extensive animal husbandry and Crop raising,

not convert land used for this purpose to non-rural or residential uses because the land unit is unviable.

In an effort to provide protection for productive agricultural land the State Government has introduced the new format farming zones in July 2006. The State Government in collaboration with Council has thus “drawn a line” in its strategic planning of the shire. The line has the dual purpose of containing rural-residential development with little or no association with agriculture, and preventing “township sprawl”. The subject site is in the Farming Zone, not a more mainstream residential zone.

This line is not absolute but reflects the hardening of attitudes to rural dwellings in the strategic planning, in both state and Council over the last five or six years.

In 1999, in its Final Report New Format Planning Schemes, Panels Victoria said:

“The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living Zone to only provide for residential use within a rural environment. ... The Rural Zone should be used where the primary purpose is for extensive animal husbandry and crop raising (ie farming). ...”

The applicant proposed to continue to use the subject property for the purposes of sheep grazing and also to undertake a number of improvements on the property including pasture improvement, revegetation for windbreaks, shelter, erosion and salinity prevention and weed and vermin control. The applicant claim that to undertake above mentioned tasks and to effectively manage the sheep enterprise and provide supervision when lambing takes place the increase management input require to undertake these tasks will warrant the development of a dwelling on the subject site. In terms of the provisions under the farming zone the applicant must demonstrate that the proposed agricultural activity will increase the level of management input to such a degree that a dwelling on the subject site is reasonably required to effectively manage the intended activity. In this instance the applicant has not demonstrated how the existing activity (sheep grazing) or any other activity for that matter will increase the existing level of management input beyond what is currently the case. Although the proposal might have some benefits for agriculture the agricultural potential of the property this will be in essence a hobby farm, which is not compliant with the surrounding broad acre agricultural, uses. Although a hobby farm cannot be classify as a residential use perse in general most hobby farms will developed in the Rural Living Zone, which have a stronger connection with a residential use than a rural use.

Council's vision for the future of the subject area is as a productive, broad acre farming area. The attributes of this area that have lead to this vision are areas of productive agricultural land and important rural landscapes. Council wishes to see this area continued to be used for stock raising (including sheep, cattle and horses) and intensive and extensive cropping as cropping and grazing contributes to the economy and character of the Shire. Council believes this area should continue to be an area whose primary use is sustainable and productive agriculture. Uses that in any way prejudice either agricultural activity in the area or agricultural landscapes will not be supported.

It is thus clear that Council will not support any use that is contrary to its vision for this area. The proposal will not only change the character of the area by allowing a dwelling on the property, but it will also change the type of agricultural pursuit from broad acre farming to small hobby farm type of agricultural pursuits which is contrary to its vision for this area.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

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

- the appropriateness of dwellings in the context of the Rural Zone as well as State and local policies;
- the appropriateness of using the provisions of the Rural Zone to create de-facto Rural Living areas, and;
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case *Marzorini & Ors v Mitchell SC [1999] VCAT 1826 (3 November 1999)* the Tribunal concluded that:

*The Tribunal considers that the proposal would represent a significant change to the rural nature of the area. We believe that the proposal does not accord with the local and State planning policies relating to the loss of agricultural land, and need for the careful planning to avoid ad hoc rural residential subdivision and development in rural areas.*

In the case of *P. & B. Carter & Ors v Shire of Kilmore (1992/010190)*, the Tribunal stated that:

Without a planning permit for a dwelling, it is unlikely that there would be any pressure for these parcels to change hands. There would need to be a very good reason provided to permit a dwelling on any of the existing lots. ... there is no expectation that a dwelling should be permitted on every existing under-sized allotment within a rural area.

*The provisions of the Rural Zone, at Clause 35.01 combined with the objective and implementation actions of Clause 17.05 of the SPPF (relating to Agriculture), impose a requirement not just to protect the State's agricultural base from the loss of high quality productive agricultural land, but also to consider the sustainability of rural activities on all categories of productive farmland.*

In the case of ***SMA Projects v Port Phillip City Council 2 VPR, 270*** it is stated:

*In coming to this view the Tribunal observed that while decision making under the Victoria Planning Provisions format planning schemes is to be "heavily influenced" by policy - and that the consistent application of policy over time can avoid the adverse effects of incremental change, through ad hoc decision making (a point noted at Clause 20 of the Planning Scheme) - policy must nevertheless be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land, while at the same time avoiding unfortunate outcomes in individual cases.*

In the case of ***Teac Australia PL v Port Phillip CC [1999] VCAT 1222*** the Tribunal commented that:

*when considering a proposal in relation the policy framework set out in the planning scheme the preferred approach is to develop an overall picture of the policy framework and it is not necessarily correct or helpful to adopt a clause by clause analysis of the policy framework. In forming this overall picture the zone purposes, and the state planning policy framework, in particular clause 17.05 Agriculture, are as relevant as the clauses most debated in this application. [(reported in Bristow v Yarra Ranges SC [2004] VCAT 1815 (14 September 2004)]*

In the case of ***Sunbury Residents Association Inc. and Ors v Hume City Council and Eddie Hirsch (1999/85151)*** the Tribunal said:

*"Although the new scheme provides the discretion of a greater range of land uses to be considered, this does not mean that all of these land uses will result in an acceptable outcome...as set out in Clause 31.01-2...(which) makes it clear that proposals must be considered against the SPPF and LPPF in determining whether or not permission is granted for a use in Section 2. It is also relevant that the decision guidelines for the zone and those set out at Clause 65 require consideration to be given to the SPPF and LPPF,.....Accordingly, whether or not a particular proposal achieves an 'outcome' which is consistent with the planning scheme policies is a major factor to be considered when exercising discretion."*

In ***Classic Home Constructions PL v Hobsons Bay CC [2004] VCAT 418 (17 March 2004)*** it is stated:

*The initial concern of the Tribunal is that the assessment and decision by Council in this matter seems to have been undertaken in isolation from important parts of the Hobsons Bay Planning Scheme. When new format planning schemes were introduced into Victoria in the late 1990s, they were intended to usher in a new era of decision making based on compliance with strategic direction rather than just statutory detail.*

*The theory was that every Council would articulate its land use ambitions within its own Municipal Strategic Statement (the MSS) and this would drive decision making. So long as a Council had its strategy right, then decision making should logically follow. The elevation of strategic planning in decision making was explicitly emphasised by the fact that every time an assessment had to be made, the first stated purpose of every zone and every overlay said exactly the same thing:*

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*The strategic direction in the scheme is therefore the starting point for assessment. ...*

*...Planning decisions often require a balance to be struck between competing strategies. In this instance, the Tribunal feels that the Council has "taken for granted" the degree of compliance with urban consolidation principles, neighbourhood character, heritage assessment, and a willingness to modify the plans and instead has focussed only on aspects of amenity to justify their refusal. That is not to say that these amenity aspects are not important. It is just that the decision is devoid of any attempt at a balancing of issues so as to produce (in the words of Clause 31.01-2 of the scheme) "... acceptable outcomes ..." in terms of the whole of the state and local planning policy framework. In simple terms, the perceived shortfalls in the Good Design Guide technique dealing with amenity have distracted Council from conducting a complete assessment of the application.*

*18 The Tribunal believes that Clause 31.01-2 provides some sort of clue as to how decision making should be structured under new format planning schemes. Clause 31.01-2 was inserted into the Victoria Planning Provisions (VPPs) after the advisory committee report into the original (1996) VPPs, and it was a direct result of the observation that under the new schemes there was a much greater array of Section 2 'discretionary' uses than there had ever been before. Clause 31.01-2 neatly links the strategic and the statutory when it says:*

*Because a use in Section 2 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 State Planning Policy Framework, the Local Planning Policy Framework, the purposes and decision guidelines of the zone and any of the decision guidelines in clause 65.*

*19 Quite apart from the need to link discretion to the strategy, the Tribunal suggest that the two important words in this Clause are 'acceptable outcomes'. In other words, the assessment and the decision should consider the totality of the scheme and determine whether or not the application would produce an 'acceptable outcome' in terms of the strategic and the statutory provisions. This helps direct the decision maker to the question of balancing all aspects of the scheme rather than selectively focusing on specific provisions one of which may be taken out of context.*

The significance of placing policy in context is further commented on in "The role of strategy in the appeal process' prepared by John Keaney presented at Planet Seminar Program: Preparing submissions to VCAT on 27 March 2001 where it is stated that:

- *The first aspect of this is the State Planning Policy Framework (SPPF). In my experience with both Council submissions and officer reports, this is one of the most overlooked parts of the new schemes. As already noted, one only has to look at the first purpose of every zone and every overlay to realise that this simply cannot be overlooked. ...While it is true that some of the SPPF is couched in general terms, it is equally true that there is very clear direction provided by some aspects of it including (for instance) fragmentation of rural land.*
- *“The MSS is the ‘bigger picture’ document telling the reader what Council is hoping to achieve over the next decade or so. Local policies on the other hand are the real decision making tools that should assist Council and the tribunal on a day to day basis. The officer report or the VCAT submission that, for instance, jumps straight to the Local Policies ignores the context within which the policy has been derived and, I suspect leaves the impression that the policy is being used to the exclusion of the rest of the scheme. I feel that the complete strategic journey needs to be explained both in a Council report and in a Tribunal Submission.*

In the case ***Widdison v Moorabool Shire Council [2002] VCAT 1535*** the tribunal stated:

*I appreciate that the lots are small and have poor soil quality. This is not a situation where the desirability of removing high quality farmland from primary production is a critical issue. I accept Mr Eskdale's advice that the current use of the land for grazing is not a sustainable rural use. It occurs "as a hobby and to cover the rates". Nevertheless, the absence of an existing sustainable rural use does not by default mean that the development of dwellings is appropriate....*

*45. I can find no strategic support in the Planning Scheme for the proposed dwelling. As highlighted by Mr Fadgyas and Mr Glossop the MSS recognises that fragmentation of rural land can occur where residential development takes place on rural areas with no link to the rural activities of the area and new residents start demanding that rural activities be modified. In particular, Clause 21.09 emphasises that rural residential development needs to occur in a planned and orderly manner. It should be located in rural living zones at the fringe of townships and controlled to avoid the conversion of quality agricultural land to non productive land uses. ...*

*60.... I consider that the proposed dwellings would have an adverse impact on the use of agricultural land in a broader sense. On that matter I accept the submissions of Mr Fadgyas and Mr Glossop that approval of these applications would create a "precedent" or at least raise expectations that other owners could also obtain permits. There are numerous small lots in the vicinity (perhaps hundreds throughout the Shire) that are undeveloped. As noted by Mr Fadgyas the creation of an expectation of development would lead to increase in property values of rural zoned land. This would make it more difficult for existing productive farms to continue in a viable form. In essence, every additional dwelling on rural land makes acquisition more difficult for genuine farmers. Incremental development on small lots would over time also lead to the*

*substantial loss of productive land.*

**CONCLUSIONS**

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development aspects of the proposal, and despite the attractiveness of subject land for residential purposes due to its locality and nature with respect to servicing and infrastructure, having regard to the provisions of the Indigo Planning Scheme and the circumstances of the case it is concluded that the application should be refused.

Notwithstanding Council's Policy for dealing with small rural allotments, it is contended that that policy does not support scenarios where decisions made with respect to dwellings on existing small rural allotments have the potential to create defacto Rural Living Zones.

Given the nature of the area it is considered that approval of the proposal would effectively lead to a de-facto rezoning of the land through increased pressure on Council to approve similar proposals for adjoining holdings based on the very reasons that the applicant has put forward as factors that limit the productivity and rural use of the subject land.

In this instance the problem exists that adjoining land can be fragmented and disposed of separately in existing allotments. If this was to occur, there would be substantial pressure for a number of dwellings under Council's Dwellings on Small Rural Allotments Policy.

As the Responsible Authority needs to be consistent in its administration of the Indigo Planning Scheme, and there are no apparent differences between the subject land and other small rural lots in the locality, the area would effectively become a Rural Living Zone. Such a scenario is not supported by local policy, the MSS, the SPPF, the Zone or the decision guidelines of Clause 65. If this had been the intent of the Indigo Planning Scheme, and despite the fact that the application can be considered, it is contended that the Rural Living Zone would have been applied to the locality rather than the Rural Zone.

This land is ideally located in close commuter distance to Barnawartha township, and land values are high. The approval of dwellings in rural areas unrelated to agriculture raises expectations that other owners could obtain permits. The creation of an expectation of development would lead to increased property values and every additional dwelling on rural land makes acquisition of land more difficult for genuine farmers.

Having particular regard to the orderly planning of the area, consistency in interpretation of the planning scheme and considering the effect the proposal will have on adjoining land, it is therefore considered that the proposal should be refused.

*Attachment A – Locality plan*

**10.5 PLANNING APPLICATION PP07-4028 – APPLICANT:  
HARGRAVES AMBROSE (EDSM)**

**For Decision**

**SUMMARY**

<b>Application No.:</b>	PP07-4028
<b>Applicant:</b>	Hargraves Ambrose & Co
<b>Owner:</b>	C Day
<b>Subject Land:</b>	Crown Allotment 46 Section L, Railway Access Rd, Parish and Township of Chiltern.
<b>Proposal:</b>	Dwelling House
<b>Recommendation:</b>	Refusal

**RECOMMENDATION**

**That Council refuse Planning Application PP07-4028 to use and develop Crown Allotment 46 Section L Parish of Chiltern for the purposes of a dwelling for the following reasons:**

- 1. The proposal is inconsistent with Clauses 22.01-2 (Rural dwelling siting & design guidelines) and 22.03-4 (Effluent disposal and water quality) of the Indigo Planning Scheme, as it is not possible to meet required building and effluent disposal setbacks from waterways, and it is not possible to dispose of effluent in accordance with the Code of Practice – Septic Tanks (EPA, 2003);**
- 2. The proposal is inconsistent with Clause 44.04 of the Indigo Planning Scheme, as the land is subject to inundation which has the potential to impact adversely on the health and safety of occupants of the land.**

**BACKGROUND**

Council received planning application PP07-4028 on the 19<sup>th</sup> July 2007 for a dwelling house on the subject land. The subject land is zoned Farming under the Indigo Planning Scheme, is located adjacent to the Black Dog Creek and is entirely within the Land Subject to Inundation Overlay (LSIO) and Environmental Significance Overlay Schedule 3 (ESO3).

The subject land is located approximately 2 kilometres from Chiltern, is 1.23ha in area and is located south of the railway line and east of the Black Dog Creek (see Attachment A – location map). In addition, an unnamed waterway exists on adjacent land to the east of the subject land.

The land is generally flat and cleared of native vegetation. The land is currently used for storage and grazing, and improvements include assorted shedding and fencing.

In support of the application the applicant's submission argues that the proposal deserves Council support for a number of reasons including:

- The proposed development will not remove any useable agricultural land. It just reinforces the pre-existing uses of the land;
- It will not have any detrimental environmental impacts;
- It is consistent with the land use characteristics of the area;
- The land has good vehicle access, telecommunication and power available to it;
- Bore water and dams and catchments from shedding are available;
- The land is suitable for on-site effluent disposal;
- The proposal supports and enhances economic and population growth within the aspects of the Shire;
- The proposal will have no impact on adjoining land owners;
- The proposal complies with the requirements of the Indigo Planning Scheme.

**ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone

Overlay/s: LSIO, ESO3

Permit Trigger: A planning permit is required for use and development for the purposes of a dwelling under Clause 35.07 (Farming Zone), as the land is less than 40 hectares in area.

**STATE PLANNING POLICY FRAMEWORK**

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 were deemed to be relevant to this proposal and taken into account when assessing the application.

**Clause 15.01 Protection of catchments, waterways and groundwater**

Planning and responsible authorities should ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and ground water resources.

Incompatible land use activities should be discouraged in areas subject to flooding and responsible authorities should ensure landuse and development proposals minimise nutrient contributions to waterways and water bodies.

**Clause 17.05 Agriculture**

The objective for this clause is:

To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land use to permanent changes of land use and to enable the protection of productive farmland which is of strategic significance in the local or regional context.

