

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 2 SEPTEMBER 2008 COMMENCING AT 7.00 PM.

PRESENT

Councillors

Councillor V J Issell (Mayor)
Councillor A M Banks
Councillor J M Dale
Councillor P F A Graham, OAM
Councillor B J Murdoch
Councillor F A Walsh

Officers

Mr Phil Prior (Acting Chief Executive Officer)
Mr David Montgomery (General Manager Corporate & Visitor Services)
Ms Sally McCarron (Health & Wellbeing Manager)
Ms Susan Cheetham (Environment & Development Services Manager)
Mr Alex Showers (Operations Manager)
Mr Robert Uebergang (Assets Manager)
Mrs Naomi Cox (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Issell welcomed those in attendance.

2.0 OPENING PRAYER

Cr Graham read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr WB Hotson - leave of absence
Mr Brendan McGrath (Chief Executive Officer) – leave of absence

**Moved Cr Murdoch
Seconded Cr Graham**

That Cr Banks be granted leave of absence from 6-22 September inclusive.

CARRIED

**Moved Dale
Seconded Cr Murdoch**

That Cr Issell be granted leave of absence from 22-25 September inclusive.

CARRIED

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

5.0 OPEN FORUM

Nil

6.0 CONDOLENCES

1. Cr Walsh paid tribute to the late Bernard Peter Gibney of Yackandandah.
2. Cr Issell paid tribute to the late Donald Hayes of Beechworth.

7.0 CONFIRMATION OF MINUTES

**Moved Cr Walsh
Seconded Cr Murdoch**

That the Minutes of the Council meeting held 5 August 2008 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil

9.0 DEPUTATIONS AND PETITIONS

9.1 TRADING PLACES POLICY (FILE NO: M201.1-02)

Cr Issell tabled a petition with 38 signatures from Retail Traders of Beechworth which read:

“We the undersigned request that Indigo Shire Council amend the local policy Trading Places to meet the Federal legislation requirements and allow display, advertising and amenity structures to be placed against building or property lines where product type, weather or amenity requires”

Page 2 of the petition read as follows:

“We the undersigned request that Indigo Shire Council amend the local policy Trading Places to meet the Federal legislation requirements (1.8 metres clear path) and allow display, advertising and amenity structures with tap rail to be placed against building or property lines where product type, weather or amenity requires.”

Cr Issell advised that this matter would be dealt with in Item 13.5 on the Agenda tonight.

**Moved Cr Issell
Seconded Cr Dale**

That the Petition be accepted.

CARRIED

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 SECTION 173 AGREEMENTS - (07/4037, 08/4207, 08/4238, 08/4312) (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) R Taylor & J Lundahl**
- B) E Jacka**
- C) J & K Vogt**

**Moved Cr Dale
Seconded Cr Walsh**

That the Recommendation be adopted.

CARRIED

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 **07/4037** relates to a proposed intensive animal husbandry, shed and caretakers residence development at Kilborn Rd Rutherglen. The land is 1.211ha in area and is presently vacant. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:
- (i) That the applicant must execute the whole farm management plan as per the attached Whole Farm Management Plan for Crown Allotment 5C Section 31 Parish of Carlyle. The owner of the property may apply to the Responsible Authority in writing to amend the Farm Management Plan. A revised Farm Management Plan must accompany the application. The Responsible Authority will then consider all the relevant issues pertaining to the application at the time and will then advise the applicant of their decision.
 - (ii) The caretakers dwelling hereby approved is to be used in conjunction with the permitted use of the site, being intensive animal husbandry, and shall be removed/demolished rendered uninhabitable if the use hereby permitted ceases, or ceases to be the main form of income for the landholder.
- B)** Planning Permit **08/4207** relates to a 3 Lot subdivision of land at Beechworth-Wodonga Road, Wooragee. This Section 173 Agreement was reported to Council in July of this year, however since that time an additional clause has been added to the Agreement, being clause (iii) hereunder. The proposal realigns the boundaries between two lots to create a lot of ~4ha and ~40ha and excises an

existing heritage listed dwelling on a lot of ~2ha. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to provide that:

- (i) The three lots created by this subdivision Lot 1 (4 ha), Lot 2 (41 ha) and Lot 3 Existing Dwelling (2ha) shall not be further subdivided.
 - (ii) Lot 2 cannot be used or developed for the purpose of a dwelling.
 - (iii) Prior to the re-occupation of the existing house on Lot 3 of the endorsed plans the current on-site effluent disposal system must be upgraded to current standards to the satisfaction of the responsible authority. Consent of Council for on-site waste disposal system must be obtained. Such system shall comprise either:
 - (a) an on-site sewerage treatment package plant. (Such system shall have an EPA Certificate of Approval issued under Section 53M(7) of the Environment Protection Authority Act); or
 - (b) an approved septic tank system.
- C) Planning Permit **08/4238** relates to a proposed dwelling on land approximately 50ha in area, located at Edmonson Lane, Wooragee. The property is largely uncleared native vegetation, and shares a boundary with the Mount Pilot National Park. Because of the potential impact on the National Park from activities associated with a dwelling, it was considered appropriate to require a Section 173 Agreement to be entered into with the Responsible Authority to:
- (i) ensure that the dwelling hereby approved cannot be excised from the Lot under the provisions of the Indigo Planning Scheme (ie that the lot is not able to be subdivided so as to increase the number of lots);
 - (ii) provide for the permanent protection of native vegetation located outside the fire management zones, as indicated on the endorsed plans to compensate for the loss of native vegetation as a result of the development and use of the subject land for the purposes of a dwelling. The area to be protected must be managed to ensure pest plant and animals are controlled;
 - (iii) ensure that environmental weeds (as per Albury-Wodonga Environmental Weed Handbook and the Indigo Shire Council Weed Identification Guide) are not planted or permitted to grow on the subject land and that any exotic tree and plant species within the subject site are managed to prevent invasion to the adjoining Crown Land, and;
 - (iv) provide notification that the subject land adjoins Crown land known as the Chiltern-Mt Pilot National Park and that fire protection works must only be undertaken on freehold land. No additional works will be undertaken or permitted within the Chiltern-Mt Pilot National Park or adjoining road reserves as a result of this development proceeding.
 - (v) provide notification to future landowners by way of an endorsement on the title, of the need to make a cash contribution to upgrade the road to the required Council standard, should further development occur which

additionally utilizes this road for access.

- D) Planning Permit **08/4312** relates to an application to use & develop a dwelling on lot 7 PS344590F, Dederang Rd Bruarong. The subject land has an area of 2.023ha, and the applicant also owns Lot 5 PS344590, which has an area of 36.87ha. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure that Lot 5 PS344590F cannot be used for the purposes of accommodation and in particular that no dwelling house may be erected on the subject land.

Attachment A: Locality/Site Plan – PP07/4037 Kilborn Rd Rutherglen.

Attachment B: Locality/Site Plan – PP08/4207 Beechworth-Wodonga Road, Wooragee.

Attachment C: Locality/Site Plan – PP08/4238 Edmonson Lane Wooragee.

Attachment C: Locality/Site Plan – PP08/4312 Dederang Rd, Yackandandah.

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

For Decision

SUMMARY

Application No:	PP-074076
Applicant:	A Knight
Subject Land:	CA 299Z and CA 299K Murray Valley Highway
Proposal:	To use and develop the land for the purpose of a dwelling and associated outbuildings, horse stables and a training arena.
Date application lodged:	29/08/07
Subject site land area:	19.74 ha
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 CA299Z 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.

- 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.**

**Moved Cr Walsh
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Description of the site:

The subject site is located approximately 3km east of the township of Rutherglen at the south-western corner of the Murray Valley Highway and Trimbels Lane intersection. The subject property is comprised of two separate land titles, being Crown Allotment 299K (Vol 1729 Fol 345624) and Crown Allotment 299Z (Vol 6207 Fol 1241389). It has a combined area of 19.47 hectares (42.8 acres). The applicant is prepared to consolidate the land into one title.

The topography of the site is flat with no apparent slope. The site is mostly cleared of trees except for a few scattered trees in the north-western portion of the site around an existing dam. More substantial vegetation cover exists in the road reserves. The dominant vegetation currently on the site is introduced grass species.

Surrounding land use:

The character of the surrounding area can be described as large open farmland used for broad acre crop production, cattle, sheep and horse grazing. The sizes of the surrounding properties various from approximately 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 contains a dwelling.

PROPOSAL

The proposal is to use and develop the land for the purpose of a dwelling, horse stables and training arena. The proposed dwelling is to be located approximately in the centre of the subject site. Horse stables and a truck shed are proposed towards the west and south of the proposed dwelling location. The proposed training arena is located to the north of the proposed dwelling. Access to the site will be gained from the existing access gate off Trimbles Lane. The proposed dwelling will be design in a colonial style, constructed in brick with steep pitched corrugated iron roof and wide verandas.

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

The applicant has also submitted a Whole Farm Management Plan that sets out how the applicant intends to farm and manage the subject site. In summary the applicant proposes to breed 2 to 3 racehorses annually, maintain and improve the pastures, undertake re-vegetation of certain areas of the subject site, train horses, erect and maintain fences, manage the movement of stock, and undertake weed and insect control.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Permit Trigger: 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 19.74 ha, thus a planning permit is required.