**LOCAL PLANNING POLICY FRAMEWORK**

The MSS identifies the following key issues that are considered relevant to the application:

- Encouragement of land uses which are environmentally and ecologically sustainable.
- Protection of natural resource base of soil, waterways and wetlands, remnant vegetation and threatened flora and fauna.
- The need to manage the natural resource base in a sustainable way to secure these environmental assets.
- This can be achieved by:
  - ◆ improvements in water quality and supply;
  - ◆ conservation and enhancement the Shire's water catchments; and
  - ◆ minimising soil erosion and vegetation loss through encouragement of Landcare principles within the planning process.

Clause 22.04-3 of the MSS states that there are significant environmental issues within Indigo, which have been identified within the North East Catchment Management Strategy. These include:

- flooding associated with the Murray, Kiewa Rivers and the Black Dog Creek.

The objectives and strategies of this Clause are to:

- To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the municipality are realised.
- To promote sustainable management of the natural resource base by:
  - ◆ managing land use and development in water catchments to ensure the quality of the Shire's rivers and watercourses.
  - ◆ minimising soil erosion and vegetation loss through encouragement of Landcare principles within the planning process.
- Strengthen existing land care and catchment management practices as the basis for the use, development and management of the natural resource base.
- Ensure that changes of use and new development do not increase runoff, soil degradation, salinity levels or effluent release to watercourses.
- Liaise closely with North East Catchment Management Authority and Goulburn-Murray Water to ensure consistency in decision making over catchment issues; in particular areas along the Murray River and the Black Dog Creek catchment.
- Assist in the implementation of the Northeast Catchment Management Authority Regional Catchment Strategy.
- Ensure that environmental constraints such as fire hazard, soil erosion, and flooding are recognised and assessed.

The following local policies implement the SPPF, objectives of the MSS and are

considered relevant to the application:

- 22.03-1 Landcare and catchment management
- 22.03-4 Effluent disposal and water quality
- 22.01-2 Rural dwelling siting and design guidelines

## **ZONE**

### **Clause 35.07 Farming Zone**

The purposes of the Farming Zone in the provisions of the Indigo Planning Scheme include:

- *To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).*
- *To encourage:*
  - *An integrated approach to land management.*
  - *Protection and creation of an effective rural infrastructure and land resource.*
  - *Improvement of existing agricultural techniques.*
  - *Protection and enhancement of the bio-diversity of the area.*
  - *Value adding to agricultural products at source.*
  - *Promotion of economic development compatible with rural activities.*
  - *Development of new sustainable rural enterprises.*

The provisions of this zone require that a number of decision guidelines be taken into account when considering applications. For example:

- the capability of the site to accommodate the proposed development;
- whether the dwelling is reasonably required for the operation of the rural activity to be conducted on the land;
- whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby farming and other land uses; and
- the farm size and the productive capacity of the site to sustain the rural enterprise and whether the use or development will have an adverse impact on surrounding land uses.

Clearly the development of a 1.23ha parcel in the rural area is generally not going to contribute the ongoing rural use of that land. Consequently such a proposal needs to be considered in a different light. This is especially relevant considering the land is not held as part of an adjacent rural property.

Relevant issues to consider include whether:

*The development of the small lot is compatible with:*

- *the environmental characteristics of the surrounding area; and*
- *any existing agricultural land uses.*
- *there is appropriate infrastructure provided or readily available to the lot.*
- *there are any likely impacts on natural systems, water quality etc in the locality.*
- *there is potential of the development restricting agricultural production on adjacent land.*
- *the development is likely to lead to a concentration of dwellings so as to change the land uses and/or character of the rural locality.*

The purpose of the zone and the relevant decision guidelines require that consideration be given to matters such as the planning scheme's State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF), the purpose of the zone and orderly planning.

### **OVERLAYS**

#### **Clause 42.01 Environmental Significance Overlay**

The purpose of the ESO is to:

- Identify areas where the development of land may be affected by environmental constraints
- Ensure that development is compatible with identified environmental values

A permit is required to construct a building or construct or carry out works.

The subject land is included in schedule 3 of this overlay – Black Dog Creek. The environmental objectives to be achieved under this schedule are as follows:

- To maintain the quality of water within the catchment;
- To prevent buildings and works from impeding the flows of water within the Black Dog Creek catchment and maintain its ability to carry natural flows including floods; and
- To provide a framework to assist in decisions regarding drainage works within the catchment.

The decision guidelines of the ESO state that the responsible authority must consider, as appropriate:

- Comments of the North East Catchment Management Authority.
- Specified flood level pursuant to the Australian Model Code for Building.
- The need to design and construct buildings in accordance with the "Permissible works and structures" section of the report "Flood plain Management in Victoria" prepared by the Australian water Resources Council.
- The existing drainage pattern of the land and its effectiveness and suitability to cope with any development.
- The need to retain natural vegetation in the vicinity of streams and watercourses.

- The need to minimise the effects of increased run-off, erosion or siltation.
- Comments from the Department of Natural Resources and Environment where any proposed development abuts Crown Land.

**Clause 44.04 Land Subject To Inundation Overlay**

The purposes of the LSIO are to:

- Identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- Ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- Protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

A permit is also required under the provisions of the LSIO to construct a building or to construct or carry out works, including roadworks and a fence other than open or post and wire fencing.

The decision guidelines of the LSIO state that the responsible authority must consider, as appropriate:

- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.

Flood risk factors to consider include:

- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on environmental values such as natural habitat, stream stability, erosion, water quality and sites of scientific significance.

**GENERAL PROVISIONS**

Clause 65.01 of the Indigo Planning Scheme states that “because a permit can be granted

does not imply that a permit should or will be granted. Council, as the authority responsible for administering the Indigo Planning Scheme must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause”, which include:

- The orderly planning of the area.
- The effect on the amenity of the area.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

**REFERRAL AUTHORITIES**

**North East Catchment Management Authority (NECMA)**

The application was referred to NECMA who did not object to the permit being granted, subject to the inclusion of the following condition:

*The finished floor level of the dwelling should be a minimum of 500mm above the general surrounding natural surface level.*

The Authority does not have any official record of flooding, however anecdotal evidence indicates that the site is liable to shallow flooding from the Black Dog Creek.

**Department of Sustainability & Environment (DSE)**

As the property abuts Crown Land, being the Black Dog Creek, the application was referred to DSE, who raised no objection to the issuing of a planning permit in accordance with the plans as referred.

**INTERNAL REFERRALS**

**Assets**

No objection subject to conditions

**Health**

Council’s Environmental Health Officer considered that the application should be refused based on the following:

*While percolation tests may suggest reasonable absorption capacity of the soil on this land, knowledge of the area suggests inundation of waters during wet periods. The proximity of water courses also raises concerns when considering runoff from the property, and the area of land available is considered less than adequate for a potential dwelling, outbuildings and associated recreation facilities.*

**DISCUSSION**

In this instance, while the soil may be capable of accepting and treating on-site effluent

disposal, for this to occur, there are other risk minimisation measures that are required to be observed by the Septic Tank Code of Practice when approving the treatment and disposal of waste on site. The EHO's comments cited above are qualified by referring to the need to observe these minimum setback distances for on-site waste disposal. If these cannot be achieved, then it is not possible to issue a permit for on-site waste disposal.

The Septic Tanks Code of Practice states that:

“The council must refuse to issue a permit if the proposed septic tank system is contrary to any State environment protection policy.

Although EPA may have approved a type of wastewater treatment system for use in Victoria, this does not mean it will always achieve the necessary outcomes at a specific site.... The code cannot anticipate every potential environmental impact that may be associated with a development using onsite wastewater treatment systems. Councils therefore need to have a high degree of confidence and certainty with the outcomes and conclusions made by [land capability] assessors....

On-site treatment should only proceed if council is satisfied that the proposal:

- Is consistent with the *State environment protection policy (Waters of Victoria)*;
- Will use EPA approved wastewater systems;
- The systems can be managed and maintained in accordance with this code; and
- Incorporates procedures to deal with the possibility of treatment plants failing.”

Given the recommendations of the Environmental Health Officer and Council's policies regarding building and effluent disposal setbacks from waterways, it is not considered possible to ensure that all wastewater is treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The provisions of the Zone, SPPF and LPPF require development that is not serviced by a reticulated sewerage system to ensure that all wastewater is treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The value placed on water quality is reflected in Council's local policies which generally require greater setbacks from waterways than is required by State policy. Clause 22.01-2 Rural dwelling siting and design guidelines requires that Policy 22.03-4 Effluent Disposal & Water Quality is complied with and that the dwelling should not be located closer than 100m to any waterway as determined by Goulburn-Murray Water.

Clause 22.03-4 Effluent disposal and water quality implements the water supply, sewerage and drainage objective in Clause 18.09 of the SPPF; and builds on the MSS objectives and strategies in Clause 21.04-3-1 relating to the sustainable management of the Shire's natural resource base, in particular water quality.

Under this policy proposals are assessed against the following performance measures as appropriate:

- All effluent disposal systems and irrigation fields should be located at least 100 metres from any waterway including ephemeral streams and permanent water bodies (Discretion to reduce this setback is available where topographic constraints would reduce the risk of discharge of wastewater to a watercourse);
- Development proposals should clearly demonstrate that such use and development will not adversely affect the water quality in any stream or watercourse.

The *Guidelines for Environmental Management - Septic Tanks Code of Practice, Publication 891, Environment Protection Authority (March 2003)* is an Incorporated Document in the Indigo Planning Scheme and requires a minimum setback of 60m from a stream or channel (continuous or ephemeral, non-potable).

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

There are a number of cases in recent years that have some relevance to this application and that provide direction on matters such as:

- minimising the risk to life, health and safety from the effects of flooding; and
- the capacity of the land to treat and retain all sewerage and sullage within the boundaries of the lot in accordance with the Septic Tanks Code of Practice.

In the case *IG Bishop & AA Jeffreys Pty Ltd v Golden Plains SC [1999] (VCAT 687)* heard in April 1999 relating to the subdivision of land and the capacity of the land to treat and retain all sewerage and sullage, the Tribunal stated:

The proposal does represent only the addition of one small allotment in the area, but it is necessary to consider the incremental effects of decisions of this kind which could well lead to the undermining of the Council's forward planning. I think for this reason it is appropriate to refuse the application..., especially in so far as the effluent disposal and drainage issues are also of concern.

In relation to the later issues, I was not satisfied by the report by the civil engineers that the subject land would be able to contain effluent in accordance with the Code of Practice for Septic Tanks March 1996. Even if it were possible to contain the effluent, the saturated ground conditions in winter could well give rise to a localised health problem, even if only on the subject land itself.

The Tribunal also stated that:

It would not be appropriate, I believe to simply impose a condition on a permit that disposal of effluent be to the satisfaction of the Environmental Health Officer of the Council, when I have serious doubts that compliance with the condition could be achieved.

In *Ivelja Design v Greater Geelong CC [2007] VCAT 2361* relating to the construction of a dwelling on land within the LSIO, the Tribunal stated:

“Improved flood mapping by relevant authorities and consequent Scheme provisions to control development seek to ensure that what may now be regarded as questionable or inappropriate decisions relating to the location of settlements in floodplains are not repeated and that existing risks and hazards are not compounded.

I am not persuaded to the view that the proposal is acceptable because there are many existing dwellings similarly affected; it is the aim of both State and Local Planning Policy to not add to danger and risk.”

In *Martin v East Gippsland SC [2004] (VCAT 2302)* heard in 2004 relating to the construction of a dwelling, the Tribunal stated:

“I find that having regard to the decision guidelines of the LSIO that the preferred existing use and development of the land is rural land, that its development as a dwelling would be undesirable having regard to the flood hazard, that the proposed development is susceptible on flooding and flood damage, that there is a potential flood risk to life, health and safety associated with the development principally because of the frequency of flooding and the duration extent and depth of flooding of the site and accessways in a 1 to 100 year flood.”

## **CONCLUSIONS**

In this instance, the applicant has failed to demonstrate that the site is capable of treating and disposing of effluent on-site in accordance with the Septic Tanks Code of Practice and in particular, it has not been demonstrated that the proposal is consistent with the *State environment protection policy (Waters of Victoria)*.

As there is significant doubt as to the ability of the land to treat and contain effluent on-site and as Council is obliged to comply with the requirements of the *Code of Practice – Septic Tanks* (EPA, 2003) as an Incorporated Document, it is concluded that the requirements of Clause 35.01-2 in regard to this issue, have not been met.

Based on recommendations by Council’s EHO that the proposal is not able to meet the provisions of the Septic Tank Code of Practice, the decision guidelines of the FZ, LSIO and the Decision Guidelines of Clause 65 of the Indigo Planning Scheme, and having regard to the orderly planning of the area, consistency in interpretation of the Indigo Planning Scheme and considering the precedent that would be set for other nearby rural holdings if this application were approved, it is recommended that the application be refused.

*Attachments*  
*Attachment A – Locality Plan*  
*Attachment B- Proposal*

**10.6 PLANNING APPLICATION PP-074076 G F FUGE AND A KNIGHTS, CA 299Z AND CA 299K, MURRAY VALLEY HIGHWAY, RUTHERGLEN (STP)**

**For Decision**

**SUMMARY**

<b>Application No:</b>	PP-074076
<b>Applicant:</b>	G F Fuge and A Knight
<b>Subject Land:</b>	CA 299Z and CA 299K Murray Valley Highway
<b>Proposal:</b>	To use and develop a dwelling and associated outbuildings, horse stables and a training arena on the subject.
<b>Date application lodged:</b>	29/08/07
<b>Subject site land area:</b>	9.65ha

**Current use of subject site:** The site is currently used as a horse-grazing paddock.

**RECOMMENDATION**

It is recommended that planning permit application PP07-4076 to use and develop CA 299Z and CA 299K Murray Valley Highway , Rutherglen for the purpose of a dwelling and associated outbuildings horse stables and a training arena be refused for the following reasons.

- 2) **The proposal is inconsistent with the State and Local Planning Policy Framework;**
- 3) **The proposal is inconsistent with the purposes of the Rural Zone (Clause 35.01), and in particular:**
  - a) **The development and use is not associated with any genuine intensive agriculture and/or rural production;**
  - b) **The development of the subject land is not compatible with the purpose of the Rural Zone and will contribute to an increase in the concentration of dwellings in this locality;**
  - c) **The proposal will not necessarily facilitate agricultural use of land;**
  - d) **It cannot be demonstrated that the proposal is not solely for the purposes of providing for a future dwelling for rural living purposes only;**
- 4) **The proposal is not consistent with the intent of Clause 22.01-5 (Dwelling on existing small rural allotments);**

- 5) The proposal if approved would set an undesirable precedent in the area leading to an increase in concentration of dwellings in this locality and the fragmentation of rural land; and**
- 6) The proposal is contrary to the provisions of Clause 65.01 of the Indigo Planning Scheme and in particular the orderly planning of the area.**

## **BACKGROUND**

### **Description of the site**

The subject site is located approximately 3km west of the township of Rutherglen in the south-western corner of the Murray Valley Highway and Trimbels Lane intersection. The subject property is currently comprised in two titles, Crown Allotment 299K (Vol 1729 Fol 345624) and Crown Allotment 299Z (Vol 6207 Fol 1241389). It has a combined area of some 19.47 hectares (42.8 acres). The applicant has purchased both titles and is prepared to have a condition imposed requiring these titles to be consolidated into one title.

The site is flat with no apparent slope. The highest point on the site is likely to be in the middle of the site due to the way in which the paddocks were ploughed over the years. The site is mostly cleared from trees except for a few scattered trees in the north-western portion of the site around an existing dam and more substantial vegetation cover exists in the road reserves. The dominant vegetation currently on the site is introduced grass species

### **Surrounding land use**

The subject site is surrounded by mostly agricultural properties of which the dominant uses are broad acre sheep, horse and cattle grazing. Only one of the surrounding properties contains a dwelling. This property is located east of the subject site across Trimbels Lane. The properties in the area range in size from approximately 8 ha to 149 ha.

## **PROPOSAL**

The proposal is to use and developed a dwelling, horse stables and training arena on the subject property. The proposed dwelling is to be located approximately in the middle of the subject site. Horse stables and a truck shed are proposed towards the west and south of the proposed house location. The proposed training arena is located north of the proposed house. Access to the site will be gained from the existing access gate off Trimbels Lane. The proposed dwelling will be design in a colonial style. It is to be brick construction with steep pitched corrugated iron roof and wide verandas.

Sheds and stables are to be clad in colorbond colours and rainwater will be harvested from all roof areas and collected into rainwater tanks. The applicant proposes to install an onsite wastewater treatment plant to treat and contain all wastewater on site. Power is available to the site.

**ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone

Permit Trigger: Farming Zone:

Under the provisions of the Farming Zone a dwelling is a Section one use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section two use (planning permit required). In this case the subject site is 18.65 ha, thus a planning permit is required.

Overlays: Significant Landscape Overlay Schedule 3

In terms of this Overlay a Planning Permit is required to construct a building or construct or carry out any works on the subject site. This however does not apply if a schedule to the Overlay specifically exempts the proposed development. Schedule three of the Environmental Significant Overlay (Black Dog Creek) does not specifically exempt the proposed development and therefore a Planning Permit is triggered.

**STATE PLANNING POLICY FRAMEWORK**

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

**Settlement**

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

**LOCAL PLANNING POLICY FRAMEWORK**

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

**Municipal Strategic Statement**

The Municipal Strategic Statement is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving these objectives.

Relevant clauses of MSS include:

- 20.01 Operation of local Planning Policies
- 21.01-6 Economy
- 21.01-7 Environment
- 21.03 Vision

**Local Planning Policies**

- 22.02. Rural dwelling siting and design guidelines.
- 22.01-5 Dwellings on existing small rural allotments

**REFERRAL AUTHORITIES**

<b>Authority/Unit</b>	<b>Response</b>
North East Catchment Management Authority	No objections subject to conditions
Indigo Shire Assets	No objection subject to conditions

**PUBLIC NOTICE/ADVERTISING**

Section 52 of the Act specifies notice requirements for permit applications. Council gave notice of the application by mail to the owners and the occupiers of adjoining lots. One objection was received. The objection is summarised as including:

- Houses on small rural properties fetter agriculture production of surrounding farms.
- Houses on small rural properties artificially inflate the land value beyond that of agricultural land.
- Trimbels Lane is not an all weather road.
- Trimbels Lane is too narrow for two vehicles to pass.
- Parts of the subject site is subject to flooding

In preparing the consideration of the planning merits of the application regard has been given to the objections raised.

A focus meeting was not arranged as it was considered that a focus meeting would not produce any positive outcome due to the fact that the application is contrary to the strategic intent of the Indigo Planning Scheme.

**CONSIDERATION OF THE PLANNING MERITS OF THE PROPOSAL**

The question that needs to be answered in this case is whether the proposed dwelling will be in keeping with the character of the surrounding area and whether the proposed use will be prejudice to agricultural production and/or lead to the fragmentation of agricultural land and the proliferation of dwellings in rural areas.

The character of the surrounding area can be described as large open farmland use for broad acre crop production, cattle, sheep and horse grazing. The sizes of the surrounding properties various from 8 ha to 150 ha and the average lot size of surrounding properties are approximately 60 ha. Only one surrounding property to the east of the subject site contained a dwelling.

Developing a dwelling on the subject site will take a relative small portion of productive agricultural land out of production, which is not detrimental to the potential of the subject site (broad acre cropping and grazing), however allowing a dwelling on the site will have a negative impact on the surrounding agriculture production capacity in that this will artificially increase the land values of the area beyond that of agriculture land, which will further put upward pressure on subdivision and development on small rural properties.

The Municipal Strategic Statement at Clause 21.04 (Economy) and the Local Planning Policy at Clause 22.01-5 (Dwellings on existing small rural allotments) and the Farming Zone at Clause 35.07 reiterate the importance of agriculture in the Shire and state amongst others that the strengthening of the Shire's economy will be facilitated by a strategy of reinforcing the importance of agriculture to the region and allowing new industries and existing primary industries to diversify and expand in appropriate ways.

The Municipal Strategic Statement goes on at Clause 21.04 (Environment) and the Local Planning Policies at Clause 22.01-2 and also Clause 22.01-5 to emphasise the importance of the Shire's landscapes. The quality of the landscape setting of the Indigo Shire is also a great natural and community resource. The cultural value of the landscape within a number of areas of the Shire is high, evidenced by the classification applied to large areas of the Shire by the National Trust (Victoria) and its attractiveness as a residential and tourist environment. In particular the protection of the visual quality and significance of the prominent hills, slopes and extensive open landscapes is a key goal of the Shire.

Agriculture in the Shire thus is important from an economic perspective in that it comprises a major component of economic activity in the shire and should therefore be protected. Protecting agriculture will not only maintain and increase agricultural production, but will also facilitate protection of the Shire's rural landscapes for which Indigo Shire is renowned and contribute to the tourist potential of the Shire, another major form of income for the Shire.

The MSS recognises that regional influences on the Shire create a pressure for realising rural lifestyle opportunities as well as the importance of, and the necessity to, support agriculture. In order to achieve a balance between the two, the Rural Living Zone is strategically applied to large areas within the Shire to direct the provision of this form of land use. C22.01-5 was also adopted in recognition of the need for a balanced approach to the provision of rural lifestyle opportunities in broader acre rural areas whilst protecting the Shires agricultural base.

Due to the precedent that would be set for this locality if the application were to be approved, State policy in respect to the protection of agricultural land, including the impacts of decisions on land values, as well as the significance of the rural sector for the Shire's economy tends to outweigh the opportunities for rural living in this instance. Decisions made with respect to dwellings on existing small rural allotments, therefore need to be managed so as not to create defacto Rural Living Zones. Where there is the

potential for this to occur, decisions should err on the side of caution and should reflect the underlying purpose of the Zone which is to:

- Implement the SPPF and LPPF including the MSS and local planning policy, and;
  - Provide for the sustainable use of land for Extensive animal husbandry and Crop raising,
- not convert land used for this purpose to non-rural or residential uses because the land unit is unviable.

In an effort to provide protection for productive agricultural land the State Government has introduced the new format farming zones in July 2006. The State Government in collaboration with Council has thus “drawn a line” in its strategic planning of the shire. The line has the dual purpose of containing rural-residential development with little or no association with agriculture, and preventing “township sprawl”. The subject site is in the Farming Zone, not a more mainstream residential zone.

This line is not absolute but reflects the hardening of attitudes to rural dwellings in the strategic planning, in both state and Council over the last five or six years.

In 1999, in its Final Report New Format Planning Schemes, Panels Victoria said:

“The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living Zone to only provide for residential use within a rural environment. ... The Rural Zone should be used where the primary purpose is for extensive animal husbandry and crop raising (i.e farming). ...”

The applicant proposed to continue to use the subject property for the purposes of horse grazing and also to undertake a number of improvements on the property including pasture improvement, revegetation and embark on a program of weed eradication. The applicant claims that to undertake the above mentioned tasks so as to effectively manage the horse breeding enterprise will require increased management input that warrants the development of a dwelling on the subject site. In terms of the provisions under the farming zone the applicant must demonstrate that the proposed agricultural activity will increase the level of management input to such a degree that a dwelling on the subject site is reasonably required to effectively manage the intended activity. In this instance the applicant has not demonstrated how the existing activity (horse breeding) or any other activity for that matter will increase the existing level of management input beyond what is currently the case. Although the proposal might have some benefits for agriculture the agricultural potential of the property which is in essence a hobby farm is not compliant with the surrounding broad acre agricultural uses. Although a hobby farm cannot be classified as a residential use per se in general most hobby farms will develop in the Rural Living Zone, which has a stronger connection with a residential uses than rural uses.

Council’s vision for the future of the subject area is as a productive, broad acre farming

area. The attributes of this area that have lead to this vision are areas of productive agricultural land and important rural landscapes. Council wishes to see this area to be continued to be used for stock raising (including sheep, cattle and horses) and intensive and extensive cropping as cropping and grazing contributes to the economy and character of the Shire. Council believes this area should continue to be an area whose primary use is sustainable and productive agriculture. Uses that in any way prejudice either agricultural activity in the area or agricultural landscapes will not be supported.

It is thus clear that Council will not support any use that is contrary to its vision for this area. The proposal will not only change the character of the area by allowing a dwelling on the property, but it will also change the type of agricultural pursuit from broad acre farming to small hobby farm type of agricultural pursuits which is contrary to its vision for this area.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

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

- the appropriateness of dwellings in the context of the Rural Zone as well as State and local policies;
- the appropriateness of using the provisions of the Rural Zone to create de-facto Rural Living areas, and;
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case *Marzorini & Ors v Mitchell SC [1999] VCAT 1826 (3 November 1999)* the Tribunal concluded that:

The Tribunal considers that the proposal would represent a significant change to the rural nature of the area. We believe that the proposal does not accord with the local and State planning policies relating to the loss of agricultural land, and need for the careful planning to avoid ad hoc rural residential subdivision and development in rural areas.

In the case of *P. & B. Carter & Ors v Shire of Kilmore (1992/010190)*, the Tribunal stated that:

*Without a planning permit for a dwelling, it is unlikely that there would be any pressure for these parcels to change hands. There would need to be a very good reason provided to permit a dwelling on any of the existing lots. ... there is no expectation that a dwelling should be permitted on every existing under-sized allotment within a rural area.*

*The provisions of the Rural Zone, at Clause 35.01 combined with the objective and implementation actions of Clause 17.05 of the SPPF (relating to Agriculture), impose*

*a requirement not just to protect the State's agricultural base from the loss of high quality productive agricultural land, but also to consider the sustainability of rural activities on all categories of productive farmland.*

In the case of ***SMA Projects v Port Phillip City Council 2 VPR, 270*** it is stated:

*In coming to this view the Tribunal observed that while decision making under the Victoria Planning Provisions format planning schemes is to be "heavily influenced" by policy - and that the consistent application of policy over time can avoid the adverse effects of incremental change, through ad hoc decision making (a point noted at Clause 20 of the Planning Scheme) - policy must nevertheless be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land, while at the same time avoiding unfortunate outcomes in individual cases.*

In the case of ***Teac Australia PL v Port Phillip CC [1999] VCAT 1222*** the Tribunal commented that:

*when considering a proposal in relation the policy framework set out in the planning scheme the preferred approach is to develop an overall picture of the policy framework and it is not necessarily correct or helpful to adopt a clause by clause analysis of the policy framework. In forming this overall picture the zone purposes, and the state planning policy framework, in particular clause 17.05 Agriculture, are as relevant as the clauses most debated in this application. [(reported in Bristow v Yarra Ranges SC [2004] VCAT 1815 (14 September 2004)]*

In the case of ***Sunbury Residents Association Inc. and Ors v Hume City Council and Eddie Hirsch (1999/85151)*** the Tribunal said:

*"Although the new scheme provides the discretion of a greater range of land uses to be considered, this does not mean that all of these land uses will result in an acceptable outcome...as set out in Clause 31.01-2...(which) makes it clear that proposals must be considered against the SPPF and LPPF in determining whether or not permission is granted for a use in Section 2. It is also relevant that the decision guidelines for the zone and those set out at Clause 65 require consideration to be given to the SPPF and LPPF,.....Accordingly, whether or not a particular proposal achieves an 'outcome' which is consistent with the planning scheme policies is a major factor to be considered when exercising discretion."*

In ***Classic Home Constructions PL v Hobsons Bay CC [2004] VCAT 418 (17 March 2004)*** it is stated:

*The initial concern of the Tribunal is that the assessment and decision by Council in this matter seems to have been undertaken in isolation from important parts of the Hobsons Bay Planning Scheme. When new format planning schemes were introduced into Victoria in the late 1990s, they were intended to usher in a new era of decision making based on compliance with strategic direction rather than just statutory detail. The theory was that every Council would articulate its land use ambitions within its own Municipal Strategic Statement (the MSS) and this would drive decision making. So long as a Council had its strategy right, then decision making should logically*

*follow. The elevation of strategic planning in decision making was explicitly emphasised by the fact that every time an assessment had to be made, the first stated purpose of every zone and every overlay said exactly the same thing:*

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*The strategic direction in the scheme is therefore the starting point for assessment. ...*

*...Planning decisions often require a balance to be struck between competing strategies. In this instance, the Tribunal feels that the Council has "taken for granted" the degree of compliance with urban consolidation principles, neighbourhood character, heritage assessment, and a willingness to modify the plans and instead has focussed only on aspects of amenity to justify their refusal. That is not to say that these amenity aspects are not important. It is just that the decision is devoid of any attempt at a balancing of issues so as to produce (in the words of Clause 31.01-2 of the scheme) "... acceptable outcomes ..." in terms of the whole of the state and local planning policy framework. In simple terms, the perceived shortfalls in the Good Design Guide technique dealing with amenity have distracted Council from conducting a complete assessment of the application.*

*18 The Tribunal believes that Clause 31.01-2 provides some sort of clue as to how decision making should be structured under new format planning schemes. Clause 31.01-2 was inserted into the Victoria Planning Provisions (VPPs) after the advisory committee report into the original (1996) VPPs, and it was a direct result of the observation that under the new schemes there was a much greater array of Section 2 'discretionary' uses than there had ever been before. Clause 31.01-2 neatly links the strategic and the statutory when it says:*

*Because a use is in Section 2 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 State Planning Policy Framework, the Local Planning Policy Framework, the purposes and decision guidelines of the zone and any of the decision guidelines in clause 65.*

*19 Quite apart from the need to link discretion to the strategy, the Tribunal suggest that the two important words in this Clause are 'acceptable outcomes'. In other words, the assessment and the decision should consider the totality of the scheme and determine whether or not the application would produce an 'acceptable outcome' in terms of the strategic and the statutory provisions. This helps direct the decision maker to the question of balancing all aspects of the scheme rather than selectively focusing on specific provisions one of which may be taken out of context.*

The significance of placing policy in context is further commented on in "The role of strategy in the appeal process" prepared by John Keaney presented at Planet Seminar Program: Preparing submissions to VCAT on 27 March 2001 where it is stated that:

- *The first aspect of this is the State Planning Policy Framework (SPPF). In my experience with both Council submissions and officer reports, this is one of the most overlooked parts of the new schemes. As already noted, one only has to look*

*at the first purpose of every zone and every overlay to realise that this simply cannot be overlooked. ...While it is true that some of the SPPF is couched in general terms, it is equally true that there is very clear direction provided by some aspects of it including (for instance) fragmentation of rural land.*

- *“The MSS is the ‘bigger picture’ document telling the reader what Council is hoping to achieve over the next decade or so. Local policies on the other hand are the real decision making tools that should assist Council and the tribunal on a day to day basis. The officer report or the VCAT submission that, for instance, jumps straight to the Local Policies ignores the context within which the policy has been derived and, I suspect leaves the impression that the policy is being used to the exclusion of the rest of the scheme. I feel that the complete strategic journey needs to be explained both in a Council report and in a Tribunal Submission.*

In the case ***Widdison v Moorabool Shire Council [2002] VCAT 1535*** the tribunal stated:

*I appreciate that the lots are small and have poor soil quality. This is not a situation where the desirability of removing high quality farmland from primary production is a critical issue. I accept Mr Eskdale's advice that the current use of the land for grazing is not a sustainable rural use. It occurs "as a hobby and to cover the rates". Nevertheless, the absence of an existing sustainable rural use does not by default mean that the development of dwellings is appropriate....*

*45. I can find no strategic support in the Planning Scheme for the proposed dwelling. As highlighted by Mr Fadgyas and Mr Glossop the MSS recognises that fragmentation of rural land can occur where residential development takes place on rural areas with no link to the rural activities of the area and new residents start demanding that rural activities be modified. In particular, Clause 21.09 emphasises that rural residential development needs to occur in a planned and orderly manner. It should be located in rural living zones at the fringe of townships and controlled to avoid the conversion of quality agricultural land to non productive land uses. ...*

*60.... I consider that the proposed dwellings would have an adverse impact on the use of agricultural land in a broader sense. On that matter I accept the submissions of Mr Fadgyas and Mr Glossop that approval of these applications would create a "precedent" or at least raise expectations that other owners could also obtain permits. There are numerous small lots in the vicinity (perhaps hundreds throughout the Shire) that are undeveloped. As noted by Mr Fadgyas the creation of an expectation of development would lead to increase in property values of rural zoned land. This would make it more difficult for existing productive farms to continue in a viable form. In essence, every additional dwelling on rural land makes acquisition more difficult for genuine farmers. Incremental development on small lots would over time also lead to the substantial loss of productive land.*

**CONCLUSIONS**

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development aspects of the proposal, and despite the attractiveness of subject land for residential purposes due to its locality and nature with respect to servicing and infrastructure, having regard to the provisions of the Indigo Planning Scheme and the circumstances of the case it is concluded that the application should be refused.