Overlay/s: Significant Landscape Overlay Schedule 3

Permit trigger: 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 also required in terms of this overlay.

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 (MSS) 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
- 21.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision

Local Planning Policies

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

Referral Authorities

Authority/Unit	Response
North East Catchment Management Authority	No objections 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 follows:

- Houses on small rural properties fetter the agricultural 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 objection raised.

Site inspection

Senior Town Planner inspected the site during the processing of the application.

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, 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, and whether a dwelling is reasonably required to facilitate the proposed agricultural operation.

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 MSS 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 MSS Clause 21.04 (Environment), the Local Planning Policy Clauses 22.01-2 and 22.01-5 emphasise the importance of the Shire's landscapes. The quality of the landscape setting of the Indigo Shire is 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 is a major component of economic activity in the shire and should therefore be protected. In protecting agriculture we 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 source 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 with 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 needs to be managed so as not to create de-facto 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.

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 strategic planning at both State and local government levels 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 has submitted a Whole Farm Management Plan which sets out how they intend to manage the farm. The applicants proposed to breed 2 or 3 racehorses annually and to run a few sheep and cattle on the property when grass is in abundance. The applicant argues that the breeding of horses is a labour intensive pursuit and that a dwelling is reasonably required on the site to undertake the breeding and training program. The breeding and training of racehorses does require constant supervision but it is questionable as to whether the training and breeding of 2 or 3 racehorses annually requires such a degree of supervision that a dwelling is reasonably required to manage the enterprise.

In considering how much time annually is required to breed 2 or 3 race horses it would be hard to convincingly argue that a dwelling is reasonably required for this purpose. The training of horses is more time consuming task but the question remains of how much time daily would be required for this activity and can this activity be undertaken without a dwelling on the site. The answer is probably that no more than two to three hours daily would be required for this activity, which once again does not necessarily justify a dwelling on the subject site.

In the Whole Farm Management Plan, the applicant argue that besides the breeding and training of horses on the subject site, other general farm maintenance tasks need to be undertaken to bring the property up to standard. The applicant argues that the tasks of maintaining and improving pastures, undertaking re-vegetation of certain areas, erecting and maintaining fences, and undertaking stock movement, weed management and insect control could only be effectively undertaken if a dwelling is developed on the site.

In respect to the upkeep of the site, these activities happen on many other farms where no dwelling exists. In considering the applicants claim, little substance could be found for the development of a dwelling on the subject site. The application is basically for the approval of a hobby farm.

Council needs to assess whether the management input required by the proposed use as set out in the Whole Farm Management Plan satisfies the requirement that a dwelling is reasonably required to carry out the proposed use on the subject site. In this case there will be at the most 8 horses on the site at any given time. Council also needs to consider whether the management input in term of the above actions reasonably required a dwelling on the property. While applications should be considered on a case by case basis, it is important that Council gets the balance right and recognises that the submission of a Whole Farm Management Plan cannot guarantee the issue of a planning permit for a dwelling on a small rural allotment.

Another aspect that Council should consider in the assessment of this application is that a precedent can be set for future applications. In this case the applicant argues that a dwelling is reasonably required to facilitate the breeding of 2 or 3 horses annually. If this is taken as a valid argument, then similar arguments could be employed to get approval for houses on small rural allotments in the Farming Zone, for instance, an argument mounted for the breeding of 2 or 3 stud cattle annually which also includes the training of animals to prepare them for exhibitions, or the breeding of a few stud sheep or goats. The intent of the Farming Zone as pointed out above is to protect viable agricultural land of indiscriminate uses and to create an environment for genuine farmers to maximise production.

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 use than a rural use.

The vision embodied in the Indigo Planning Scheme is for the future of the area to be 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 continue to be used for stock raising and intensive and extensive cropping as cropping and grazing contributes to the economy and character of the Shire. 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.

This use 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.

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 de-facto 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.

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 the 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.

*Attachment A Location Map
Attachment B Confidential*

10.3 BUILDING STATISTICS – JULY 2008 (EDSM)

For Information

Locality	Description	Project Value	Approval Date
Millern	dwelling	\$181,1	21/07/0
Rutherglen	dwelling	\$157,6	25/07/0

utherglen	dwelling	\$515,5	16/07/0
ackandandah	dwelling	\$187,9	18/07/0
eechworth	e-stump	\$9,0	19/06/0
ackandandah	dwelling	\$293,0	02/07/0
eechworth	xtension to Dwelling	\$112,2	02/07/0
arnawartha	ed	\$4,0	02/07/0
utherglen	ed	\$16,3	02/07/0
utherglen	ed	\$20,0	03/07/0
niltern	teration to Shed	\$18,1	04/07/0
niltern	emolition	\$3,0	04/07/0
ackandandah	ed	\$50,0	04/07/0
niltern	dwelling	\$104,3	04/07/0
utherglen	ade Structure	\$2,4	04/07/0
niltern	dwelling	\$150,0	08/07/0

ackandandah	ned	\$16,800	09/07/08
ion	e-stump	\$7,700	09/07/08
ngambalang	ned	\$4,000	22/07/08
ewa	ned	\$18,500	24/07/08
arlyle	swimming Pool	\$26,500	25/07/08
utherglen	ned	\$8,100	25/07/08
hiltern	xtension to Building	\$27,600	25/07/08
eechworth	xtension to Warehouse	\$13,800	28/07/08
eechworth	emolition	\$10,000	28/07/08
hiltern	teration to Shed	\$31,400	29/07/08
eechworth	wellling	\$249,000	30/07/08
otal		\$2,615,785.00	

10.4 PLANNING STATISTICS – JULY 2008 (EDSM)

For Information

136	anley	Change of Use - Dwelling	\$7,000	Approved
P084199	utherglen	Dwelling Boundary Realignment		Approved
P084238	ooragee	Dwelling	\$150,000	Approved
P084262	utherglen	Four (4) Lot Subdivision		Approved
P084286	prong	Change of Use - Rural Industry, Restaurant, Manufacturing Sales	\$47,000	Approved
P084288	arnawartha	Consolidation & Boundary Adjustment		Approved
P084295	ackandanda	Dwelling		No permit required
P084307	ackandanda	Dwelling		No permit required
P084309	lans Flat	Dwelling and Shed	\$300,000	Approved
P084311	sbornes Flat	Alterations & Additions (Convert former Church Dwelling)	\$200,000	Withdrawn
P084312	uarong	Dwelling		Approved

P084326	Loutherglen	Additions to Garage (second bay)	\$30,000	Approved
P084327	Beechworth	Extension to Shed	\$95,000	Approved
P084208	Loutherglen	Amendment to Permit - Verandah (Retail premises)	\$2,000	Approved
P084333	Beechworth	Special Occupancy (B & B and Dwelling)	\$180,000	Approved
P084340	Edigo Valley	Certification of Subdivision	\$0	no permit required
P074066	Beechworth	Amendment to Permit - Special Occupancy	\$265,000	Approved
Total			\$1,410,100	

10.5 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – SEPTEMBER 2008

For Information

Projects underway are show in the following table.

Project	Current actions
Amendment C10 and C45 – Heritage Overlay	Amendment submitted to DPCD for approval. Amendment C10 abandoned due to lapse of time and replaced with Amendment C45. Awaiting Ministerial approval since March 2008.
Amendment C21 - Kiewa-Tangambalanga	<ul style="list-style-type: none"> ○ Structure Plan adopted by Council in May 2006. ○ Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence.

	<ul style="list-style-type: none"> ○ Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. Additional information requested in this regard by AAV. Proponents have submitted information. This is awaiting a response from AAV.
<p>Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review</p>	<ul style="list-style-type: none"> ○ Review report with Minister for Planning. ○ Planning Scheme amendment (C24) to implement initial matters has received DPCD authorisation. Public exhibition finished on 15 August 2008. 45 submissions were received. These include acknowledgment, support, requests for minor changes and objections. Submissions are currently being investigated prior to reporting to Council.
<p>Amendment C35 – Former Beechworth Hospital site</p>	<p>Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently one substantive issue which is potential contamination of a small part of the site. Proponent still considering options to address this before the amendment proceeds.</p>
<p>Amendment C36 – Chiltern Flood Study</p>	<p>Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment on exhibition for two months until 24 June 2008.</p> <p>Two submissions were received. Issues raised in submissions being addressed by NECMA prior to a report on the amendment being presented to Council.</p>

<p>Indigo Planning Scheme Amendment C44 – Buckland Gap Rd Beechworth and former sawmill site, Back Creek Rd Yackandandah</p>	<p>Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. Conditional authorisation has been received for exhibition of the amendment. Conditions of the authorisation are being addressed prior to exhibition.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<ul style="list-style-type: none"> ○ Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed. ○ Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 underway. Draft report due late August.
<p>Interim car parking policy (Indigo Planning Scheme Amendment C42)</p>	<p>Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration.</p>
<p>Rural Land Use Strategy</p>	<p>Coomes Consultants appointed to undertake phase one and two of strategy. Phase one and two commenced. Currently in initial consultation phase. The first round of public workshops to be held on 1 and 2 September.</p>
<p>VCAT Appeals</p>	<ul style="list-style-type: none"> ○ PP05-281 Appeal by O & Z vonWilpert against Council’s refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing set for 14 November in Melbourne. ○ PP07-072 Appeal by R Beaver against Council’s Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter will proceed to hearing. <p>A second appeal has now been lodged. This is</p>