Notwithstanding Council's Policy for dealing with small rural allotments, it is contended that that policy does not support scenarios where decisions made with respect to dwellings on existing small rural allotments have the potential to create defacto Rural Living Zones.

Given the nature of the area it is considered that approval of the proposal would effectively lead to a de-facto rezoning of the land through increased pressure on Council to approve similar proposals for adjoining holdings based on the very reasons that the applicant has put forward as factors that limit the productivity and rural use of the subject land.

In this instance the problem exists that adjoining land can be fragmented and disposed of separately in existing allotments. If this was to occur, there would be substantial pressure for a number of dwellings under Council's Dwellings on Small Rural Allotments Policy.

As the Responsible Authority needs to be consistent in its administration of the Indigo Planning Scheme, and there are no apparent differences between the subject land and other small rural lots in the locality, the area would effectively become a Rural Living Zone. Such a scenario is not supported by local policy, the MSS, the SPPF, the Zone or the decision guidelines of Clause 65. If this had been the intent of the Indigo Planning Scheme, and despite the fact that the application can be considered, it is contended that the Rural Living Zone would have been applied to the locality rather than the Rural Zone.

This land is ideally located in close commuter distance to Rutherglen township, and land values are high. The approval of dwellings in rural areas unrelated to agriculture raises expectations that other owners could obtain permits. The creation of an expectation of development would lead to increased property values and every additional dwelling on rural land makes acquisition of land more difficult for genuine farmers.

Having particular regard to the orderly planning of the area, consistency in interpretation of the planning scheme and considering the effect the proposal will have on adjoining land, it is therefore considered that the proposal should be refused.

**10.7 WATER QUALITY-LAKE SAMBELL, LAKE ANDERSON  
AND LAKE KING (FILE NO: W101.1 - EHO)**

**For Information**

**SUMMARY**

Council's Blue Green Algae monitoring program has been continuing over summer with fortnightly samples taken from Lake Sambell, Lake Anderson and Lake King to monitor levels of Blue Green Algae (BGA). Whilst BGA is usually detected particularly during the warmer months of the year the monitoring is to determine the relative abundance of the algae. Should detected levels pose a health risk the lakes will be closed with appropriate signage. At this stage although the levels of Algae in general are high the detected levels of BGA do not pose a health risk although this may change at short notice.

As Lake Sambell has been enjoying increased patronage since the Beechworth pool has been closed and as a precautionary measure some further water quality testing has been completed. Such testing was for bacterial contamination and the results were satisfactory however ongoing vigilance is required as many different factors impact on water quality including time, location and weather conditions.

Water at Lake Sambell is not treated and monitoring cannot ensure safe swimming conditions. Monitoring will only indicate if levels of BGA or bacterial contamination have already increased to levels which are outside guidelines. For this reason there are signs at Lake Sambell advising persons swimming that they do so at their own risk.

**10.8 INDIGO HERITAGE ADVISORY COMMITTEE MEETINGS  
– MINUTES AND SUMMARY (FILE NO: E511 - EDSM)**

**For Information**

**SUMMARY**

Minutes to the two most recent meetings of the Indigo Heritage Advisory Committee are attached. These meetings were 22 November 2007 and 24 January 2008.

Issues of note raised at the recent meetings include:

- Yackandandah Railway Crane – concern that this crane of historical significance was proposed to be removed and has now been removed from its site at the former Yackandandah Railway Station. The committee is keen for Council to quickly re-erect the crane in an appropriate location; and
- Need for ongoing recognition by Council of the importance of heritage to this shire.

*Attachments  
Indigo Heritage Advisory Committee Minutes 22 November 2007  
Indigo Heritage Advisory Committee Minutes 24 January 2008*

**10.9 BUILDING STATISTICS – NOVEMBER 2007 (EDSM)****For Information**

<u>Property Locality</u>	<u>Description</u>	<u>Project Val</u>	<u>Approval Date</u>
Blackandandah	New Building	\$15,9	29/10/07
Blackandandah	New Building	\$10,9	01/11/07
Blans Flat	New Building	\$12,0	01/11/07
Brewa	Extension	\$2,5	02/11/07
Blackandandah	Extension	\$140,0	02/11/07
Butherglen	New Building	\$3,0	02/11/07
Chiltern	Dwelling	\$160,0	05/11/07
Cheerworth	New Building	\$21,5	05/11/07
Blackandandah	Extension	\$4,4	07/11/07
Butherglen	New Building	\$5,0	07/11/07
Blackandandah	Dwelling	\$300,0	08/11/07
Bergunyah	Extension	\$10,0	08/11/07

echworth	ntension	\$80,0	12/11/
echworth	ew Building	\$140,0	12/11/
echworth	ew Building	\$9,0	13/11/
ackandandah	ntension	\$9,9	13/11/
ahgunyah	ew Building	\$25,0	13/11/
ackandandah	imming Pool	\$10,0	14/11/
indowring	imming Pool	\$29,7	14/11/
lans Flat	teration	\$6,0	14/11/
therglen	welling	\$285,5	14/11/
iltern	ew Building	\$11,6	16/11/
udgegonga	ntension	\$132,8	20/11/
ackandandah	ew Building	\$9,3	20/11/
ackandandah	ew Building	\$9,9	20/11/
echworth	emove Building	\$1,5	21/11/

Wetherglen	Wellington	\$254,7	21/11/
Arnawartha	Alteration	\$53,0	21/11/
Arnawartha	Extension	\$11,0	23/11/
Blackandandah	New Building	\$313,1	23/11/
Bechworth	New Building	\$21,0	23/11/
Bechworth	New Building	\$150,0	26/11/
Canley	Extension	\$50,0	26/11/
Clifton	Post-stump	\$9,7	27/11/
Blackandandah	New Building	\$295,0	27/11/
Arnawartha	Swimming Pool	\$18,0	29/11/
<b>Total</b>		<b>\$2,636,6</b>	

**10.10 BUILDING STATISTICS – DECEMBER 2007 (EDSM)**

**For Information**

<u>Property Locality</u>	<u>Description</u>	<u>Project Value</u>	<u>Approval Date</u>
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pechworth	xtension	\$4,8	03/12/
utherglen	ew Building	\$127,0	05/12/
arnawartha	ew Building	\$20,0	06/12/
hiltern	xtension	\$25,0	06/12/
brong	imming Pool	\$46,3	06/12/
arnawartha	xtension	\$20,0	07/12/
arlyle	ew Building	\$16,0	10/12/
pechworth	xtension	\$10,8	12/12/
towns Plains	ew Building	\$22,0	12/12/
arnawartha	xtension	\$20,0	12/12/
utherglen	imming Pool	\$27,5	12/12/
ooragee	imming Pool	\$23,0	13/12/
ackandandah	imming Pool	\$21,9	13/12/

utherglen	ew Building	\$35,00	14/12/0
ornishtown	welling	\$241,29	17/12/0
echworth	ew Building	\$8,00	17/12/0
ackandandah	welling	\$130,00	18/12/0
boramadda	wimming Pool	\$29,89	19/12/0
echworth	xtension	\$110,00	19/12/0
ahgunyah	wimming Pool	\$26,99	20/12/0
echworth	ew Building	\$7,00	20/12/0
ackandandah	teration	\$8,00	21/12/0
utherglen	ew Building	\$60,00	21/12/0
echworth	teration	\$25,00	17/01/0
total		<b>\$4,889,09</b>	

**10.11 PLANNING STATISTICS – NOVEMBER 2007 (EDSM)****For Information**

<b>Appl No</b>	<b>Locality</b>	<b>Proposed Use</b>	<b>Cost</b>	<b>Decision</b>
07080	Indigo Valley	Horticultural/Gazing/Vine yard Development, dwelling & farmstay accom	\$0	Withdrawn
PP074051	Yackandandah	Liquor Licence - on-premises	\$0	Approved
PP074054	Beechworth	Two cottages	\$180,000	Lapsed
PP074060	Wahgunyah	2 Signs	\$600	Approved
PP074065	Beechworth	Dwelling	\$0	Approved
PP074092	Kergunyah	Shed	\$5,000	Approved
PP074098	Stanley	Shed	\$15,000	Approved
PP074106	Stanley	Extend station	\$5,000	Approved
PP074114	Stanley	Demolish outbuildings. Re-build living area, bedroom, bathroom and entry	\$40,000	Approved
06306.1	Allans Flat	2 lot subd-road access requirements noted on title by way of Sec 173	\$0	Approved
PP074117	Beechworth	Two lot re-subdivision	\$0	Approved
PP074123	Beechworth	Shed	\$25,300	Approved
PP074128	Wahgunyah	Signage	\$300	Approved
PP074129	Stanley	Extend dwelling and construct detached garage	\$460,000	Approved
PP074132	Chiltern	Demolition of Heritage Barn	\$0	Approved
PP074136	Chiltern	Construct pergola, replace door and window	\$15,000	Approved
PP074137	Chiltern	Extend dwelling	\$15,800	Approved
PP074138	Kiewa	Carport attached to granny flat	\$1,200	Approved
PP074139	Gundowring	Removal of 1 remnant and 27 native trees	\$500	Approved
PP074143	Rutherglen	Consolidation of 2 lots	\$0	No permit req
05145.1	Stanley	Dwelling	\$180,000	Approved
05122.1	Beechworth	Dwelling & Shed	\$170,000	Approved
PP074047.1	Beechworth	Signage for shop	\$60	Approved
PP074150	Barnawartha	Farm storage shed	\$20,000	Approved
<b>TOTAL</b>			<b>\$1,133,760</b>	

**10.12 PLANNING STATISTICS – DECEMBER 2007 (EDSM)****For Information**

<b>Appl No</b>	<b>Locality</b>	<b>Proposed Use</b>	<b>Cost</b>	<b>Decision</b>
P0740294	Whiltern	Car Park and Access Roadways	\$150,000	Approved
P074031	Beechworth	Lot subdivision	\$	Approved
P074056	Beechworth	Lot Subdivision	\$	Refused
P074090	Beechworth	Dwelling	\$	Approved
P074105	Beechworth	Lot Subdivision	\$2,500	Approved
P074107	Northglenn	Relocate Office	\$35,000	Approved
P074110	Manley	Dwelling	\$	Approved
P074118	Blackandanda	Roadworks and construction of carpark	\$50,000	Approved
P074122	Beechworth	Lot Subdivision	\$	Approved
P074126	Blackandanda	Relocate dwelling	\$120,000	Approved
P074127	Manley	Dwelling extension and water tanks	\$97,000	Approved

		ed barrel storage		
P074144	eechworth	xtend dwelling	\$60,00	pprov
P074145	eechworth	gnage	\$1,90	pprov
P074151	eechworth	gnage and awning	\$50	pprov
P074158	eechworth	gn		pprov
P074161	ackandanda	welling	\$130,00	pprov
P074162	eechworth	eneral Liquor Licence		pprov
P074164	owns Plain	ed	\$22,00	pprov
P074169	indowring	ed	\$9,00	pprov
P074173	eechworth	gnage	\$30	pprov
<b>TOTAL</b>			<b>\$1,178,20</b>	

### **10.13 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – FEBRUARY 2008**

#### **For Information**

Projects underway are show in the following table.

<b>Project</b>	<b>Current actions</b>
<b>Amendment C10 – Heritage Overlay</b>	Amendment with DPCD for review, approval and gazettal.
<b>Amendment C21 - Kiewa-Tangambalanga</b>	<ul style="list-style-type: none"> <li>○ Structure Plan adopted by Council in May 2006.</li> <li>○ Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence.</li> <li>○ Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. This matter is still under investigation.</li> </ul>
<b>Amendment C35 – Former Beechworth Hospital site</b>	Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently corresponding with submitters to resolve issues before reporting to Council.
<b>Municipal Strategic Statement and Indigo Planning Scheme – major review</b>	<ul style="list-style-type: none"> <li>○ Review report with Minister for Planning.</li> <li>○ Planning Scheme amendment to implement initial matters under preparation.</li> </ul>
<b>Indigo Planning Scheme –environmental/biodiversity overlay</b>	<p>Project is identification of biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme.</p> <p>Final report received from Ecology Partners P/L and presented to Council January 2008. Still awaiting GIS information from consultant to load onto Council's system.</p> <p>Developing project brief for stage 2 of project. Steering committee to approve &amp; anticipated award of tender by March.</p>
<b>VCAT Appeals</b>	<ul style="list-style-type: none"> <li>○ PP06-242 Appeal by AR Bennett against refusal by Council to approve a balcony addition to a shop, Ford Street, Beechworth.</li> </ul>

	<ul style="list-style-type: none"><li>○ Hearing over two days in October and November. VCAT disallowed the appeal. No permit issued.</li><li>○ PP06-247 Appeal by C Rebbechi against refusal by Council to approve a dwelling, Lake Moodemere Road, Norong. Hearing was 1 November. VCAT decision was to allow the appeal. Permit issued.</li><li>○ PP06-294 Appeal by I and L Berryman against Council's Notice of Decision to Grant a Planning Permit for demolition of four buildings, removal of five trees, construction of a car park and construction of access laneways, Greens Lane, Chiltern. Negotiations underway with appellant and DSE. Hearing set down for 18 December 2007 and was withdrawn by appellant. Permit issued.</li><li>○ PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 7 December in Melbourne and adjourned. Now set in Melbourne for a three day hearing commencing 20 February 2008.</li></ul>
<b>Statutory planning services</b>	<ul style="list-style-type: none"><li>○ Council successful in obtaining funding for a Planning Intern under the Provincial Victoria Local Government Internships program. Haruna Noda worked over December – January. This has been of value both Council and this intern.</li><li>○ A Planning Intern has been appointed to work during breaks from study while undertaking a relevant degree course in planning. Appointee is Alan Lappin.</li></ul>
<b>Building Services</b>	One vacancy had been unfilled for some months – placing an additional burden on staff. This position has now been filled and Mr Cloete vanWyk commenced 14 January 2008.
<b>Environmental Health Services</b>	A Trainee Environmental Health Officer has been appointed and commenced. This is Melissa Boyd. This position will allow for take up of contract work external to the shire.
<b>Heritage Advisor services</b>	<ul style="list-style-type: none"><li>○ Lorraine Huddle commenced as Heritage Advisor in December 2007</li></ul>
<b>Administration staff</b>	Prue Quick, Administration Assistant resigned as of December 2007. An offer of employment has been made for this position.

## **11.0 OPERATIONS AND ASSETS**

### **11.1 NEW MUNICIPAL OFFICES AND COUNCIL CHAMBERS SITES (FILE NO: E971 – GMOA)**

#### **For Decision**

#### **RECOMMENDATION**

**That following consideration of the detailed Architect's report and outcomes of the community engagement process, Council:**

- 1. Proceed with an in-depth intensive study of the following three sites for the possible location of a new single Municipal offices and Council Chambers facility;**
  - A site abutting the Beechworth Chiltern Road in between the Hume Freeway and the Railway Reserve, Chiltern.**
  - A site adjoining the Beechworth former hospital façade in Church Street, Beechworth.**
  - A site in Yackandandah comprising the existing Municipal offices site and parts of adjoining sites.**
  
- 2. Thank the Community Reference Group for its input to the process and forward all members of the Group a full copy of the outcomes of the Community Reference Group process.**

#### **SUMMARY**

Council has undertaken an extensive architectural study and community engagement process to identify one or more sites for the possible location of future Municipal offices and Council Chambers.

Council office staff are currently located in six buildings at locations in Beechworth and Yackandandah and Council has recognised the need to provide modern office facilities at one site to optimise efficiency and provide the best possible customer service to its constituents.

#### **BACKGROUND**

Council initiated the review of its office accommodation and Council Chamber facilities in February 2007. Following the integration of Indigo Way Services back into Council it became necessary to split Council departments between the two sites in Beechworth and Yackandandah.

It quickly became apparent that not only were there gross inefficiencies in staff time in operating between the two sites, but that the existing office facilities in Yackandandah were antiquated and could not be upgraded to provide appropriate office facilities.

The Council engaged Beechworth based architects, No 42 Architects (Ken Woodman) to undertake an assessment of Council's needs and to look into potential office sites.

A Project Steering group comprising the (former) CEO, John Costello, General Manager Operations & Assets, Phil Prior and Architect Ken Woodman was formed to attend to the necessary technical aspects of this project.

The Feasibility Study by No 42 Architects analysed the current situation including staffing numbers, looked at proposed solutions and shortlisted preferred options. Importantly, the report by No 42 Architects identified the geographic centre of the Shire as somewhere between Chiltern, Beechworth and Yackandandah and further identified that the centroid of the population in the Shire lies somewhere between Beechworth and Chiltern and that these towns were the best centres to service the Shire's population.

The report also identified the cost to the Shire of operating from two main office locations rather than one as a minimum of \$135,000 per annum. This figure has been further analysed following the staff survey and has now been identified as a minimum of \$189,000 plus further savings to be identified.

Using a short listing criteria Council eliminated many sites and shortlisted seven sites for further consideration as part of the community engagement process.

Council then engaged Consultants Wypye (Gabriel Prior) to undertake a full community and staff survey. Results of the community survey were advised to Council and to a Community Reference Group formed following the community survey process.

The Community Reference Group inspected the seven shortlisted sites and one further site in Chiltern and was then asked to independently assess the sites under the guidance of independent facilitation provided by the Regional Development Company (Susan Benedyka).

Council has reviewed all the information provided from the Architects Feasibility Report, the community and staff surveys and the Community Reference Group process to enable the shortlisting down to the three selected sites.

A full copy of the final report prepared by No. 42 Architects is attached. Also attached is a summary of site comparisons for the five sites considered at Council's Briefing meeting. This summary also includes a snapshot of comments provided with the community survey ranked against particular sites. Note that Appendix A of No. 42 Architects report being the community survey results, are not attached as they have previously been provided to all Councillors. This report is available on Council's website or at Council's Customer Service Centres. Likewise Appendix B and Appendix C.

### **FINANCIAL IMPLICATIONS**

The cost of development of a new single site Municipal Office and Council Chambers has been estimated to be between \$3.6M and \$5.5M at the various shortlisted sites. These costs will be analysed in detail as part of a detailed assessment process. Further advice to Council on the funding models for this project will be provided as part of the forthcoming budget process.

**POLICY IMPLICATIONS**

The Indigo Shire Council Plan 2007-2010 Strategic Objective 2.2.4 states “provide the Council and community with the most efficient physical resources needed to meet service delivery objectives and legislative requirements”.

The action required under the Strategic Objective states “undertake a detailed feasibility study into the provision of an integrated Council headquarters with a view to reducing duplication and overheads and to provide adequate Council meeting facilities”. The process currently being undertaken will meet this Strategic Objective by the required date of 30 June 2008.

*Attachments*

**11.2 GAZETTAL OF COUNCIL ROADS FOR B-DOUBLES AND HIGHER MASS LIMITS (FILE NO: T525-03 - GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council approves the use by B-Doubles and Higher Mass Limit vehicles of the following list of local roads and advises VicRoads of its approval.**

**SUMMARY**

VicRoads, on a bi-annual basis, writes to councils seeking review of the council managed local road network which is available for B-Double and Higher Mass Limit Vehicles.

**BACKGROUND**

In its letter dated 3<sup>rd</sup> December 2007, VicRoads sought approval from all councils to open up the whole of the local road network to these vehicles, with councils stating the roads which they did not want to open to these larger vehicles. This is in contrast to the normal practice where Council would nominate roads which they seek to open up for the larger vehicle use. The VicRoads letter raised concerns with a number of councils and consequently the MAV convened a meeting of all councils with VicRoads. The VicRoads representative at this meeting explained that whilst VicRoads preference would be to open up as many roads as possible, the status quo would remain unless councils agreed otherwise.

In outlining its case for opening up more of the road network to larger vehicles, VicRoads made the following points in favour:

1. B-Doubles provide a significant increase in productivity for the road freight industry which, in turn, assists regional development and productivity.
2. Less trucks on the road to cart the same amount of freight.

3. To provide a better environment, B-Doubles are fitted with road-friendly suspensions that are quieter than trucks with mechanical suspensions. The prime movers on B-Doubles are typically newer, more efficient vehicles that have cleaner exhaust emissions.
4. Safer roads - B-Doubles handle and brake better than conventional semi-trailers due to the road friendly suspension.
5. B-Doubles are more road friendly per tonne carried.

The drawbacks involved with the use of B-Doubles instead of semi trailers are:

- a. Some motorists perceive B-Doubles as being unsafe.
- b. B-Doubles limit overtaking opportunities due to the length of the vehicle.
- c. B-Doubles may pose a greater risk in foggy conditions particularly at intersections, because the vehicles take longer to turn, and
- d. B-Doubles pose a greater risk in dense traffic by causing blind spots.

The following roads in the municipality are currently open to B-Doubles:

- All freeways, highways and arterial roads except the Buckland Gap Road
- Mellish Street, Beechworth
- Barambogie Road, Chiltern (part)
- Racecourse Road, Chiltern
- Masons Road and Nursery Road, Hurdle Flat
- Mt. Stanley Road at Stanley
- All Saints Road, Barkly Street and Talbot Road, Wahgunyah
- Gap Flat Road and Osbornes Flat Road, Yackandandah

In considering which roads to open to larger vehicles, consideration needs to be given to the advantage to primary producers in being able to access properties with larger vehicles for stock transport etc. This will not cause a problem on the local road network as the vehicles generally do less road damage than conventional semi-trailers, and where this access is only for infrequent property access and the road and road structures are up to appropriate standards, then Council could consider opening all the roads. Problems will only arise where the opening up of the local road networks provides alternative short cut routes for line-haul vehicles which would then divert additional and regular heavy traffic onto the local road network.

The arterial road network is constructed to appropriate standards to cater for on-going heavy traffic use, the local road network is generally not. In order to open up more of the

local road network, some analysis would need to be taken of the appropriateness of the existing road alignment and the capacity of structures on the road.

The MAV has formed a Truck Impact Working Group to further investigate issues of increased vehicle size and road usage including looking into future B-triple and large vehicle trends. Council is represented on this group by the General Manager Operations & Assets. Further review of our local road network is warranted over the next twelve months, and this will take into account the findings of the Truck Impact Working Group.

### **FINANCIAL IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

The gazettal and opening up of more of the local road network will greatly assist transport operators accessing properties, and will obviate the need for individual operators to approach Council and apply for permits for particular uses.

#### **Roads to be approved for B-Double and Higher Mass Limit Vehicles**

<b>ROAD</b>	<b>LOCALITY</b>	<b>SECTION</b>	<b>NOTES</b>
Gundowring Road	Gundowring	Lockharts Gap to Boyd Road	Condition of Dairy Road Funding received
Kergunyah Road	Kergunyah		
Myrtleford – Stanley Road	Stanley		Timber traffic - existing
Malakoff Road	Beechworth	Bridge Rd to Flat Rock Road	Access to prison
Flat Rock Road	Beechworth	Malakoff Rd to prison	Access to Prison
Flat rock Road	Beechworth	Beechworth – Wangaratta Rd to Sheep station Creek Road	Access to ACI Quarry - existing
Diffey Road	Beechworth	Bridge Road to Davidson Lane	Industrial Estate access
Red Hill Road	Beechworth		Timber Traffic - existing
Elgin Road	Beechworth	High Street to Red Hill Road	Timber traffic - existing
High Street	Beechworth	Elgin Road to Ford Street	Timber Traffic - existing
Junction Road	Beechworth		Timber Traffic - existing
Bells Flat Road	Yackandandah	High Street to Nelmac Fabrications P/L	Access to Nelmac Fabrications bridge builders
Back Creek Road	Yackandandah	Myrtleford Road to Kirby Flat Road	Industrial Estate & Nelmac Fabrications
Kirby's Flat Road	Yackandandah	Back Creek Rd to forest	Timber Traffic - existing
Reid's Way	Wooragee		
Huon – Kiewa road	Tangambalanga		Murray Goulburn
Barnawartha – Howlong Road	Barnawartha	High Street to Murray Valley Highway	
High Street	Barnawartha	Havelock Street to Stanhope Street	
Chiltern – Barnawartha	Chiltern & Barnawartha	Chiltern to Barnawartha	

Road			
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**11.3 TENDERS – REPLACEMENT OF TIMBER BRIDGE  
MCSWEENS ROAD BRIDGE OVER INDIGO CREEK,  
INDIGO VALLEY (FILE NO: Q07/07 GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. Accept the tender of Murray Valley Piling P/L for a contract value of \$181,900, plus GST for the McSweens Road Bridge over Indigo Creek - Contract Q07/07.**
- 2. Sign and seal Contract documents in relation to the works, Contract Q07/07.**

**SUMMARY**

Tenders were called for the replacement of the timber bridge over the Indigo Creek on McSweens Road, Indigo Valley.

This report provides an overview of the tender process and evaluation.

**BACKGROUND**

McSweens Road bridge works include the design and construction of a new bridge generally requiring the driving of piles, placement of beams and concrete deck, replacement of guardrails and associated works.

Council received two tenders for the works.

The works form part of Council's 2007/2008 Capital Works Program and is fully funded through the Federal Government's Roads to Recovery Grants program for Local Roads.

**CONSULTATION**

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

**POLICY IMPLICATIONS**

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

The assessment of the tender did not however include the interview of the tenderers. The evaluation panel is familiar with capability of the 2 tenderers both having completed similar contracts / works for Council previously. Both tenderers are considered comparable in experience, quality and ability to carry out the works. Price therefore becomes the varying factor.

**FINANCIAL & RESOURCE IMPLICATIONS**

The Estimated cost of the total works is \$200,000 (bridge and approach road), with the bridge component estimated at \$185,000, including contingency item of \$15,000. The tender recommended is \$181,900 (excluding GST). Murray Valley Piling alternate pricing included a 4.5 metre wide bridge at \$138,000, but it is considered that the minimum bridge width should be 7.2 metres in this location.

The works are funded through Council's 2006/07 Capital Works Program using the Federal Government's Roads to Recovery Grants.

**TENDERS RECEIVED**

Two tenders were received as detailed on the attached confidential Tender Assessment sheet. (Invitations to tender were sent to 9 prospective tenderers). Murray Valley Piling P/L has tendered the most competitive price \$181,900.00 including \$15,000 contingency item (plus GST).

**11.4 YACKANDANDAH COMMUNITY WILDFIRE PLAN (FILE NO: E400-03 – CWWM)**

**For Decision**

**RECOMMENDATION**

**That Council support the development of the Yackandandah Community Wildfire Plan and allocate approximately \$2,000 in the 2008/09 Budget for the production of 20 copies of the plan, the provision of 500 "fridge magnet" information sheets and the use of the former Yackandandah Transfer Station site to dispose of green waste free of charge.**

**SUMMARY**

The Yackandandah Community Wildfire Plan (copy attached) has been prepared by Mr Frank Burfitt and outlines measures to be undertaken each year to reduce the fire risk and increase community awareness, prior to the fire danger period, by the Yackandandah community. The plan identifies wildfire risks to the township, stages for preparation and response, fuel reduction programs and resources that may be available to assist with the fuel reduction program.

**BACKGROUND**

Yackandandah resident, Mr Frank Burfitt, has taken the initiative and prepared a Community Wildfire Plan for the Yackandandah community. This plan has been prepared in conjunction with the local brigade, community members the CFA and Council. Its purpose is to document the actions regularly required to manage the potential risks of wildfire threatening properties in and around the Yackandandah township.

In his submission of the plan to Council Mr Burfitt has outlined a number of requests for Council to consider. These include the following:-

1. Council considers the Yackandandah Community Wildfire Plan, offers any comments and notes the activities that may require its occasional cooperation.
2. Makes a budgetary allowance in 2008-09 for the production of hard copies of the plan for distribution to responsible organisations.
3. Makes a budgetary allowance for the production of “fridge magnets” with a list of critical actions to be taken by residents when there is imminent attack from wildfire.
4. Consider the introduction of a pilot “green waste” collection in Yackandandah similar to the one conducted annually by the Alpine Shire each spring. The collection provides for the disposal of tree cuttings (larger than green waste bins) reduces bonfires and produces mulch.

Comments in relation to the above are as follows:-

1. The plan is straight forward, well prepared and researched and, provided it has the support of the community, should be readily implemented.

Responsibilities of Council that are identified in the plan include:-

**a. Identification and inspections of high risk areas and establish priority fuel reduction program.** Page 7, part 2, level 1

This would include the inspections of private property and the issuing of Fire Prevention Notices. (this function is already carried out by Council staff prior to the Fire Danger Period).

**b. Communications to residents encouraging clearing, early burning of rubbish and reporting areas of concern.** Page 7, part 2, level 1

Council places advertisements in various newspapers advising residents to clear fire hazards from their properties generally in early October each year.

**c. Council resources available to assist in fuel reduction programs.** Page 12, part 5.

Council maintains areas of land that come under its area of responsibility ie road reserves and properties and has access to mowers, slashers graders and water cart.

2. Council to consider making a budgetary allowance in 2008/09 for the production of hard copies of the plan for distribution to relevant organisations.

This would involve the production of approximately 20 copies and the cost would be minimal and could be funded from Council’s Fire Prevention budget.

3. Production of a “fridge magnet” type flyer outlining critical actions to be

undertaken by residents in the event of fire.

Approximately 500 would be required and these would be distributed by the Yackandandah Fire Brigade or other community organisations to residents. Cost to supply these would be in the vicinity of \$500 and would be on an A4-A5 size sheet.

4. Council consider the introduction of a “pilot” green waste kerbside collection service.

This would be available to urban residents of Yackandandah so that they could clear up vegetation from their properties prior to the Fire Danger Period. This material would be placed on the nature strip and Council would be required to provide plant and labour to collect and dispose of. Estimated cost to provide this service would be in the vicinity of \$4,500 plus mulching of approximately \$700.

This service would be similar to the “hard rubbish” collection that was provided by Council in previous years. Council chose to discontinue this service because of the cost and the difficulties involved in collecting and managing the service.

A suggested alternative is to allow residents the opportunity to take “green waste” to the old Yackandandah Transfer Station and to dispose of free of charge. This could be done over a weekend but would require the site to be supervised to ensure that only approved green waste is disposed of. Hours may be restricted from 8:00 am to 12:00 noon on both Saturday and Sunday. Estimated cost to provide this service would be \$400 for labour and \$700 for mulching. This would be a significantly cheaper option than a proposed kerbside pickup. There is sufficient room at the rear of the site available for the disposal of green waste that was not part of the rehabilitation recently undertaken at the site.

It should be noted that Council already provides a domestic green waste collection through Cleanaway that is available to urban residents.

### **CONSULTATION**

The plan has been prepared in conjunction with the Yackandandah Community, Yackandandah Fire Brigade and the CFA and Council. Public meetings were held and information placed in the Yackity Yack newsletter and information has also been placed on the Yackandandah website.

### **POLICY IMPLICATIONS**

A kerbside pickup of green waste would be similar to the discontinued “Hard Rubbish” collection that is no longer conducted by Council. This could be viewed by residents as a reintroduction of this service. If Council does makes available the green waste disposal in either form it may need to consider that it could be called for in other townships.

**FINANCIAL & RESOURCE IMPLICATIONS**

Council would need to allocate funding in the 2008/09 budget to fund the production of hard copies of the plan, the supply of fridge magnets and the provision of a green waste collection/disposal service. This would be in the vicinity of \$6,000 or \$2,000 depending on what level of support Council chose to provide.