	<p>against Council's failure to determine a development plan that was submitted on 28 April 2008. This matter will be joined with the subdivision matter. Hearing date set for 3 days commencing 29 October. The hearing to be in Melbourne.</p> <ul style="list-style-type: none"> ○ PP07-4091 Appeal by R Forrest against Council's refusal to approve a dwelling, Flat Rock Road, Beechworth. Heard 9 July in Beechworth. Decision withheld. ○ PP07-4119 Appeal by C & T Welsh against Council's refusal of an application for a dwelling at Riley's Road, Barnawartha. Waiting for advice of hearing date. ○ PP08-4246 Appeal by G Scamell against conditions of a planning permit. Negotiations underway with applicant to resolve issues. ○ PP 07-4018 Appeal by Wahgunyah Progress Association Inc. against Council's failure to grant a planning permit for a boat ramp and associated works at Sarah Street, Wahgunyah. Practice Day hearing 8 August 2008. Appeal dismissed. ○ P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. No date set for hearing.
<p>Indigo Heritage Study 2002 digitalisation of data</p>	<p>Successful in obtaining a grant in the Heritage Victoria 2008 Early Bird Digitisation Grants. This allows transfer of heritage data from the Indigo Heritage Study 2002 onto the State Government maintained HERMES database. This is part of the Victorian Heritage Strategy. Digitalisation underway.</p>
<p>Environmental health staff</p>	<p>Trainee Environmental Health officer position advertised. No appointment at date of this report.</p>
<p>Administration staff</p>	<p>Administration Officer position has become vacant as Vicki Johnson-Poyntz has been transferred to the Operations and Assets Department. Position advertised. No appointment at date of this report.</p>

11.0 OPERATIONS AND ASSETS

11.1 SALE OF LAND GUNDOWRING (FILE NO: E980-03 - GMOA)

For Decision

RECOMMENDATION

That Council sign and seal Transfer of Land documents for sale of Part Crown Allotment 3A Section D Parish of Gundowring to PA & TM Anderson for the sum of \$1,400 plus costs.

**Moved Cr Dale
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

BACKGROUND

The parcel of land in question is 5,165 square meters of rural farm land and was established as Road Reserve in Council's name many years ago. This has never been required for this purpose, is now surplus to Council's needs and is required by the Anderson's to obtain legal access to their property.

Attachment

11.2 REVIEW OF SPEED LIMIT, MAIN STREET, RUTHERGLEN (FILE NO: T360.3 – GMOA)

For Decision

RECOMMENDATION

That Council request that VicRoads lower the speed limit in Main Street, Rutherglen to 40 kilometres per hour and install appropriate speed management signage.

**Moved Cr Dale
Seconded Cr Walsh**

That the Recommendation be adopted.

CARRIED

SUMMARY

The Rutherglen Heavy Vehicle Deviation Community Reference Group has been

considering short term options to improve safety in Main Street, Rutherglen and, following a meeting with representatives of the transport industry, is confident that a lowering of the speed limit will improve safety and that the transport industry would be in full support of such a move. The Brumby Government has recently released details of a trial program to reduce the speed limits on popular shopping strips to 40 km/hr.

BACKGROUND

The full report of the Rutherglen Heavy Vehicle Deviation Community Reference Group will be presented to Council within a month or two, however, given the desire of the Rutherglen community to take swift action on improving road safety, the Group is comfortable to bring this recommendation forward prior to the completion of the report. As part of the process, the Group consulted with a number of representatives from the heavy vehicle transport industry, who confirmed that their drivers also have fears for public safety in Main Street, and that they would, in general, be in agreement with a requirement to lower the speed limit. A number of transport operators identified that the drivers of their own volition, or through company directives, are currently driving considerably below the current posted 50 km/h limit. Advice from local Police is that this is also the case, however it is not the perception of other users of the street, as B doubles move past in close proximity within the confined spaces of Main Street.

The Brumby Government's Road Safety Strategy – "Arrive Alive 2008-2117" introduced the initiative of 40 km/h speed limits in shopping strips. Following a successful trial of eighteen sites, the Government has provided funding to look at additional sites, and has devolved the responsibility for decision-making on suitable sites to the Regional Director of VicRoads. Initial discussions with the North East Regional Director, Graham Freestone and his staff, have been supportive of Council applying for reduced speed limits in Main Street.

VicRoads have developed eligibility and criteria for sites which include the length of the strip shopping, the degree of pedestrian activity, the frequency of parking manoeuvres and the support of the local community and Municipal Council. The criteria appear to be met by the Main Street, Rutherglen site. VicRoads have also standardised times of operation of their reduced speed limits to three options:

1. 8.00 a.m. – 7.00 pm. Monday to Saturday
2. 8.00 a.m. – 12.00 a.m. Monday to Saturday
3. 24 hours, seven days a week.

Given that Main Street is also the night time activity centre of Rutherglen, there would seem to be a strong case for operating the 40 km/h limit, 24 hours and seven days a week. This is supported by the fact that the roundabout at the eastern end of Main Street controls people's speeds to 40 km/h to a degree in any case, and consequently vehicles and in particular, heavy vehicles, can traverse Main Street at a reasonably consistent speed without the need for undue gear changes or breaking.

POLICY IMPLICATIONS

There has been a very strong call from the Rutherglen community for many years to

implement safety measures in Main Street. The introduction of 40 km/h speed limits is one step towards better safety. Other towns can be considered on their merits if and when the application for Rutherglen is successful.

FINANCIAL & RESOURCE IMPLICATIONS

Funding will be provided by VicRoads and, subject to the signage required, may need to be referred to their annual funding programs.

11.3 RURAL ROAD INFRASTRUCTURE CONTRIBUTION (FILE NO. T408 – AM)

For Decision

RECOMMENDATION

That Council adopt the Rural Road Infrastructure Contribution policy.

**Moved Cr Graham
Seconded Cr Dale**

That the Recommendation be adopted.

CARRIED

SUMMARY

The aim of the new Rural Road Infrastructure Contribution is to replace the existing road contribution policy with one that demonstrates the nexus between development and the requirement for a rural road contribution to upgrade the Council's rural road infrastructure over time. A rational methodology has been subsequently documented for the calculation of the Rural Road Infrastructure Contribution rate, with this rate to be indexed over time.

BACKGROUND

Council has a current works and contribution policy for rural road contributions outlined in the 'Planning Scheme – Road Construction Requirements in the Rural Zones' (2001) document. The policy outlines that one of the following be adopted for developments in rural areas:

- specific conditioned road works to be completed by the developer where there is an immediate safety or access issue
- \$4,500 contribution per allotment where a nexus exists between development and the need to upgrade the public road network
- \$1,500 contribution where a development has no immediate impact on the need to upgrade the public road network.

It is proposed that the 2001 policy be superseded by the Rural Road Infrastructure

Contribution policy discussed in this report. The policy outlines that one of the following be adopted for developments in rural areas:

- specific conditioned road works to be completed by the developer where there is an immediate safety or access issue
- developer to provide payment as calculated in a formulated road contribution plan specific to the road(s) accessing the development
- \$1,988 contribution where a development does not necessitate an upgrade to the immediate or adjacent road network. The contribution fee is to be indexed yearly.

There is a requirement that a clear nexus exists between the works for which a contribution is levied and the nature of the development. Contributions that do not demonstrate a nexus rationale are readily exposed to appeal and dispute. The Rural Road Infrastructure Contribution has been formulated to demonstrate the nexus between rural development and the requirement to upgrade Council's rural road infrastructure network over time. The nexus principle also lies at the core of the methodology used in calculating the Rural Road Infrastructure Contribution rate.

REVIEW

The Rural Road Infrastructure Contribution Policy is to be reviewed after a period of 12 months. The purpose of this review will be to analyse community feedback received over the period of policy application and to amend the policy as required.

FINANCIAL & RESOURCE IMPLICATIONS

The particular rate of rural road contribution will increase from \$1,500 to \$1,988 under the proposed policy with this amount to be indexed over time. The proposed rate of \$1,988 in real terms equates to a 4% annual indexation of the \$1,500 rate as applied in 2001.

POLICY IMPLICATIONS

Council has an existing policy in regard to rural road contributions. The proposed new policy will supersede existing policy if adopted by Council.

Attachment: Rural Road Infrastructure Contribution Policy

11.4 STRATEGIC BICYCLE PLAN UPDATE 2008 (FILE NO: T629 – GMOA)

For Decision

RECOMMENDATION

That Council:

- 1. Receive the draft Strategic Bicycle Plan Update 2008, and**
- 2. Circulate the plan for Public and Stakeholder comment for a period of six weeks.**

**Moved Cr Banks
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

The Strategic Bicycle Plan was first prepared in 2003 and has been reviewed, updated and expanded to provide a more comprehensive document for both Township and community link pathways.

BACKGROUND

Council's Strategic Bicycle Plan provides a valuable resource document to Council officers and the community for the development, planning and construction of bicycle and shared pathway links around the Shire. As Council's communities grow and become more attuned to cycling and walking as their preferred means of transport, it has become necessary to review the 2003 Bicycle Plan to provide a resource document for the next five to ten years.

Importantly, the Strategic Bicycle Plan links with Council's Recreation Plan and Cycle Tourism Strategy to encapsulate the community's priorities for the further development of bike and footpath linkages across the Shire. These priorities are encapsulated in the appendices to the Strategic Bicycle Plan and provide detailed costings and analysis of all identified routes which can then be incorporated into Council's ten year forward Capital Works Program.

COMMUNITY CONSULTATION

The draft Strategic Plan has been circulated to schools and bicycle groups and comments to date are incorporated into the draft plan. Further community consultation will be undertaken in accordance with Council's Communication Strategy.

POLICY IMPLICATIONS

The final adopted Strategic Plan will form the basis for discussion with funding bodies, community groups and developers.

FINANCIAL & RESOURCE IMPLICATIONS

The plan was developed with funding from 2007/8 Capital Works program. Funding for the proposed works emanating from the Strategic Plan will be sourced from Government grants, special charge schemes and developer contributions, where appropriate. The volume of work is extensive and will need to be funded over many years.

Attachment: Strategic Bicycle Plan Update 2008

11.5 SPRING STREET AND MULHOLLAND DRIVE SPECIAL CHARGE SCHEME (FILE NO: T480.08-02 – GMOA)

For Decision

RECOMMENDATION

That Council:

- 1. Declare a Special Charge Scheme on Spring St and Mulholland Drive.**
- 2. That Council make the following changes to the Scheme:**
 - a. Move Northern court bowl / tee head 6-8 metres North**
 - b. Remove fruit trees at the Northern end of the Street either during construction or landscaping at the end of project.**
 - c. Replace court bowls with tee heads**
 - d. Move Southern court bowl / tee head as far South as practical**
 - e. Reduce Motel and Number 1 Spring St Contribution to nothing.**

**Moved Cr Graham
Seconded Cr Murdoch**

That Council:

- 1. Declare a Special Charge Scheme on Spring St and Mulholland Drive.**
- 2. That Council make the following changes to the Scheme:**
 - a. Move Northern court bowl / tee head 6-8 metres North**
 - b. Remove fruit trees at the Northern end of the Street either during construction or landscaping at the end of project.**
 - c. Replace court bowls with tee heads**
 - d. Move Southern court bowl / tee head as far South as practical**
 - e. Reduce Motel and Number 1 Spring St Contribution to nothing.**
 - f. defray the costs across the other benefiting properties**
- 3. Council call for submissions for 14 days on this Scheme**

CARRIED

Note: Crs Banks and Walsh voted in the negative

SUMMARY

Council has made a resolution to give notice to declare a Special Charge Scheme in Spring Street during its November 2007 Meeting.

The Spring Street Project is construction of a bituminous sealed pavement with kerb and channel both sides in Spring Street and the construction of kerb and channel in Mulholland Drive, both with associated drainage Council considers this will be of special benefit to those owners of property required to pay the special charge.

Eight residents have returned submissions. Some of these submissions have been negative to the project and others have been positive

BACKGROUND

Notice of intention to declare a Special Charge Scheme was sent to all Spring Street Residents on the 21st of February 2008 by mail. The Proposed Declaration was hand delivered to all ratepayers who are resident and mailed to all non resident rate payers.

As a result of these notices, Indigo Shire Council has received submissions from eight parties.

A summary of submissions is listed below:

Kerb Type

Submissions: 6

Residents have been given two kerb options being Layback Kerb and SM2 kerb. The major difference between the two are that driveways will not need to specifically cut into layback kerb and SM2 has a greater carrying capacity.

There have been 3 official submissions for each type however based on informal conversations it is felt that SM2 is generally favoured.

Officer's Comments

While SM2 has a greater carrying capacity than layback kerb, Layback kerb has an advantage of reduced expense because installing driveways doesn't require modification to the kerb.

There is a strong general preference for SM2 kerb due to the superior drainage capacity.

Recommendation Retain SM2 Kerb

Reinstate Spring St to a through road

Submissions: 1

There has been a submission claiming that Spring Street was not ever legally closed and requesting that Council reopen the road to through traffic.

Officer's Comments

The road was formally changed to a no through road by the United Shire of Beechworth some time ago. This was done to prevent people from cutting through from Malakoff Rd to access the Wangaratta Road and the transfer station. There are also reports of buses using the road to access the Motel. The road status (through or no through road) is not the subject of this scheme and should be treated as a separate matter. However, a survey was conducted of residents in 2003. There were 17 respondents, 6 didn't answer the questions but made other comments, 1 supported the road being reopened as a through road and 10 residents wanted the road to remain a no through road.

If Council adopts the recommendation to use tee heads rather than court bowls the turning issue will be resolved. Opening the road would also cause Smith St to become involved in the scheme as traffic from Spring Street would create dust problems for Smith St residents. This would mean starting the scheme all over to incorporate Smith Street. If residents still feel strongly that they would like to have the road opened to rubbish trucks this could be explored in the future as a separate issue to this scheme.

Recommendation Leave Spring Street as a no through road.

Move Northern court bowl 6-8 metres North.

Submissions: 1

There has been a submission to move the court bowl 6-8 metres to the North. This would allow the submitter to have full access to their property, therefore not limiting any future development

Officer's Comments

This is to allow 30 Spring Street access to Northern end of the property in the event of a future subdivision. An alternative can be an extended driveway. There are no physical obstacles to moving this court bowl

Recommendation: Move court bowl 6-8 metres North

Remove Fruit Trees from Northern end of Spring Street**Submissions: 2**

There are several fruit trees in the Northern end of the street planted by a resident there are two submissions to remove the trees

Officer's Comments

These trees have been planted by a resident shortly after the road was changed to a no through road. Once again this is not the subject of the project. However the trees would most likely be removed during landscaping at the end of the project.

Recommendation: Remove trees if necessary either during construction or landscaping at the end of project.

Concerns that the Court Bowl is too small/not adequate.**Submissions: 4 (Including submissions for tee heads)**

There are 2 submissions registering a concern that the court bowls are too small to allow rubbish trucks to turn around and if they do there is concern that they will damage the seal. There seems to be general feeling that this will be a problem. There are also some submissions requesting the use of tee heads instead of court bowls. This became more evident when the submissions were presented to Council. It seems that most residents who presented their submissions had concerns over the adequacy of the court bowls even if they hadn't formally noted it in their written submissions.

Officer's Comments

The court bowls have been designed as large as they can be given the size of the road reserve. Council has been given assurances by our design engineers that garbage trucks will be able to turn around in the court bowl however they will need to complete a three point turn. This is not ideal but is preferable to the present situation where the trucks have to reverse back down the street. Tee heads however will allow greater use of the road reserve and take less space meaning that it is easier to fit them around obstacles such as trees and sewerage pits.

Recommendation: Replace court bowls with tee heads.

Include 32 Spring Street in the scheme.

Submissions:1

No 32 is already included in the scheme.

Officer's Comments

Recommendation: Keep 32 Spring Street in the scheme.

Drainage Concerns

Submissions: 1

There are two submission expressing concerns about the designed drainages capacity to effectively drain the street.

Officer's Comments

Drainage had been designed by consulting engineers to Australian Standards. Council has been assured that drainage is adequately designed to cater for a 1 in 5 year storm with greater flows being carried in the kerbed road way.

Recommendation: Maintain current drainage design.

Move Southern Court bowl 6-8 metres South

Submissions: 1

There has been one informal submission (not printed) to move the southern court bowl 6-8 metres further south. In the court bowls current location it encroaches on to two drive ways at either end of the street. This would mean the driveways would need to be made steeper in order to tie in to the road level. The grade of the nature strip will also need to be steeper to link the court bowl elevation with the elevation of the house yard.

Officer's Comments

There has been one informal submission (not printed) to move the southern court bowl 6-8 metres further south. In the court bowls current location it encroaches on to two drive ways at either end of the street. This would mean the driveways would need to be made steeper in order to tie in to the road level. The grade of the nature strip will also need to be steeper to link the court bowl elevation with the elevation of the house yard. There is also a concern that the proximity of the court bowl to the driveways poses a safety problem to children from the associated houses.

If the court bowl is replaced with a tee head there will be more flexibility to move it to a more suitable location.

Recommendation: Move court bowl / tee head as far South as practical

Motel not to contribute to the scheme

Submissions: 1

There is a submission that requests that the motel be removed from the scheme.

Officer's Comments

This scheme will provide no benefit to the property. The same can be said for number 1 Spring Street.

Recommendation: Reduce Motel and number 1 Spring St Contribution to nothing.

Survey

Submissions: 2

There have been claims made by two residents that the results of a survey conducted on Spring Street residents were 'skewed'. The survey was presented to Council at its February meeting in 2007.

Officer's Comments

The surveys were opened and counted by Spring Street residents and the results were presented to council. Council analysed the results at the time to arrive at their own decision.

Roads to Recovery Funding

Submissions: 1

There have been criticisms of Council that in previous schemes (when there was 100% cost allocation to residents) that Council would also use Roads to Recovery funding and effectively have project funded twice.

Officer's Comments

It is hard to comment on a previous scheme, however the current scheme is jointly funded. We also have very tight requirements on how we are to spend Roads to Recovery funds.

Scheme a 'Priority Project'

Submissions: 1

Somewhere it had been claimed that the scheme was a priority project. One resident has made a point that it should not be described as a priority project.

Officer's Comments

It is unclear why this was described as a priority project or even what defines a priority project.