*Attachments*

**11.5 REPORT ON RUTHERGLEN HEAVY VEHICLE  
DEVIATION COMMUNITY REFERENCE GROUP (FILE  
NO: T360.3 - GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council:**

**1. Appoint the following nominees to the Community Reference Group (CRG):**

<b>Glenda Mackay</b>	<b>Malcolm or Colin Campbell</b>
<b>Damien Adams</b>	<b>Edward Shanks</b>
<b>Philip Trimble</b>	<b>Greg Duncan</b>
<b>Dale Bridge</b>	<b>Doug Hislop</b>
<b>Mary Dunn</b>	<b>Michael Ham, VicRoads</b>
<b>Arthur Jones</b>	<b>Jenny Dale – Councillor</b>
<b>Danny Glasgow</b>	<b>Bill Hotson – Councillor</b>
<b>Ian Lobban</b>	<b>Tony Plowman – Independent Chair</b>
<b>Ashley Fraser</b>	<b>Phil Prior – Indigo Shire</b>

**2. Thank all nominees who have not been shortlisted and advise them that Council or the CRG may, in future, seek their input on particular issues or on sub-committees.**

**3. Request that independent chairman Tony Plowman prepare an agenda and adjourn the first meeting.**

**4. That Council approve expenditure of up to \$4,000 to support the CRG in the balance of the 2007/2008 financial year.**

**BACKGROUND**

Council, at its meeting held on 30<sup>th</sup> October 2007, resolved to form a Community Reference Group for further consideration of options for the deviation of heavy vehicles around the Rutherglen commercial precinct. Council also resolved at that meeting to appoint Mr. Tony Plowman as an independent chair.

Expressions Of Interest were received from twenty people. The twenty community representatives who nominated, were asked to identify their particular areas of interest to enable Council to generally align the nominees with the structure of the group as

determined by Council and the adopted chartered document. All the nominees were able to demonstrate that they could bring to the group particular expertise, however in line with the Charter. the group has been shortlisted to thirteen community representatives as well as Councillors, a VicRoads' representative, an independent chair and a Council officer. Most nominees have interest or expertise in more than one area and the shortlisted group brings a broad range of experience, generally in line with the requirements of the structure as set out in the Charter.

The shortlisted group provides a reasonable geographic balance and, under the stewardship of independent chairman Tony Plowman, will provide robust input to the reference group process. It should be noted that local MPs, Ken Jasper and Wendy Lovell, have acknowledged that the process be undertaken, however felt their resources better used for liaison with the State Government. The shortlisted group does include two representatives from the heavy transport industry, however no suitable member of the linehaul transport industry that frequents Rutherglen, nominated. If specialist input from this group is required, the Community Reference Group or Council may determine in the future, to hold a particular workshop addressing this issue, including representatives from the linehaul trucking industry.

Upon finalisation of the committee structure, the independent chair, Tony Plowman, will prepare an agenda for the first meeting of the Community Reference Group, and determine an appropriate date and invite the shortlisted nominees. The Reference Group will then be able to commence their duties with the currently available information. Progression to the finalisation of their duties is dependent upon funding from VicRoads and Council in the 2008/2009 budget to engage the necessary consultants to undertake the detailed route assessments. The other major partners in the process are VicRoads, who have agreed to participate in the Community Reference Group project and have nominated an officer for that purpose. As VicRoads will be the major stakeholder in the outcome of the Community Reference Group's findings, then clearly any proposals must also be endorsed by VicRoads.

### **FINANCIAL IMPLICATIONS**

Council has not allocated any budget within the current financial year to support the Reference Group, and it is recommended that the sum of \$4,000 be approved for expenses.

### **POLICY IMPLICATIONS**

Council's Community Plan lists the Rutherglen Heavy Vehicle Deviation as a priority project.

**11.6 ACQUISITION OF LAND FOR HAVELOCK ROAD  
STORMWATER REUSE PROJECT (FILE NO: T480.10-02 –  
GMOA)**

**For Decision**

**RECOMMENDATION**

**That Council signs and seals the two separate Transfer of Land Documents for the Havelock Road Stormwater reuse project.**

**SUMMARY**

The land in question is location between Alma and Havelock Roads in Beechworth and directly adjacent to the intersection of these two roads.

These land acquisitions are required to allow construction of the stormwater reuse basin in this area.

**BACKGROUND**

Preparation is under way to begin construction of a storm water retention and reuse basin within Beechworth that will capture stormwater from a planned 81-lot subdivision upon Havelock Road and from future residentially zoned land in this area.

A grant was received from the Stormwater and Urban Water Conservation Fund, which combined with Council and Developer contributions will allows us to design and construct the facility thus enabling the substitution of potable water for irrigation of the adjoining Baarmutha Recreation Reserve. Initial plans include connection to the recently upgraded irrigation system at the Baarmutha Sports Oval with further stages to include the Golf Course and nearby Beechworth Secondary School within the system as and when inflows into the basin increase inline with residential development

**CONSULTATION**

The land acquisitions have been amicably negotiated with each of the property owners and no compulsory acquisition has been required.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

Project funding is to be used to acquire the land.

**12.0 HEALTH AND WELLBEING**

**12.1 BARNAWARTHA FOOTBALL CLUB VISITORS  
CHANGEROOMS - URGENT RENOVATIONS (FILE NO:  
C339 - RCDC)**

**For Decision**

**RECOMMENDATION**

**That Council allocates 50% of the cost of renovations of the Barnawartha Football Club visitors' changerooms up to a maximum of \$9000 from its 2007/2008 budget.**

**SUMMARY**

The Barnawartha Football Club changerooms at the Barnawartha Recreation Reserve are in extremely poor condition. The Barnawartha Recreation Reserve Master Plan has recommended that the existing changerooms and golf clubrooms be demolished and a new multipurpose pavilion be constructed to cater for all sports at the Reserve. This is a major project estimated to cost in excess of \$1 million. Realistic timeframes would not see this project completed within the next five years. There is now an urgent need to renovate the existing football club changerooms to ensure a safe environment for its users.

**BACKGROUND**

Council, in conjunction with the Barnawartha Recreation Reserve Committee of Management, completed a Master Plan for the Reserve in November 2005. The Master Plan recognised the dilapidated state of the infrastructure at the Reserve and recommended that a new multi purpose pavilion be constructed on the western side of the main oval (the facilities are currently located on the eastern side). This new facility would cater for all sports and have appropriate toilet and change facilities for all users as well as additional infrastructure to service the wider community.

The Committee and the users of the Reserve have been reluctant to commit any substantial funding into the existing change and club facilities as they are keen to build up their funds to assist in the construction of the new pavilion. However, realistic timeframes for the completion of this major project would be in excess of five (5) years, given Council's financial constraints on major capital works, the scope of the works (estimated to be in excess of \$1 million) and the current status of the project where detailed planning and consultation has not yet commenced.

The issue of the state of the existing changeroom facilities has now become an urgent matter with the Barnawartha Football Club having recently received a letter from the Tallangatta & District Football League informing the Club that action must be taken to improve the visitor changerooms before the commencement of the 2008 football season.

The visitors' changerooms are in extremely poor condition and present a very real OH&S issue for the Club, the Committee and other users. Complaints about the state of the facilities have been received by the Club for several years, however the plan to relocate

to new facilities have made the Club reluctant to spend finances on the existing facilities. A builder's quote to renovate and make safe the building has been estimated at \$18,000 (excluding GST) and would include toilet and shower upgrades, flooring repairs, electrical safety works and general repair of the roofing, walls, doors and windows.

These proposed works would make the facility safe for use by the community, satisfy the requirements of the Tallangatta & District Football League and cater for the needs of the community until the proposed new multi purpose pavilion is completed.





The issue in regards to renovating the changerooms is one of financing the project. Although the Football Club has some funds available and can apply for additional funding through the Safety on Crown Land Grants Program through the Department of Sustainability & Environment (DSE), it is only able to generate about \$9,000.00. Council currently does not have a budget allocation for these works in the 2007/2008 financial year. The Department of Planning & Community Development (DPCD) have indicated that the project will not be funded through its Country Football & Netball Grants

Program, or any other Funding Program, as it is classed as “routine or cyclic maintenance works”.



**DISCUSSION**

The current state of the changerooms at the Barnawartha Recreation Reserve is a major risk management issue requiring urgent action. Investigations into external funding options to enable the works to be completed prior to the commencement of the 2008 football season have not been successful. Due to the urgency of the project it is considered appropriate that Council and Club fund the project on a 50/50 basis, or \$9,000 each.

**FINANCIAL & RESOURCE IMPLICATIONS**

Council has not provided any funding for these works from its 2007/2008 budget and they are not on Council's 10 Year Capital Works Program as they have not previously been identified. Council does have some \$14,000 set aside for refurbishment of the Osbornes Flat Hall. This funding will not be required in the current financial year as the necessary grant funding will not be available until the 2008/2009 financial year. Council could utilise the funding allocated for Osbornes Flat for the Barnawartha works and re-fund the Osbornes Flat works next financial year.

**12.2 YACKANDANDAH SPORTS PARK MASTERPLAN (FILE NO: C262-03, C901.11 - HWBM)**

**For Decision**

**RECOMMENDATION**

**That Council adopts the Draft Yackandandah Sports Park Masterplan.**

**SUMMARY**

In 2006 Council and the Yackandandah Sports Park Committee of Management secured funding to produce a Masterplan for the Park. A Steering Committee was formed which recommended the appointment of @leisure to produce the Plan. Following an extensive consultation program, the Final Draft is now ready for adoption by Council.

**BACKGROUND**

In 2006, Council and the Yackandandah Sports Park Committee of Management secured funding to produce a Masterplan for the Park. The main aim of the project was to produce a Masterplan that would guide the future development of the Park.

A Steering Committee was formed in late 2006 to guide the selection of an appropriate consultant to produce the Masterplan and to ensure the document achieved the outcomes developed by the Committee. The Steering Committee was made up of the following representation:

- Indigo Shire Council Councillor (1)
- Indigo Shire Council Officer (1)
- Yackandandah Sports Park Committee of Management (4)
- Community (3)

A project brief was developed by the Committee and tenders were called. Following and assessment of the tenders by Council officers and the Steering Committee, the Committee recommended to Council that leisure consultants @leisure be offered the contract to produce the Masterplan. @leisure accepted the terms and conditions of the contract and the first meeting with the Steering Committee took place in December 2006.

Throughout 2007 a comprehensive consultation program ensured that the Yackandandah community and the broader Shire community, had the opportunity to have input into the development of the Draft Plan. In September 2007 @leisure produced a Draft Masterplan which was approved by the Steering Committee and subsequently went on public display. Submissions were called for, which closed on the 17<sup>th</sup> October 2007. Following some minor amendments to the Plan a Final Draft was produced and approved

by the Steering Committee in December 2007.

## **ISSUES**

Throughout the development of the Masterplan the Steering Committee and the consultants were very aware of the resource and financial constraints of the key stakeholders of any future developments and of the spatial constraints of the existing Park and its infrastructure. Keeping these determining factors in mind the Final Draft developed the following Key Elements:

1. Continue to develop the indoor sports court at the Reserve for basketball and social sports such as netball.
2. Seek to secure additional land for the reserve in the west to connect better to public land for equestrian and trail based uses as well as provide better for parking of floats.
3. Reline parking, vehicle access ways to serve the indoor and outdoor sporting uses and provide better arrival and circulation space around buildings. Develop a network of paths around the reserve.
4. Continue to enhance the landscape amenity of the reserve, providing a strong theme for tree planting, shade and high amenity quality value for sports and casual users. Improve the wetland area.
5. Increase the functionality and accessibility of buildings, for a range of sports and fitness activities, but consolidating buildings where possible into existing building envelopes.
6. Expand the equestrian arena; develop a small pavilion/shelter and supporting parking.
7. Introduce a winter sport (2 soccer playing areas on either side of the cricket). Provide training lights. Complete the clubrooms as a shared venue for tennis, cricket, and any winter sport or indoor sports court tenant.
8. Develop water reclamation and recycling systems for use in the buildings and on the playing surfaces.

These Key Elements were used as the basis for developing a set of recommendations which would guide the future development of the Sports Park. The recommendations have been categorised, based on their priority, as “Short”, “Medium” and “Long” with Short being the highest priority for action. The recommendations are included in the body of the Draft Masterplan which is an attachment to this report.

Of the “Short” term priority recommendations, the Draft Masterplan, responding from feedback from the community and in particular the Steering Committee, determined that the number one priority is to complete the construction of the Multipurpose Indoor Sports Hall, including associated infrastructure such as changerooms and toilets, canteen facilities, meeting rooms and storage. The building is currently partially complete and, although the project has not been accurately costed, it has been estimated that it would cost in excess of \$1million to fully complete the project. Funding the project will be a major issue for Council and the local community and will require assistance from external (state and federal government etc) funding sources.

Although the project is a major one, the completion of building works and further development of the multipurpose indoor sports court would provide a great range of benefits for the local community and existing sporting and recreation clubs. These

include:

- Greater opportunity to develop recreational programs for all ages and abilities
- Offer a wider range of sports, alternative training options, and opportunities to play indoors, all year round
- Increase the range of sporting and recreational activities at a reasonable cost to Council and users
- Foster increase in participation and demand for social sports, recreation and physical activity.
- Opportunities to accommodate other community events such as markets, festivals and concerts, without increasing the management burden to the responsible authority.

Other high priorities from the Draft Plan include:

- Upgrade and redesign car-parking area at the front of the main cricket clubrooms entry.
- Improve directional signage at both the Sports Park entries and at key locations (as marked on Master Plan).
- Work with Council to improve access and street lighting to the Sports Park via footpath along Wellsford Street, and directional signage from the Wodonga-Yackandandah Road.
- Upgrade the existing BBQ area to provide a more accessible, and improved and more welcoming landscape.
- Assess the quality of tennis / netball court lighting, their level of output and energy usage, as well as the overall safety of lighting towers.
- Develop and implement a regular routine facilities maintenance plan for all facilities.

### **CONSULTATION**

A comprehensive consultation program was implemented as part of this project. The consultation adhered to Indigo Shire Council's Community Engagement Plan and included:

- The formation of a Steering Committee made up of representatives from the user groups of the Park, the local community and Council representation
- Preparation of a general announcement of the study, and a call for submissions from the public, stakeholders and broader community
- Interviews with Councillors, Council staff, sports clubs, reserve user groups, committee of management, government agencies, peak bodies, any relevant private facility providers, Project Steering Committee and Working Group members and key community stakeholders
- Meetings with the Project Steering Committee and Working Group and Council staff
- A community workshop with local residents to discuss key issues and provide feedback on directions
- A workshop with existing tenants/ sports clubs, precinct and committee's of

management and community groups

- o Exhibition period inviting comment for the Draft document

### **POLICY IMPLICATIONS**

The development of the Yackandandah Sports Park Masterplan is consistent with both the Council Plan 2006-2010 and the Health and Wellbeing Departmental Plan.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The Draft Masterplan details a comprehensive list of recommendations which have been prioritised based on a set of Key Elements. The majority of these recommendations require either financial resources or the resources of Council and the local community to implement them.

The recommendations will be assessed by Council staff and the Yackandandah Sports Park Committee of Management to determine appropriate timelines and responsibilities. It is anticipated that the number one priority; to complete construction of the Indoor Sports Hall; will require further planning and the development of detailed building designs and estimates. This planning component of the project will take place throughout 2008 and therefore not affect Council's 2008/2009 budget.