Mulholland Drive not included in previous schemes

Submissions: 1

There has been a point made that a statement has been made regarding a previous scheme to the effect that Mulholland drive would not be included in the scheme.

Officers Comments

There may have been some confusion about this point. It has never been the intention to construct the through carriageway, rather just the shoulders and kerb. It is logical and practical to construct all of these works as one scheme

Concerns of lack of consultation

Submissions: 2

There has been a point made that residents have not been adequately consulted over this project.

Officer's Comments

This point seems to refer to previous schemes. Steps have been made to address this issue in this scheme. As a result the level of consultation has greatly improved.

CONSULTATION

These submissions have been made through an extensive consultation process, which has involved correspondence, phone calls, meetings of street residents, survey of street residents and several site visits to several residents. Submissions have also been made by eight residents and five have taken the opportunity to present their submissions directly to Council.

POLICY IMPLICATIONS

This step is according to Council Policy for Special Rates and Charges.

FINANCIAL IMPLICATIONS

The project will be funded by a combination of contributions by residents totalling an estimated \$99,996.50 and a Council contribution of an estimated \$122,646.50. The Council contribution will come from Roads to Recovery funding.

There are no significant cost implications associated with these recommendations. The major implication is associated with reducing the contribution to be sought from the Motel. If this recommendation is adopted this amount will be redistributed to other contributors.

11.6 BEECHWORTH POOL (FILE NO: C910-02 - OM)

For Decision

RECOMMENDATION

That Council consider the medium and long term options for aquatic facilities in Beechworth as part of an overall review of community facilities in Beechworth over the next twelve months.

**Moved Cr Banks
Seconded Cr Dale**

That the Recommendation be adopted.

CARRIED

SUMMARY

With the aim of opening the pool for the 2008/2009 swimming season a contract has been awarded to for repairs to the Beechworth Pool. As well as this, Coffey Geotechnics have advised Council that the contamination provides minimal risk to the public using the pool and that it will be safe to reopen to the public for the 2008/2009 swimming season.

To add to this, a funding application is with the Department of Planning and Community Development to extend the project to cover improvements to other facilities at the pool ie change rooms, pool pediment, pool concourse and pool water heating. At the time of writing this report there is no official word of the result of this application.

BACKGROUND

Council will remember that during preparation works for the 2007/2008 swimming season the Beechworth Pool suffered structural failure as it was being pumped out causing the closure of the pool for the ensuing season.

To add to this it was confirmed that the pool had been constructed on a disposal site of the former Beechworth Gasworks causing some soil contamination in the vicinity of the pool.

This left two obstacles to be overcome before the pool could be reopened which will be addressed separately in this report.

1.1.1 Repairing the Pool

At the beginning of this year the pool was deemed to be irreparable in that it could never be repaired to the condition it was in prior to the structural failure. This is still the case and Council is currently negotiating with its insurance company for a payment equalling the full replacement of the pool.

However Council has awarded a tender to a contractor to install a liner in the Pool which

will provide a functional repair and return the pool to a usable state. This will be completed prior to the 2008/2009 pool season. It is expected that this repair could be made to last for over 10 years however the repair will be unsatisfactory for a long term solution for two main reasons:

- The pool will not settle to its original level. This means that one side of the pool will settle higher than the other. It is hard to tell what this difference will be once the pool has been refilled but will most likely be in the order of 20-50mm.
- The other reason why this repair will be unsatisfactory as a long term solution is that the pool will still have structural failures. Although the liner has the flexibility to accommodate this, it is not satisfactory for a long term asset.

1.1.2 Contamination

Council have commissioned Coffey Geotechnics to:

- Identify potentially contaminating activities that are currently being performed at the site or that may have been performed at the site in the past;
- Assess the contamination status and the extent of contamination of the site by drilling environmental bore holes and installing groundwater monitoring wells;
- Collection of environmental soil and groundwater samples and analysis of these samples;
- Provide an indication of the extent of the contamination of the site and give recommendations on remediation options.

During the field assessment works it was determined that the site is covered in a layer of fill which ranges from the surface to approximately three metres thick with the gas works waste between 1.5 and 3.0 metres below ground surface. This gas works fill is generally comprised of black ash like material and sandy clays.

A total of ten soil bores and three groundwater monitoring wells were installed on the site to confirm the existence of a former gas works disposal area and attempt to delineate it. Contamination in the form of PAHs, TPH and BTEX were found within the soil samples taken as well as the groundwater samples.

The results indicate that this site was most likely used as a gas works disposal area during the operation of Beechworth gas works. The disposal area seems to be limited to approximately 200 square metres in area however, due to the limited access the disposal area could not be delineated on the north western side of the site. The approximate extent of the contamination is shown on the plan in the attachments

The recommendations that have been received to add to this report are that the contamination will provide minimal risk to users of the pool and that using the site for a pool facility will pose an acceptable risk. The leaching of contaminated inground water will need to be monitored by the drilling of a monitoring well between the pool and the creek.

If a new facility is constructed at a later date on the current site the contamination will need to be addressed at that stage and if the new facility is to be constructed at another site the contamination can be addressed as part of the rehabilitation of the site.

CONSULTATION

Representatives from the Beechworth Swimming Club have been consulted throughout this process. They have been involved in all decisions regarding the decision to make repairs to the pool and appointing the contractor.

POLICY IMPLICATIONS

Tenders were carried out in accordance with Council policy.

FINANCIAL & RESOURCE IMPLICATIONS

This work will be funded by the insurance money received for the damage to the pool. Because this is a non-structural repair, most of the insurance money will not be spent this stage. The money saved will be used to contribute to a more permanent pool in the future. There is also a funding application currently with DPCD to extend the project to upgrade work performed on other facilities at the pool ie change rooms, pool pediment, concourse and water heating. Council has also allocated funding in the 2008/09 Capital Works budget.

11.7 CAPITAL WORKS – PROGRESS REPORT – TO 20 AUGUST 2008 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Mt Fleury Estate, High St Beechworth 100% completed. Minor rectification works to be undertaken during maintenance • Red Hill Rd Estate Havelock Rd, Stage 1 on to maintenance. Stage 2 works commenced 10% complete. Temporarily stopped works due to wet weather
Plant	Tenders being compiled for 2 replacement trucks. Further discussion required upon other plant replacement issues. Loaders/mowers etc.
Rutherglen Wine Bottle	North East Water yet to submit Planning Permit to Council defining proposed works. Community committee to consider future uses. Rutherglen Wine Region Tourism coordinating public consultation. Petitions are being circulated in Rutherglen to gain public comment and it will be reviewed by RWRT in a couple of weeks.

Murray to Mountains Rail Trail	Design plans have been completed. Still negotiating access.
Chiltern Floodplain Works	Works commenced to improve culvert capacity on High St floodway. Design works mostly complete, discussions underway with NECMA.
Havelock Road area stormwater re-use	Works in final stages. Re-use pump system 70% complete. Dam also approx. 50% full and working with football club to discuss use of water for irrigation. Wetlands to be constructed December to complete project.
Ready/Soles Street drainage	Detailed design in progress with completion of design scheduled for September.
Chiltern Commercial Area Parking	Reached agreement on land purchase, detail design at draft stage. Removal of old houses complete. Application to be made for additional \$170,000 grant in 08/09.
Rutherglen Heavy Vehicle Deviation.	Community Reference Group currently finalising route priorities. Next meeting 11 September , planned to present their report to October Council meeting.
Tangambalanga Football club rooms	Optimistic State Government funding for project will be forthcoming.
Yackandandah Supermarket Car parking	Works in Hammond St commenced. Supermarket now up and running with formal opening weekend of 16 August, 2008.
Wahgunyah-Moodemere Walking Trails	Preferred route selected and surveyed - pending further investigation by ISC/DSE as to feasibility. Preliminary report to Council and action plan in progress
Yackandandah Museum	New roof and sub-floor structure completed. Battening of walls commenced.
Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)	Solar light installed. Works now complete.
Former Beechworth Methodist Church Roof	Specifications for project in process of being compiled for approval by Heritage Vic.
Beechworth Netball Courts	Beechworth Netball courts and retaining wall are completed. Backfill safety fence and site tidy up to be finalised.
Beechworth Pool	Tender has been awarded for works. Construction due to commence in early September.

Tangambalanga Industrial Estate	Expressions of Interest advertised for local industrial land to ascertain demand. Valuations on land completed.
Yackandandah Depot Industrial Estate	Following interest from two businesses, pursuing grants with a view to commencing servicing ASAP
Wahgunyah Boat Ramp	Planning process progressing. Discussions ongoing with applicant, State Boating Council and Corowa Shire.
Mellish Street upgrade	Works programming to construct works starting late this year. Meeting to be held with residents onsite within the next two weeks.

11.8 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 20 AUGUST 2008 (GMOA)

For Information

Project	Description of Works
GENERAL MAINTENANCE Road Maintenance & Parks and Gardens	<p>Two graders still working in the Rutherglen area, and backlog of grading now completed. The Jetpatcher is being utilised in this area, undertaking potholing and edging. The number of works authorities and general complaints have been generally down on previous months.</p> <p>Roadside shoulder spraying is being undertaken and general work in Parks & Gardens. Hangers have been removed from roadsides where causing possible danger to passing traffic.</p>
WORKS IN PROGRESS Bus Stops	<p>Some objections have been received to the Planning Permit for the proposed bus stop relocation in Wellsford St. Yackandandah. Work is underway in an attempt to resolve the issues.</p> <p>Additional improvement works in front of the swimming pool entrance at the Chiltern bus stop in Alliance St. will be undertaken soon. This will allow the buses to “U” turn at this stop.</p>
EXTERNAL PRIVATE WORKS Buller Gas	<p>Snow season going well, new invoicing in place. Gas safety case nearing completion.</p>

<p>Waste Management</p>	<p>Falls Creek Waste</p> <p>At a public meeting held at Falls Creek on Monday 11th August some very positive feedback from business owner/operators was received in relation to the work that is carried out by our staff undertaking the waste/recycle collection service.</p> <p>East Gippsland Waste</p> <p>The annual contract performance review, conducted by East Gippsland Shire, will be undertaken in early September.</p> <p>Indigo Waste</p> <p>Some further planting has been completed at the Yackandandah Transfer Station rehabilitation site to replace plants that have died since the rehabilitation was been completed. A recent inspection of the site was completed by the EPA as required by the Pollution Abatement Notice that was originally served on the site. The EPA was very impressed by the project and confirmed that all conditions imposed by the Notice are being completed.</p>
<p>Animal Control & Local Laws</p>	<p>Works (in hours and out of hours)</p> <p>Cats seem to be the order of the day during this period. Customer contacts relating to cats are coming in thick and fast, trapping programs are working well to remove any problem animals. Dog complaints are down and stock on roads are at minimal levels.</p>
<p><u>POOLS</u></p>	
<p>Indigo</p>	<p>We are about to advertise internally for staff for 2008 2009 pool season for Indigo and Wodonga pools. The following week we expect to invite proven, past staff back and advertise externally for qualified life guards Some news has been announced regarding the repair of the Beechworth pool shell, there is going to be community consultation to achieve the best outcome for the residents. Aiming to open for summer.</p>
<p>Wodonga Pool</p>	<p>ISC has lodged a submission to extend the current contract and we are waiting to hear back from the City of Wodonga</p>

ENVIRONMENT	
Community Water Grants – round 3	Bulk of planting complete at Racecourse Road site – some additional plants on order – follow up spray to occur in Spring, which will complete project
Greenhouse Action Plan	Action planning yet to be formalised – next financial year
North East Greenhouse Alliance	<ul style="list-style-type: none"> • Alliance to develop submission to the federal government’s Carbon Pollution Reduction Scheme Green Paper – due 10th Sept <p>Alternate Fuels</p> <ul style="list-style-type: none"> • First delivery of biodiesel yet to occur • Discussions with YCDDo regarding Council support for biodiesel tank installation – yet to follow up <p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> • All clubs now installed – final report to AGO due November 30th – display signs in the process of being produced for each club to showcase what has been achieved <p>Adaptation</p> <ul style="list-style-type: none"> • NERWA proposed being the ‘driver’ of next phase with Alliance – looking at making the URS report more user friendly <p>Plant Savers</p> <ul style="list-style-type: none"> • Final report to AGO due October 31st • Yackandandah – audit received, in the process of identifying measure • Barnawartha -kids now involved in collecting energy statistics to be added to audit report • St Mary’s Rutherglen – installation complete – still working on publication of project completion and savings made <p>Sustainable Lighting</p> <ul style="list-style-type: none"> • addition of compact fluoro’s to load table anticipated in September
Lake Sambell	<ul style="list-style-type: none"> • Rock beaching to occur near boardwalk – permit required • Next meeting scheduled for October • Plant order for next season to be submitted
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • Rock beaching of eroded bank still yet to occur - permit needed • Planting still yet to occur - early September

Isaac Park	<ul style="list-style-type: none"> • Follow up spray of exotic grasses and broom undertaken early August • Plant order for next season to be submitted
Community woodlot program	<ul style="list-style-type: none"> • Prison crew has been operating from the Beechworth Transfer Station cutting, splitting and delivering timber to concession card holders who have registered an interest – timber in this woodlot received from recent storm events, as well as excess timber stored at Yackandandah depot • Still awaiting contractor to hydraulically shear large timber in the Yackandandah, Chiltern and Stanley woodlots to make timber more accessible (jointly funded by DSE)
Roadside Management Plan	<ul style="list-style-type: none"> • Local ecologist appointed to undertake second stage (Ian Davidson) has begun arranging follow up visits scheduled for September • Joint funding application with Rural City of Wangaratta to the Sustainability Fund has been successful – this will allow review of our Roadside Management Plans as well as re-assessment of some of our roadside conservation values
Roadside weed initiative	Applications to open end of August
Eco-Awareness Group	Next meeting scheduled for Wed Sept 10 th , Beechworth
Community awareness	<ul style="list-style-type: none"> • Indigo Shire has been supporting the development of the Schools Environmental Education Directory North East (SEED) which provides environmental information for local schools, teachers, students and environment staff – website has now gone live (www.necma.gov.au/seed) • Indigo Shire supported Beechworth Landcare Group in their National Tree Day planting activity – great attendance and morning (except for rain and wind)
Upper Sandy Creek School revegetation project	Planting day now scheduled for late August
Sustainable water use plan	Smart Water Fund (State) application submitted for the extension of use of waste water in Rutherglen

Code of Forest Practice	No change - officer who we use from Benalla Rural City no longer employed – awaiting his employment by another host Council so we can use his services for ongoing monitoring of implementation of Harvest Coupe Plans
Environmental Advisory Committee	17 applications received – report to go to Briefing meeting in September and Council meeting in October.
Environment Strategy	Natural Resource Management Officer still to develop Position Description for Project Officer.

12.0 HEALTH AND WELLBEING

12.1 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – SEPTEMBER 2008 (HWBM)

For Information

PROJECT	ACTION/ PROGRESS
Indigo Shire Disability Action Plan	The Draft Indigo Shire Disability Action Plan has been in development for over 12 months. The Draft Plan has now been endorsed by the Indigo Disability Action Group and has been sent to Senior Management and relevant staff for feedback and comments. It is anticipated that the Draft Plan will be presented to Council in the coming months and then exhibited for public comment.
Government House Reception - Premier's Award for Victorian Senior of the Year and Cota Victoria Senior Achiever Awards for 2008	Indigo Shire Council has been allocated eight places at the Government House Reception for seniors to be held on Friday 3 October 2008. Following a nomination process, six places were allocated to senior citizens who have made valuable contributions to their communities over the years. The successful nominees are from Rutherglen, Huon and Tangambalanga.
2008 Seniors Festival	The 2008 Seniors Festival is to be held from 5 to 12 October 2008. Council is preparing a Program of Events for Indigo Shire which will be distributed to relevant groups and organisations and be available at all Council Service Centres. The Opening Luncheon will be held in Rutherglen on Wednesday 8 th October.

<p>2008 Tidy Towns State Awards</p>	<p>The State Awards for Tidy Towns 2008 will be held in Moe on Saturday 4 October. Four projects from Beechworth area are in the running to win the State awards with Beechworth in the running to win the State Tidy Town Award:</p> <ul style="list-style-type: none"> ▪ Community Pride Award – Wooragee Hall ▪ Environmental Innovation Award – Lake Sambell Caravan Park ▪ Water Conversation Award – Havelock Road Dam ▪ Young Leaders Award – Beechworth Secondary College
<p>Council's 2008/2009 Community Grants Program</p>	<p>Applications under Council's 2008/2009 Community Grants Program closed on 22 August. Applications will now be assessed under the categories of General, Arts and Cultural Initiatives and Youth Initiatives, by ISCAC on 9 September with the aim of making recommendations to the October meeting of Council.</p>
<p>Department of Planning and Community Development's (DPCD) Community Facility Funding Program 2009-2010</p>	<p>DPCD is now inviting applications under its Community Facility Funding Program (CFFP) 2009-2010. The main aim of CFFP is to assist in the provision of high quality, accessible community sport and recreation facilities across Victoria. The Program has two categories with their own set of criteria, guidelines and closing dates:</p> <ol style="list-style-type: none"> 1. Planning (close 3 Nov 08) 2. Building Community Infrastructure <ol style="list-style-type: none"> a. Minor Facilities (close 3 Nov 08 – note community organisations require their application to Council by 1 Oct 08) b. Major Facilities (close 18 Sep 08) c. Aquatic Access/Better Pools (close 18 Sep 08) d. Seasonal Pool Renewal (close 18 Sep 08) <p>It is anticipated that Council will be submitting the following:</p> <ul style="list-style-type: none"> ▪ Planning – application to produce masterplans for recreation reserves (specific details yet to be determined) ▪ For the Minor Facilities Category, the process for Indigo Shire is to invite expressions of interest from the community. Expressions are then assessed by Council with three applications to be submitted to DPCD. Council will make this assessment based on various criteria including priorities from the Indigo Shire Recreation Plan. ▪ Only one application is permitted from either 2b, 2c or 2d each financial year. It is anticipated that Council will be applying for a Major Facility grant to complete the Yackandandah Sports Park Multipurpose Sports Hall development. This project was the number 2 priority for recreational projects in the Shire in the Recreation Plan and is included in the capital works budget.