*Attachment*

## **12.3 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – FEBRUARY 2008**

<b>PROJECT</b>	<b>ACTION/ PROGRESS</b>
<b>Yackandandah Sports Park Masterplan</b>	The final report of the Yackandandah Sports Park Masterplan has been received and is included in the January 2008 Council Agenda for adoption.
<b>Indigo Shire Recreation Plan</b>	The final report has not been received from the Consultants.
<b>Youth Development Officer</b>	The Youth Development Officer has resigned. The position has been advertised with interviews scheduled for 31 January 2008.
<b>FReeZA Funding</b>	The Minister for Youth, the Hon James Merlino, visited Beechworth on 17 January 2008 to announce Indigo Shire Council's FReeZA funding for 2008 and 2009. Council will receive \$38,900 over the next two calendar years to conduct 10 events.
<b>Indigo Leadership Program</b>	A small working group has been established to further investigate the feasibility of and possible funding for the establishment of an Indigo Leadership Program. A further

	meeting is scheduled for 29 January 2008 .
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<b>Rutherglen MCH Centre and Youth Centre</b>	Discussions are underway with representatives of the Rutherglen Youth Centre, the Rutherglen Playgroup, Rutherglen Toy Library and the Maternal and Child Health (MCH) Service to maximise the usage of these facilities.  It is proposed that the Youth Centre move into and share the MCH Centre and the Playgroup utilise the space at the Youth Centre. This has been an effective collaboration between all parties involved.
<b>Kiewa Valley Early Childhood Centre (Tangambalanga)</b>	Negotiations are continuing to transfer the full management and operation of this service to the Continuing Education Centre Farm and Rural Mobile Service (FARMS). The Transfer of Licence application will be signed in the very near future. Staff have been fully consulted throughout and are supportive of the changes. The changes will result in improved support and professional development for the staff whilst families will also benefit with enhanced choices.

## **13.0 CORPORATE AND VISITOR SERVICES**

### **13.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER – SIGNING AND SEALING OF CONTRACT (FILE NO: M998 – GMCVS)**

#### **For Decision**

#### **RECOMMENDATION**

**That the contract between the Indigo Shire Council and Mr Brendan McGrath be signed and sealed.**

#### **BACKGROUND**

Council, at its meeting held on 4 December 2007, resolved to appoint Mr Brendan McGrath to the position of Chief Executive Officer at Indigo Shire Council.

The terms of the contract are that it commences on 29 January 2008 and expires on 28 January 2012 unless earlier terminated in accordance with this Agreement.

The Council may at its sole discretion extend the Agreement for a further period not exceeding twelve months in accordance with Section 95A (6) of the Local Government Act 1989. The expiry date shall be 28 January 2013.

Mr McGrath took up employment on 29 January 2008.

**13.2 INSTRUMENT OF DELEGATION – CHIEF EXECUTIVE OFFICER (FILE NO: M250-02 – GMCVS)**

**For Decision**

**RECOMMENDATION**

That Council appoint Brendan James McGrath as Chief Executive Officer In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, and that Indigo Shire Council (Council) RESOLVE THAT -

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

*Attachment*

**13.3 INSTRUMENTS OF DELEGATION – ENVIRONMENT AND DEVELOPMENT SERVICES (FILE NO: M250-02 – GMCVS)**

**For Decision**

**RECOMMENDATION**

1. That Council appoint Stephen Swart, Cloete Van Wyk and Kathryn Oswald as authorised officers pursuant to Section 224 of the Local Government Act, 1989.
2. That the Instruments of Appointment and Certificates of Appointment be signed by the Chief Executive Officer under delegated power.
3. That the Instruments of Delegation be signed and sealed by Council.

**SUMMARY**

This report recommends that Council authorise Stephen Swart, Cloete Van Wyk and Kathryn Oswald as Authorised Officers of Council under Section 224 of the Local

Government Act 1989.

**BACKGROUND**

Steven Swart has been appointed as Acting Environment and Development Services manager from 1 February 2008 until 28 February 2008 to cover the period of annual leave for Susan Cheetham, Environment and Development Services Manager. Cloete Van Wyk has commenced as Building Inspector and Kathryn Oswald's delegation needs to be updated to reflect recent changes to legislation.

It is necessary to authorise the above-mentioned persons pursuant to Section 224 of the Local Government Act so that they may enforce matters and carry out day to day duties in accordance with various Acts, Regulations and Local Laws within their various roles.

Full copies of the Instruments of Appointment and Instruments of Delegation are available on request and will be included in the Minutes of the meeting.

**13.4 RUTHERGLEN WINE EXPERIENCE ANNUAL REPORT  
(FILE NO: D625-07 - TMM)**

**For decision**

**RECOMMENDATION**

**That Council receive the Rutherglen Wine Experience Quarterly Report for December 2007.**

**SUMMARY**

As a requirement of its Instrument of Delegation the Rutherglen Wine Experience (RWE) Board is to provide Council with quarterly report of its activities. These are attached for Council's information.

*Attachment*

**13.5 ELECTION 2008 (FILE NO: M247.10 - GMCVS)**

**For Information**

**SUMMARY**

This report provides details on the timelines and costs for the Local Government Elections 2008.

**BACKGROUND**

Election day for Local Government elections across Victoria will be the 29<sup>th</sup> November 2008. The electoral term will be four years.

Preliminary advice has been provided by the Victorian Electoral Commission as to the

indicative cost for conducting a postal election. That figure is \$72,851.00.

The timeline is as follows:

**Local Government Elections 2008 Postal Election Timeline**

Exhibition Roll date	<b>Thursday 21 August</b>	100 days before election day
Public notice of entitlement date	<b>Wednesday 10 Sept – Tuesday 16 Sept</b>	
Exhibition Period Entitlement Date	<b>Friday 26 Sept – Friday Oct 3</b>	
Publication of Election Notice	<b>Monday 6 Oct – Saturday 11 Oct</b>	
Opening of RO Office	<b>Wednesday 22 Oct</b>	
Certification of Voters' Roll. Opening of Nominations	<b>Thursday 23 Oct</b>	
Nomination Day	<b>Tuesday 28 October</b>	Closes 4pm
Lodgement of Candidates' Statements	<b>Wednesday 29 October</b>	Closes 4pm
Indications of Preferences	<b>Friday 31 October</b>	Closes 4pm
Mail-out of ballot packs/uncontested ward leaflets.	<b>Tuesday 11 November – Thursday 13 November</b>	
Close of Voting	<b>Friday November 28</b>	
<b>Election Day</b>	<b>Saturday November 29</b>	<b>voting closes 6pm</b>

**Results Declared between Sunday November 30 & Friday December 5**

**13.6 CORPORATE SERVICES PROJECTS – PROGRESS REPORT – FEBRUARY 2008**

**Project**

**Actions**

<b>Enterprise Agreement</b>	<p>As previously reported, the proposed Enterprise Agreement was submitted to the Workplace Authority for an initial 'prohibited content review' on 20 August. On 27 November an 18-page letter was received in response, detailing thirty-five clauses that were said either to contain or to potentially contain prohibited content.</p> <p>Discussions and correspondence then took place with the Australian Services Union and the other three unions that are party to the Agreement, as well as the non-union staff representatives. As a consequence, the Agreement had to be extensively re-drafted and was finally resubmitted for a second prohibited content review on 17 January. It is understood that the Workplace Authority has been asked to 'fast track' re-submitted agreements, although the truth of this is yet to be demonstrated.</p>
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	<p>Assuming that the Agreement is declared to contain no prohibited content, it will be signed on behalf of the various parties and then be the subject of a secret ballot of all staff. This will present a logistical challenge because the Agreement now runs to some 320 pages and every staff member has to be provided with a copy to consider. We are currently working to see how many of the Council's staff without access to the Council's e-mail system can be provided with the Agreement on disc.</p> <p>Assuming the outcome of the ballot is a favourable one, Council will have ten days in which to lodge the Agreement, at which point it will finally become effective.</p>
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**13.7 TOURISM & MARKETING - PROGRESS REPORT – FEBRUARY 2008 (TMM)**

**Project                      Actions**

<b>Burke Museum</b>	<p>Recording and banking procedures at the Burke Museum have been overhauled to fall into line with the rest of Shire's practices. This will ensure better monitoring of the Museum's performance.</p> <p>A Burke Museum Marketing Strategy is in place with measures including attracting regular publicity, holding special events, upgrading the website as the key marketing tool, promoting educational tours, introducing package deals with catering and entertainment in the Street of Shops.</p> <p>Changes made to the Museum layout to place a heavier focus on merchandise for sale is starting to yield results.</p>
<b>Historic &amp; Cultural Precinct</b>	<p>Several of the buildings in the Historic &amp; Cultural Precinct celebrate their 150<sup>th</sup> anniversary in 2008. A publicity campaign is planned and a focus will be placed on seeking grants to interpret spaces such as the Sub Treasury and Harry Power's Cell throughout the year.</p>
<b>Cycle Tourism</b>	<p>Three-shire Cycle Tourism Officer Clayton Neil has completed stakeholder discussions and is now developing the draft Cycle Tourism Strategy 2007-2010.</p>
<b>Sponsorship workshop</b>	<p>A workshop will be held on February 26 for Indigo Shire community festival and event organisers to develop their skills in seeking private sponsorship.</p>
<b>Opera in the Alps</b>	<p>Rain forced the cancellation of the outdoor concert, which was replaced by four shorter indoor concerts. Ticket holders turned to the Beechworth VIC for information about the changes with the Centre handling nearly 2000 enquiries on the Saturday. Despite some unhappy ticket holders, the majority were understanding and supportive of the event.</p>

**14.0 FINANCE**

**14.1 OCTOBER 2007 FINANCE REPORT – (FILE NO: M064 – CFO)**

**For Information**

**BACKGROUND**

Attached are the financial reports to October 2007 and shows a comparison between the YTD actual position and the YTD budgeted position for the period.

**SUMMARY**

**Profit and Loss Statement (A.1)**

**YTD Actual v YTD Budget**

Council is reporting a YTD surplus of \$5.32 million against a YTD budgeted surplus of \$4.72 million. This represents a favourable variance of \$344,000 or 7%.

The underlying surplus, which excludes capital income and focuses on operating expenditure and operating income, shows a surplus of \$4.77 million against a budgeted surplus of \$4.30 million or a favourable variance of 11% or \$473,000.

**Departmental Profit & Loss Statement (A.2) pg 3**

**YTD Actual v YTD Budget**

The operating revenue and expenditure report by department shows a favourable variance of \$660,000 or 16%. All departments are showing favourable variances against budget. Further information in relation to variances is detailed in the report.

**Balance Sheet (B) pg 4**

**YTD Actual v Last year YTD Actual**

Council balance sheet reflects a strong position with cash and investments on hand of \$3.53 million. This compares favourably to October 2006 when Council held \$2.9 million of cash and investments. Council's net current asset (working capital position) at the end of October is \$7.45 million which compares favourably to the same period last financial year of \$6.20 million.

**Cash Flow Statement (C) pg 5**

Council has collected 36% (\$3.07 million) of its total rates to be collected in the 2007/08

year income of \$8.2 million to the end of October 2007. This compares to 36% of total rates and charges collected for the same time last financial year.

**Capital Works**

Expenditure for the month of October was \$123,000 compared to budgeted expenditure of \$49,000. Expenditure for the 4 months to October is \$950,000 compared to budgeted expenditure of \$212,000. Councils capital works program for the 07/08 year is budgeted at \$7.7 million.

The majority of expenditure incurred in the current year relates to the finalisation of a number of uncompleted projects from the 2006/07 year, including the Rutherglen Memorial Hall (\$274,000), the Wooragee Hall (\$63,177), and other projects not completed at 30 June 2007. The capital works program has been programmed with little work commencing in relation to the 2007/08 budget. As in prior years, a number of projects from the 2006/07 year that were not completed will be incorporated into the revised capital works budget.

*Attachments*

**14.2 NOVEMBER 2007 FINANCE REPORT – (FILE NO: M064 – CFO)**

**For Information**

**BACKGROUND**

Attached are the financial reports to November 2007 and shows a comparison between the YTD actual position and the YTD budgeted position for the period.

**SUMMARY**

**Profit and Loss Statement (A.1)**

**YTD Actual v YTD Budget**

Council is reporting a YTD surplus of \$5.10 million against a YTD budgeted surplus of \$4.63 million. This represents a favourable variance of \$305,000 or 6.6%.

The underlying surplus, which excludes capital income and focuses on operating expenditure and operating income, shows a surplus of \$4.54 million against a budgeted surplus of \$4.16 million or a favourable variance of 9.3% or \$387,000.

**Departmental Profit & Loss Statement (A.2) pg 3**

**YTD Actual v YTD Budget**

The operating revenue and expenditure report by department shows a favourable

variance of \$620,000 or 16%. All departments are showing favourable variances against budget. Further information in relation to variances is detailed in the report.

**Balance Sheet (B) pg 4****YTD Actual v Last year YTD Actual**

Council balance sheet reflects a strong position with cash and investments on hand of \$4.75 million. This compares favourably to November 2006 when Council held \$3.24 million of cash and investments. Council's net current asset (working capital position) at the end of November is \$7.41 million which compares favourably to the same period last financial year of \$4.99 million.

**Cash Flow Statement (C) pg 5**

Council has collected 49% (\$4.11 million) of its total rates to be collected in the 2007/08 year income of \$8.2 million to the end of November 2007. This compares to 46% of total rates and charges collected for the same time last financial year.

**Capital Works**

Expenditure for the month of November was \$175,000 compared to budgeted expenditure of \$329,000. Expenditure for the 5 months to November is \$1,125,000 compared to budgeted expenditure of \$541,000. Councils capital works program for the 07/08 year is budgeted at \$7.7 million.

The majority of expenditure incurred in the current year relates to the finalisation of a number of uncompleted projects from the 2006/07 year, including the Rutherglen Memorial Hall (\$274,000), the Wooragee Hall (\$63,177), and other projects not completed at 30 June 2007. The capital works program has been programmed with little work commencing in relation to the 2007/08 budget. As in prior years, a number of projects from the 2006/07 year that were not completed will be incorporated into the revised capital works budget.

*Attachments*

**14.3 DECEMBER 2007 FINANCE REPORT – (FILE NO: M064 – CFO)****For Information****BACKGROUND**

Attached are the financial reports to December 2007 and shows a comparison between the YTD actual position and the YTD budgeted position for the period.

**SUMMARY**

**Profit and Loss Statement (A.1)**

**YTD Actual v YTD Budget**

Council is reporting a YTD surplus of \$4.29 million against a YTD budgeted surplus of \$3.61 million. This represents a favourable variance of \$614,000 or 17%.

The underlying surplus, which excludes capital income and focuses on operating expenditure and operating income, shows a surplus of \$3.73 million against a budgeted surplus of \$3.08 million or a favourable variance of 21% or \$649,000. The main contributing factors are savings to date of 11% in wages and on costs and an additional 22% in gas sales income from the operations at Mt Buller.

**Departmental Profit & Loss Statement (A.2) pg 3**

**YTD Actual v YTD Budget**

The Operating Revenue & Expenditure Report (by department) shows a favourable variance of \$881,000 or 16.4%. All departments are showing favourable variances against budget. Further information in relation to variances is detailed in the report.

**Balance Sheet (B) pg 4**

**YTD Actual v Last year YTD Actual**

Council balance sheet reflects a strong position with cash and investments on hand of \$4.74 million. This compares favourably to December 2006 when Council held \$3.25 million of cash and investments. Council's net current asset (working capital position) at the end of September is \$6.80 million, which compares favourably to the same period last financial year of \$4.99 million.

**Cash Flow Statement (C) pg 5**

Council has collected 56% (\$4.73 million) of its total rates to be collected in the 2007/08 year income of \$8.2 million to the end of December 2007. This compares to 57% of total rates and charges collected for the same time last financial year.

**Capital Works**

Expenditure for the month of December was \$161,000 compared to budgeted expenditure of \$444,000. Expenditure for the 6 months to December is \$1.29 million compared to budgeted expenditure of \$984,000. Councils capital works program for the 07/08 year is budgeted at \$7.72 million.

The majority of expenditure incurred in the current year relates to the finalisation of a number of uncompleted projects from the 2006/07 year, including the Rutherglen Memorial Hall (\$274,000), the Wooragee Hall (\$63,177), and other projects not

completed at 30 June 2007. The capital works program has been programmed with little work commencing in relation to the 2007/08 budget. As in prior years, a number of projects from the 2006/07 year that were not completed will be incorporated into the revised capital works budget.

*Attachments*

## **15.0 GOVERNANCE**

### **15.1 COUNCIL MEETING SCHEDULE – 2008 (FILE NO: M211 – CEO)**

#### **RECOMMENDATION**

1. That Council adopts the following schedule for a range of Council Briefings, Ordinary Council meetings and Community forums for 2008:

<b>Date</b>	<b>Meeting</b>	<b>Venue</b>
<b>First Tuesday</b>	<b>Standard Briefing A Ordinary Council Meeting</b>	<b>Chiltern / Senior Citizens Rooms</b>
<b>Second Tuesday</b>	<b>Optional Briefing</b>	<b>As required</b>
<b>Third Tuesday</b>	<b>Standard Briefing B</b>	<b>Yackandandah / The Shed</b>
<b>Fourth Tuesday</b>	<b>Standard Briefing C Community Forum A</b>	<b>Various venues throughout the Shire</b>
<b>Fifth Tuesday</b>	<b>Optional Briefing Community forum B</b>	<b>Various venues throughout the Shire</b>

2. That this schedule commence from Tuesday 5 February 2008 and be in place until further reviewed.

#### **SUMMARY**

This report recommends the schedule for various Council activities and meetings for 2008.

#### **BACKGROUND**

In 2006 Council decided to change the schedule for Briefings for Council and the Ordinary Council meetings with Council meetings now being held on the first Tuesday of the month, supplemented by a range of Briefing meetings and regular community forums. This has worked extremely well.

**ISSUES**

Council needs to set its meeting schedule well in advance to facilitate appropriate communication avenues with the community.

The following schedule has been applied over the past twelve months:

<b>Date</b>	<b>Meeting</b>	<b>Venue</b>
First Tuesday	Standard Briefing A Ordinary Council Meeting	Chiltern / Senior Citizens Rooms
Second Tuesday	Optional Briefing	As required
Third Tuesday	Standard Briefing B	Yackandandah / The Shed
Fourth Tuesday	Standard Briefing C Community Forum A	Various venues throughout the Shire
Fifth Tuesday	Optional Briefing Community Forum B	Various venues throughout the Shire

**Explanation:**

- **Standard Briefing A** - on the first Tuesday commencing at 4.30 pm and consist of review of the Council agenda - clarifying any information provided in the Council agenda, but not debating the items therein. This agenda would also include media releases for the month, copies of other minutes that need to be circulated for information but not for statutory purposes and any other briefing items as required.

There would not normally be any presentation made by outside persons at this meeting.

- **Standard Briefing B** - on the third Tuesday would comprise visitations and presentations from community members etc, followed by discussion on forthcoming issues that Council needs to be aware of. This would take place from 4.00 pm until approximately 6.00 to 6.30 pm. There would then be a 15 minute to half hour meal break with sandwiches provided.

Following that would be a one to one and a half hour session on strategic issues.

It is proposed that early in a Council term this would be an important meeting where a whole range of strategic issues and education of Councillors would need to take place. Later in the year and later in the term of office it may not be necessary to have tea and strategic briefings at these meetings. Again, this has worked well.

- **Ordinary Council Meeting** - on the first Tuesday commencing at 7.00 pm. This is the formal monthly meeting of Council where Council makes decisions on various issues. Decisions are not made at Standard Briefings or Community Forums.
- **Standard Briefing C** - this would be similar to the first part of Standard Briefing B, whereby there might be visitors addressing Council or Council discussing various items. There would be no strategic discussion at this briefing.

Standard Briefing C would always be followed by a Community Forum A held in the locality where the briefing would take place.

It may also be opportune for Council to undertake inspection tours in the particular area that they are meeting for standard briefing C and the following community forum.

- **Community Forum A** – this is an opportunity where Council will be travelling to various parts of the Shire to hold an open public meeting with the community of that area. Council may provide several items for discussion that are pertinent to that area or the Shire in general at that particular time. There would also be ample opportunity for members of the community to raise issues of their own volition with Council.
- **Community Forum B** - this would be an additional community forum held approximately three times per year when there is a fifth Tuesday. If necessary Council could undertake further optional briefings or inspections on that fifth Tuesday.

It may be necessary to hold Community Forums on an alternative day to the Tuesday if there are known clashes or other issues with the Tuesday or if Council wants to hold additional Forums.

### **Community Forums**

Council held several Community Forums in 2007 with Councillor and officers in attendance:

Overall, these were very successful and should be continued for 2008. Topics at the forums ranged from major issues in a location (eg. the Rutherglen Heavy Vehicle Alternative Routes) to a discussion on a number of small road/traffic or community support issues.

We found it was better to publicise any major issues for discussion prior to the meetings via the flyer delivery system through Australia Post.

### **Community Forums**

The following program is suggested for 2008:

<b>Date</b>	<b>Location</b>	<b>Venue</b>
29/01/08	Rutherglen	Senior Citizens Rooms
26/02/08	Beechworth	Town Hall
25/03/08	Tangambalanga	Community Centre
22/04/08	Chiltern	Senior Citizens Rooms
29/04/08	Yackandandah	Senior Citizens Rooms
27/05/08	Sandy Creek	Sandy Creek Hall
24/06/08	Wahgunyah	School of Arts Hall
22/07/08	Barnawartha	Soldiers Memorial Hall
29/07/08	Wooragee	Wooragee Hall
26/08/08	Kergunyah	Kergunyah Hall

30/09/08	Beechworth	Town Hall
28/10/08	Yackandandah	Senior Citizens Rooms
<b>29/11/08</b>		<b>Local Government Elections</b>

## **15.2 GOVERNANCE – WORK IN PROGRESS – FEBRUARY 2008** **(CEO)**

### **For Information**

<b>Project</b>	<b>Actions</b>
<b>Councillors Training</b>	Crs Issell and Walsh attended an MAV “Maximising The Mayoralty” forum on 24 January.
<b>The Council Budget</b>	Chief Finance Officer has completed budget establishment, brought forward items, forecasts and reporting systems. SMG now reviewing budget v actuals on a monthly basis and revising forecasts.  Preparatory work has commenced on budget for 08/09.
<b>Community Forums</b>	A Forum was held at Rutherglen on 29 January.
<b>Media &amp; Communications</b>	We are continuing to put out a large number of press releases and other information and have been well supported in local media publishing covering activities across the Shire.
<b>Operations and Assets Managers</b>	Alex Showers has taken up the position of Operations Manager commencing on 21 January 2008.  Robert Uebergang will take up the position of Assets Manager on 18 February 2008.
<b>Drought Issues</b>	Whilst we have had some welcomed rains we are still in a difficult situation in many areas in the Shire. We will continue to provide services in drought response and recovery wherever possible.  Ann Shaw has been appointed to the position of Drought Recovery Worker through the Alp Valleys Agribusiness Forum.
<b>Murray to the Mountains Rail Trail</b>	We are still awaiting finalisation of the lease with VicTrack. They have been provided with additional information that they requested in relation to native vegetation on the rail easement. We showed how we have minimised interference with native vegetation and trees with the design of the track. A property owner who has a lease has also been in amicable discussions with Council Officers and supports the construction details.  VicTrack has advised that it would prefer to lease the whole to Council with the track being sublet to GreenTrail. VicTrack is in discussions with GreenTrail.

**16.0 NOTICE OF MOTION****17.0 COMMITTEE AND DELEGATES REPORTS****17.1. DECEMBER 07 & JANUARY 08 DIARY - CR ISSELL**

<b>Date</b>	<b>Time</b>	<b>Function</b>
1 Dec	10.00am	Tour of potential Council office sites in Indigo Shire
	5.30pm	10 <sup>th</sup> Anniversary Montessori kinder and school, Beechworth
2	9.30am	Human Rights Torch Relay, Beechworth
2	12.00noon	Opening, Tremonti fine gems and jewellery, Beechworth
	2.30pm	Opening, Wooragee Hall, Wooragee
4	8.45am	Meeting with CEO, Beechworth
	4.00pm	Council briefing meeting, Chiltern
	7.00pm	Council meeting, Chiltern
6	5.00pm	NE local government network meeting, Benalla
7	10.00am	Councillor duty, Beechworth
8	9.00am	LandCare meeting, Beechworth
	1.30pm	Atauro Island friendship group meeting, Beechworth
9	11.15pm	Rutherglen Farmers Market, Rutherglen
10	10.30am	Citizenship committee meeting, Beechworth
	12.30pm	Launch, GreenCorps Greening Chiltern's Watercourses, Chiltern
11	6.00pm	Murray Arts Board meeting, Wodonga
	7.30pm	Chair, Beechworth Arts Council AGM
13	9.00am	Meeting with Acting CEO, Beechworth
	11.00am	Provincial Victoria Forum, Benalla
	7.00pm	Corowa Shire Council's Annual Dinner, Mulwala
14	9.30am	Beechworth after school care meeting
	11.00am	Meeting with Health Consultant, Chiltern Health Service
	6.30pm	Indigo Shire Staff Christmas Party, Wooragee
15	9.00am	Radio Interview 2AY, Albury
	4.00pm	Draw competition winner, Ardent Alpaca, Beechworth
18	12.30pm	Meeting with Federal Member for Indi, Wangaratta
	6.00pm	MAV Mayor's Reception, Melbourne Museum
19	9.00am	MAV Mayor's Training Program, Melbourne
	7.30pm	Rutherglen High School Presentation Night
20	4.30pm	Farewell Party for Indigo Staff member, Yackandandah
	7.00pm	Osborne's Flat Primary School Presentation Night
22	11.00am	View residential development issues, Beechworth
2 Jan	11.00am	Meeting with Acting CEO, Beechworth
3	5.00pm	Chiltern Heritage Evening

6	11.00am	Tour of Lake Sambell and consideration of issues
13	12.00noon	Launch of Brewery Trail, Boynton's Winery, Porepunkah
14	4.30pm	Meeting with Acting CEO
15	2.00pm	Meeting with new CEO
	4.00pm	Briefing Meeting, Yackandandah
16	7.30am	Meeting with Beechworth Chamber of Commerce & Industry
17	2.00pm	Meeting with i86 Youth Committee, Chiltern
	6.30pm	Meeting with Industry Capability representatives, Beechworth
18	10.00am	Councillor Duty, Beechworth
	6.00pm	Open, Beyond the Bends Art Exhibition, Stanley
	7.30pm	Opera in the Alps rehearsal, Beechworth
19	6.00pm	Opera in the Alps, Beechworth
22	2.00pm	Presentations to Australia Day award recipients, Beechworth
22	4.00pm	Council Briefing Meeting, Yackandandah
23 – 24	2.00pm	Maximise the Mayoralty training, MAV, Melbourne
25	9.00am	Councillor Duty, Beechworth
	10.00am	Meeting with new CEO, Beechworth
	6.30pm	Open, Old School House Gallery, Beechworth
26	Early till late	Australia Day events at Rutherglen, Chiltern, Yackandandah and Barnawartha
29	9.00am	Welcome new CEO, Beechworth
	4.30pm	Council Briefing, Rutherglen
	7.00pm	Community Forum, Rutherglen
31	7.00pm	Lake Sambell AGM, Beechworth

**Cr V Issell**

5 February 2008

**17.2 DECEMBER 07 & JANUARY 08 DIARY - CR BANKS**

<b>Date</b>	<b>Time</b>	<b>Function</b>
4 Dec	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Council meeting, Chiltern
10	7.30 pm	Baarmutha Park CoM Meeting and AGM
12	6.00 pm	Lake Sambell Committee Meeting and Christmas Function
18	7.00 pm	School Presentations St Joseph's Beechworth
15 Jan	4.00 pm	Council Briefing Meeting, Yackandandah
29	4.00 pm	Council Briefing Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen

Cr Andrew Banks

5 February 2008

**17.3 DECEMBER 07 & JANUARY 08 DIARY - CR DALE**

<b>Date</b>	<b>Time</b>	<b>Function</b>
4 Dec	4.30pm	Council Briefing Meeting, Chiltern
	7.00pm	Council Meeting
5	6.30pm	Yackatoon Christmas Function, Yackandandah
7	9.00am	MAV Board Meeting, Melbourne
13	7.00pm	Kiewa / Tangambalanga School Awards, Kiewa / Tangambalanga
14	6.30pm	Yackandandah Primary School Awards, Yackandandah
	7.30pm	Indigo Shire Christmas Function, Wooragee
17	6.15pm	Wahgunyah Primary School Awards, Wahgunyah
18	7.00pm	Beechworth Secondary College Awards, Beechworth
15 Jan	4.00pm	Council Briefing Meeting, Yackandandah
22	4.00pm	Council Briefing Meeting, Yackandandah
26	8.00am	Australia Day Celebrations, Beechworth
	5.00pm	Australia Day Celebrations, Yackandandah
29	4.00pm	Council Briefing Meeting, Rutherglen
	7.00pm	Community Forum, Rutherglen

**Cr Jenny Dale**

5 February 2008

**17.4 DECEMBER 07 & JANUARY 08 DIARY - CR GRAHAM**

<b>Date</b>	<b>Time</b>	<b>Function</b>
2 Dec	2.30pm	Official Opening, Wooragee Community Hall
10	10.00am	Admin NevRwaste at Wangaratta
4	10.30am	Rural Access Wheelchair Fun Day, Rutherglen
	4.30pm	Council Briefing Meeting, Chiltern
	7.00pm	Council Meeting, Chiltern
6	10.00am	Indigo Community Transport Forum, Chiltern
	12.30pm	GreenCorps at Albury Council Wodonga
	7.30pm	Walking School Bus Group at Shamrock, Rutherglen
8	7.00pm	Rutherglen Senior Citizens Christmas Dinner
10	8.30am	Rutherglen Wine Experience Board Meeting, Rutherglen
	12.30pm	Launch-Greening Chiltern's Watercourses, Chiltern
	7.00pm	CAC at Tangambalanga
12	9.30am	MAV Waste GP Meeting, Melbourne
13	10.30am	Admin NevRwaste, Wangaratta
	12 noon	NE Road Safety Meeting, Wangaratta
14	5.30pm	Council Christmas Function, Wooragee
	7.30pm	Christmas Carols Lions Park, Rutherglen
18	8.30am	Rutherglen Wine Experience Board Meeting, Rutherglen
20	2.00pm	Beechworth Primary School Presentations
	3.30pm	Admin, Beechworth Office
	4.30pm	Farewell Clive Walker, Yackandandah

14 Jan	9.00am	RWE Board Meeting, Rutherglen
15	4.00pm	Council Briefing Meeting, Yackandandah
18	8.00am	AVRWMG Quarterly meeting, Traralgon
21	1.30pm	Disability Advisory Committee, Beechworth
22	4.00pm	Council Briefing meeting, Yackandandah
26	7.45	Australia Day, Rutherglen
29	4.00pm	Council Briefing Meeting, Rutherglen
	7.00pm	Community Forum, Rutherglen

**Cr Peter Graham OAM**

5 February 2008

**17.5 JANUARY 08 DIARY - CR HOTSON**

<b>Date</b>	<b>Time</b>	<b>Function</b>
19 Jan	5.30 pm	Opera in the Alps, Beechworth
21	9.45 am	Indigo Tourism Board Meeting, Yackandandah
26	7.00 am	Australia Day Ceremonies Rutherglen, Chiltern and Barnawartha
29	4.00 pm	Council Briefing Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen

**Cr Bill Hotson**

5 February 2008

**17.6 DECEMBER 07 & JANUARY 08 DIARY - CR MURDOCH**

<b>Date</b>	<b>Time</b>	<b>Function</b>
4 Dec	4:00 pm	Briefing Meeting, Chiltern
	7:00 pm	Council Meeting, Chiltern
10	12:30 pm	Launch Chiltern LandCare Project, Chiltern
22 Jan	4:00 pm	Briefing Meeting, Yackandandah
23	10:00 am	Northern Region Sustainable Water Strategy Meeting Shepparton
26	10:00 am	Australia Day Ceremony, Chiltern
29	4:00 pm	Briefing Meeting, Rutherglen
	7:00 pm	Community Forum, Rutherglen

**Cr Barbara Murdoch**

5 February 2008

**18.0 GENERAL BUSINESS**

**19.0 CONFIDENTIAL**