‘Choices’	Following on from the first Community Information evening, Indigo Shire Council hosted another Choices session at the Chiltern Football Clubrooms on Monday 18 th August. Twenty two community members were joined by ten Community Services, Government and Council representatives to discuss the development of youth-focussed activities in the township of Chiltern. The meeting not only generated several positive connections but was also instrumental in highlighting the goodwill of the community and their willingness to work with their younger community members. The next meeting in this series is planned for November.
Extension of Exceptional Circumstances (EC) Declaration	On 19 August the Minister for Agriculture, Fisheries and Forestry, the Hon. Tony Burke announced that the Federal Government would extend EC assistance to drought declared areas until 31 March 2009. The North East region of Victoria is included in this extension. Information from Centrelink indicates that there were approximately 110 Indigo Shire residents in receipt of EC assistance in July 2008. This compares to 140 both six months ago and 12 months ago.

13.0 CORPORATE AND VISITOR SERVICES

13.1 INDIGO TOURISM BOARD FESTIVALS & EVENTS SPONSORSHIP PROGRAM (FILE NO: D497.3-02 – TMM)

For Decision

RECOMMENDATION

Council adopt the recommendation of the Indigo Tourism Advisory Committee (ITAC) regarding the ITAC Festival & Events Sponsorship totalling \$10,500 as follows:

Festival/event	Requested	Recommendation
Tour de Rutherglen	\$1000	\$5000
Tastes of Rutherglen	\$2500	
Faces of Rutherglen	\$2000	\$1000
Rutherglen Art Exhibition	\$500	
Chiltern Pro Rodeo	\$600	
Chiltern 150th celebration	\$3000	\$1000
Chiltern Ironbark Festival	\$900	
Henry Handel Richardson Birthday	\$500	
Chiltern Visual Art Exhibition	\$3000	\$1000
Yackandandah Folk Festival	\$1000	\$1000
Spring Migration Festival	\$3000	\$1000
Earthdance Yackandandah	\$3000	\$1500

Beechworth Romance Festival	\$3000	\$1
Beechworth Celtic Festival	\$3000	\$10
Beechworth Harvest Celebration	\$500	
TOTAL	\$27,500	\$10

* Funding conditional on the supply of all documents requested in the application form (e.g. budget, insurance certificate etc).

**Moved Cr Walsh
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

SUMMARY

The ITAC met on August 15 to consider applications under the ITAC Festivals & Events Sponsorship Program. It recommended 9 festivals and events receive financial sponsorship to a total of \$10,500.

BACKGROUND

The ITAC revised the Festivals & Events Sponsorship Program for 2008/09 introducing more defined criteria to shift the focus toward providing seeding funds for new events that bring new economic benefit to the municipality; and to existing events introducing new initiatives, particularly initiatives that work toward financial self sustainability.

In the past, the sponsorship fund had been allocated in \$400 and \$900 amounts to events year in, year out. However the revised program gave flexibility to award larger amounts to assist new events get up and running, or existing events to reinvigorate their programs and grow. It was also noted that events that had received funding for three years or more would be unlikely to receive funds, except in circumstances to support the growth of the festival with a new initiative.

Fifteen applications were received for the Indigo Shire Festivals & Events Sponsorship Program requesting a total of \$27,500 in cash sponsorship. The cash budget allocated to the Program in 2008/09 was \$12,000. It is proposed the remaining \$1500 be used to run skills workshops for festival and event organisers to increase their capacity to attract funding from external sources.

Attachments

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

For decision

RECOMMENDATION

That Council receive the 2008-09 Rutherglen Wine Experience Annual Report.

**Moved Cr Graham
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

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

Attachments

13.3 CHANGE OF COUNCIL MEETING DATES (FILE NO: M215.10 - GMCVS)

For Decision

RECOMMENDATION

That Council's ordinary meetings from the October 2008 meeting be held on the 2nd Tuesday of each month with the 1st Tuesday of each month an optional meeting.

**Moved Cr Banks
Seconded Cr Dale**

That the Recommendation be adopted.

CARRIED

SUMMARY

This Report recommends the changing of the ordinary monthly Council meeting on the 1st Tuesday of each month to the 2nd Tuesday of the month.

BACKGROUND

We currently have our Council meeting on the 1st Tuesday of each month. This is extremely tight in terms of producing the monthly Finance Exception Reports and the Quarterly Finance Reports. It is proposed that the Council meeting move to the 2nd Tuesday of each month which is currently the optional week for Council.

If this happens this would make the 1st Tuesday the optional week which would have the added benefit of having no Council business during the lead up to the Council meeting which would greatly assist staff in preparing Agendas etc.

13.4 COUNCIL ELECTIONS 2008 (FILE NO: M247.1 - GMCVS)

For Decision

RECOMMENDATION

That Council, in accordance with Clause 93 (2) of the Local Government (Electoral) Regulations 2005 hereby allows the Returning Officer to designate a place outside the municipal district of the Indigo Shire Council, to be a counting place; that place being the Goulburn Murray Institute of TAFE, Docker Street, Wangaratta.

**Moved Cr Dale
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

This Report recommends the allowance of conducting the count for the Elections outside Indigo Shire.

BACKGROUND

As with past practice, the VEC will conduct the count at an external venue. The reason for this is to utilise the computer facilities available at the count venue. This will enable Council to enjoy the cost and time saving benefits of a computer count to count and distribute preferences in the Indigo Shire Election.

The count for the Rural City of Wangaratta and the Alpine Shire will also be conducted at Wangaratta.

13.5 TRADING PLACES POLICY REVIEW (FILE NO: M201.1-02 - GMCVS)

For Decision

RECOMMENDATION

That now the Trading Places Policy has been in operation for approximately twelve months it is opportune for Council to conduct a review of the operation and implementation of the Policy.

**Moved Cr Dale
Seconded Cr Issell**

That now the Trading Places Policy has been in operation for approximately twelve months it is opportune for Council to conduct a review of the operation and implementation of the Policy.

The motion was PUT and LOST.

Moved Cr Graham

Seconded Cr Dale

That Council conduct an education process throughout the Shire to improve the operation of the Trading Places Policy.

The motion was PUT and LOST

BACKGROUND

Trading Places was adopted as a response to the Federal Government's Disability Discrimination Act (DDA), Indigo Shire Disability Advisory Committee recommendations and suggestions from Blind Citizens Australia and the MAV.

The introduction of the policy was discussed at length in the community over a period of 2 years with many changes to the original document. Breakfast meeting were arranged to discuss the proposed policy with retailers. Council also utilised the services of Access Audits Australia (AAA) who are a consulting company who educate councils, retailers and the community in social and legal requirements of complying with the Disability Legislation.. There was particular concern in the Rutherglen and Chiltern Communities with the narrowness of the footpaths.

The Trading Policy was subsequently adopted and incorporated into a rewrite of Local Law No 1 as the enforcement vehicle.

ISSUES

There has been objection from traders in Beechworth to aspects of Trading Places particularly around the clear path of travel and location of goods on the footpath.

FINANCE AND RESOURCE IMPLICATIONS

Cost involved in conducting this review would include officer time and travel as well as legal costs if the local law needs amending.

Possible cost if council does not comply with the requirements of the Federal Human Rights Equal Opportunity Commission.

CONSULTATION (PROPOSED)

1. Establish focus group meetings across the municipality to discuss and address issues that have arisen with Trading Places
2. Call for submission on the Policy
3. Seek comment from Council's solicitor in this matter
4. Seek comment from the MAV
5. Seek comment from agencies representing people with disabilities
6. Seek comment from Council's Disability Advisory Committee

13.6 ECONOMIC DEVELOPMENT STRATEGY (FILE NO. D337 - GMCVS)

For Decision

RECOMMENDATION

That the Economic Development Strategy be adopted in principle and put on public display for submission purposes for a 2 month period.

**Moved Cr Banks
Seconded Cr Dale**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report presents an Economic Development Strategy for the period 2008-2018 for adoption in principle.

BACKGROUND

Over the next 25 years the Indigo Shire is expected to experience growth above many other LGAs in Victoria, with current population predictions suggesting that by 2016 the Indigo Shires population will increase by 1530 people or approximately 10%. Although it is considered that this will still be below the overall average for the state.

Managing this population growth in a sustainable manner is a challenge faced by both local and state governments as they attempt to come to terms with the increasing demands and pressures of an aging demographic, globalisation, national and international competitiveness, industry restructuring, job generation and skill shortages, regional and local government economic sustainability.

The Indigo Shire Councils Economic Development Strategy 2008 - 2018, which is presented to council for comment, not only outlines where we are, but more importantly, what we need to do if we are to continue to grow in a responsible, sustainable manner.

The Indigo Shire is part of the North East Victorian regional economies, inextricably linked, challenging, changing and growing. These challenges and changes can only be managed if there is a strategy and vision, which provides some direction on what needs to be done, if we are to achieve economic sustainability.

This strategy will assist in providing a basis of understanding on what we need to do to meet future challenges, if we wish to protect, enhance and preserve the lifestyle values offered by the Indigo Shire.

Attachment

14.0 FINANCE

14.1 JUNE 2008 FINANCE REPORT – (FILE NO: M064 – CFO)

For Information

BACKGROUND

2008 YTD Actual vs. YTD Budget

Attached are draft financial reports to June 2008 and showing a comparison between the actual position and the budgeted position for the 2008 year. Please note that these accounts are in draft and are currently being audited and may be subject to change as a result of this audit.

The Draft Income Statement shows an **Underlying Result** of (\$936,000) loss as compared to the annual budget of (\$1,457,000) loss.

Total Revenue exceeded budget by \$1,154,000, whilst Total Expenses exceeded budget by \$633,000. Explanations are provided with the attached draft report.

Capital Grants and Contributions were \$2,241,000 behind budget and this was a direct result of many Capital Works projects not commencing in the 2008 year.

It is pleasing to note that we exceeded our budgeted revenue by \$1,154,000, which reflects our ability to generate income in excess of expectations. On the other hand, we also exceeded our budgeted expenses and it can be mainly attributed to actual depreciation exceeding budget expectations. In my opinion it has been a reasonably good year considering that our underlying result is approximately \$521,000 better than expectations.

Quarterly Reports to 30th June 2008

Attached is the Quarterly Report for the quarter ended 30th June 2008. The report highlights those Departments and Business Units which have a +/- \$10,000 variance between YTD budget and YTD actual results. Explanations are provided for exceptions within the report.

Enclosures

15.0 GOVERNANCE

Nil

16.0 NOTICE OF MOTION

Nil

17.0 COMMITTEE AND DELEGATES REPORTS

17.1 AUGUST DIARY - CR V ISSELL

For Information

Date	Time	Function
1 August	10.00 am	Councillor Duty, Beechworth
	6.00 pm	Open Ned Kelly Weekend, Beechworth
2	2.00 pm	Unveil Ned Kelly Death Mask Cabinet, Burke Museum
3	1.00 pm	Announce Winner People's Choice Art Prize, Beechworth
4	12.30 pm	Meeting with CEO, Beechworth
5	9.30 am	Kerferd Oration Committee Meeting, Beechworth
	4.30 pm	Council Briefing, Chiltern
	7.00 pm	Ordinary Council Meeting, Chiltern
6	8.30 am	Council Staff Meeting, Beechworth
	9.00 am	Meet constituent
	10.00 am	Meeting re Gaming with Planning Dept, Yackandandah
	12.30 pm	Border Trust Meeting, Albury
11	12.30 pm	Meeting with CEO, Beechworth
12	10.00 am	Red Cross Training, Beechworth
13	9.00 am	Meet with constituent
	4.30 pm	Chair Focus Group Meeting, Yackandandah
14	2.00 pm	Red Cross AGM, Beechworth
	7.00 pm	Talk, Rutherglen Wine Region Tourism Inc.
15	10.30 am	Workshop re Hume Strategy re Sustainable Communities, Wangaratta
	12 noon	Tidy Towns Regional Presentation, Beechworth
	2.00 pm	Meet owners of Yackandandah supermarket re opening, Yackandandah
	4.00 pm	Meet with young people re Skate Park, Beechworth
16	12 noon	Opening Foodworks Supermarket, Yackandandah
	7.00 pm	150 th Anniversary Dinner, Chambers Rosewood Winery, Rutherglen
18	12 noon	Meeting with CEO, Beechworth
	1.30 pm	Disability Advisory Committee, Chiltern
	5.30 pm	Vietnam Veterans Re-dedication ceremony, SSA Club, Albury
	6.30 pm	Tallangatta Football & Netball League Awards, Albury
19	4.00 pm	Council Briefing, Yackandandah
20	various	Print and electronic media interviews, Beechworth
	4.00 pm	Meeting re Environment Advisory committee, Yackandandah
21	7.30 pm	Inaugural meeting, Yackandandah Sustainability Group
22	10.00 am	Launch, Border Trust Community Donation scheme, Albury
23	3.00 pm	Women Vote official opening, Burke Museum, Beechworth
26	12 noon	Meeting with CEO, Beechworth
	2.30 pm	CEO Review, Yackandandah
26 – 28	All day	Small Towns Summit, Lockington
29	All day	Economic Development Tourism Conference, Echuca

Cr V Issell

2 September 2008

17.2 AUGUST DIARY - CR A BANKS

For Information

Date	Time	Event
5 Aug	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
18	7.30 pm	Baarmutha Park CoM Meeting
19	4.00 pm	Council Briefing Meeting, Yackandandah
26	4.00 pm	Council Briefing Meeting, Yackandandah
	7.00 pm	Community Forum, Kergunyah

Cr Andrew Banks
2 September 2008

17.3 AUGUST DIARY - CR P GRAHAM

For Information

Date	Time	Event
1 August	10.00 am	Murray Regional Development Board Meeting, Albury
	6.00 pm	Opening "Framed" Exhibition, Beechworth
4	9.00 am	Rutherglen Wine Experience Board Meeting
5	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
7 - 26 Aug	Inclusive	Leave
27-30	Inclusive	Murray Darling Association Conference and AGM, Leeton

Cr P Graham
2 September 2008

17.4 AUGUST DIARY - CR W HOTSON

For Information

Date	Time	Event
5 August	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
12	7.00 pm	Chiltern Progress Association Meeting, Chiltern
15	1.00 pm	Indigo Tourism Board Meeting, Chiltern
18	6.00 pm	"Choices" Public Information Meeting, Chiltern
19	4.00 pm	Council Briefing Meeting & CEO Review, Yackandandah

Cr Bill Hotson
2 September 2008

17.5 AUGUST DIARY - CR B MURDOCH

For Information

Date	Time	Event
1 August	6.00 pm	Official Opening Ned Kelly Art Exhibition, Beechworth
4	4.00 pm	Audit Committee Meeting, Yackandandah
5	4.30 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary meeting of Council, Chiltern
11	10.00 am	MAV Water Taskforce Meeting, Melbourne
14	7.00 pm	Chiltern Arts & Cultural Meeting, Chiltern
18	6.00 pm	“Choices” Public Information Meeting, Chiltern
19	2.00 pm	Women’s Suffrage Meeting, Stanley
	4.00 pm	Council Briefing Meeting, Yackandandah
21	7.30 pm	Inaugural Yackandandah Sustainability Meeting, Yackandandah
25	4.00 pm	Planning Focus Meeting, Rutherglen
26	4.30 pm	Council Briefing Meeting, Yackandandah
	7.00 pm	Community Forum, Kergunyah
29	6.00 pm	Official Opening Antique Fair, Chiltern

Cr B Murdoch
2 September 2008

17.6 AUGUST DIARY - CR F WALSH

For Information

Date	Time	Function
3 August	2.00 pm	Rutherglen Senior Citizens AGM and Presentation on Timor Leste
4	10.00 am	Yackandandah Kindergarten Presentation on Timor Leste
5	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
12	10.00 am	Junior Council Meeting, Rutherglen
14	5.30 pm	Heritage Advisory Committee Meeting, Yackandandah
	7.30 pm	Rutherglen Wine Region Tourism Dinner, Rutherglen
15	1.00 pm	Indigo Tourism Board Meeting, Chiltern
		Indigo Atauro Friendship Group Dinner
16	12 noon	Official Opening Yackandandah Supermarket
	6.30 pm	Chambers Rosewood Winery 150 th Anniversary Dinner, Rutherglen
17	2.00 pm	August Voices, Arts Rutherglen
18		Vietnam Veterans’ Day, Rutherglen
19		Funeral Late Bernard Gibney, Beechworth
		Rutherglen Primary School Presentation on Timor Leste
	4.00 pm	Council Briefing Meeting, Yackandandah
20	4.30 pm	Planning Focus Meeting, Rutherglen
22		Rutherglen Primary School Presentation on Timor Leste
25	4.00 pm	Planning Focus Meeting, Rutherglen
26	10.00 am	Upper Murray Regional Library Meeting, Wodonga

	4.00 pm	Council Briefing Meeting & CEO Review, Yackandandah
	7.00 pm	Community Forum, Kergunyah
29		Rutherglen Primary School Production

Cr Frances Walsh

2 September 2008

17.7 JUNIOR COUNCIL MEETING - CR F WALSH

For Information

The Junior Council met on Tuesday 12 August 2008 in the old Council Chamber, Rutherglen. Principals from both Rutherglen Primary Schools and Middle Indigo Primary School also attended.

Mrs Irene Cracknell OAM and I gave a presentation on our recent trip to Atauro Island. We had brought home a wide range of hand crafted goods from East Timor which were of great interest to the junior councillors. We also showed many photos of the Island, highlighting the markets, beaches, small villages, schools and community groups. Irene had also taken a video of the kindergartens and medical centres visited and this too was enjoyed.

From the funds raised by the Junior Councillors, I had taken \$US380 and used these funds to purchase pens, pencils, paints and other necessary items, which were presented to the various schools we visited.

18.0 GENERAL BUSINESS

- 18.1 Cr Issell – advised that the six monthly review of the CEO’s contract had been successfully conducted.
- 18.2 Cr Graham gave an update on the Murray Darling Association 64th National Conference and annual general meeting he attended on 27-30 August at Leeton.

19.0 CONFIDENTIAL – 9.00 PM

19.1 CHANGE OF STRATEGY (FILE NO: M450.7 – CEO)

**Moved Cr Dale
Seconded Cr Walsh**

That Council in accordance with Section 89(2) (D) of the Local Government Act 1989 resolves to go into Committee to consider confidential items relating to contractual matters.

CARRIED

**Moved Cr Banks
Seconded Cr Murdoch**

That Council come out of Committee.

CARRIED

There being no further business the meeting was declared closed at 9.17 pm.

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Cr Vic Issell – Mayor
14/10/08