

Mission Statement:

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

HELD: Tuesday 8th September, 2009 at 1500

LOCATION: Senior Citizens Hall, Rutherglen

ATTENDEES:

Councillors:	Senior Management/Officers
Peter Graham – Mayor	Brendan McGrath – CEO
Bernard Gaffney – Deputy Mayor	Andre M Kompler
Peter Croucher	Mark Crouch
Larry Goldsworthy	Mark Florence
Barbara Murdoch	Susan Cheetham
Ali Pockley	Robert Uebergang
Vic Issell	Frank Bonacci
	Alex Showers

APOLOGIES: Nil

Vision statement:

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

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1.0 WELCOME

Cr Graham welcomed those in attendance.

2.0 OPENING PRAYER

Cr Murdoch read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil.

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Cr Murdoch declared a conflict of interest in relation to Item 11.3 Rutherglen Wine Bottle, as she is a Director on the Board of North East Water.

5.0 OPEN FORUM

Representative of Junior Council, Miss April Burmeister, gave a presentation and update on the wombat enclosure and her activities for the Junior Council.

6.0 CONDOLENCES

Nil.

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING - 110809

Moved Cr Goldsworthy

Seconded Cr Issell

That the Minutes of the Ordinary Council Meeting held 11th August 2009 be adopted.

CARRIED

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

9.0 DEPUTATIONS AND PETITIONS

Nil.

10.0 SUSTAINABLE COMMUNITIES

10.1 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT'S COMMUNITY FACILITY FUNDING PROGRAM 2010/2011

File No: 09/2416 – David Koren- Recreation & Leisure Coordinator

For Decision

RECOMMENDATION

That Council submits the following applications to the Department of Planning and Community Development for consideration under the 2010/2011 Community Facilities Funding Program.

Minor Facilities Category:

Project	Total Project Cost	Grant Requested	Council Commitment 2010/2011	Community Contribution
Barnawartha Cricket Club	\$22,200	\$14,800	\$3,700	\$3,700
Tangambalanga Skate Park	\$112,000	\$60,000	\$40,000	\$12,000
Wooragee Tennis Club Inc.	\$57,000	\$38,000	\$9,500	\$9,500

Planning Category:

Project	Total Project Cost	Grant Requested	Council Commitment 2010/2011	Community Contribution
Development of Masterplans for Chiltern Recreation Reserve, Wahgunyah Recreation Reserve and Coulston Park	\$42,000	\$21,000	\$21,000	N/A

**Moved Cr Croucher
Seconded Cr Murdoch**

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CARRIED

INTRODUCTION

The Department of Planning and Community Development (DPCD) has an annual funding program specifically aimed at community sport and recreation projects – the Community Facility Funding Program (CFFP). The CFFP has three categories of funding with different closing dates:

Category	Closing Date
Planning	28 October 2009
Building Community Infrastructure – Minor Facilities	17 September 2009
Major Facilities	Closed

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Under the Minor Facilities category, it should be noted that Councils can only submit up to three (3) applications under the 2010/2011 CFFP and if 3 are submitted, one of those applications must have a total project cost of under \$60,000. The maximum grant request for a Minor is \$60,000.

BACKGROUND

In previous years Council invited sporting clubs and committees to submit an Expression of Interest for applications to the CFFP. These Expressions of Interest were collated and, along with other information relevant to the Program, were presented to the Indigo Shire Community Advisory Committee (ISCAC) for discussion and ultimately a recommendation to Council on which applications should be submitted to the CFFP.

For this years Program the approach has been different for two main reasons:

The closing date for the CFFP – Minors has been brought forward substantially from late October last year to 17 September this year. This has resulted in Council Officers not having enough time to consult with ISCAC and produce a report for Council.

Council officers have taken a more strategic approach utilising the recommendations from the Indigo Shire Recreation Plan.

The Recreation Plan was adopted by Council in March 2008. The Plan included a list of all known recreational capital works projects at that time, prioritised by a set of pre-determined criteria. One of the main aims of this prioritised listing is to guide Council's decision making when allocating funds or applying for grants for recreational projects.

The list was distributed to all sport and recreational clubs and committees in December 2008 with a request for any updates, additions or other changes. The list was then updated to ensure that new projects were included and prioritised and completed projects were removed. The updated priority list was completed in March 2009 and integrated into Council's forward capital works program.

The value in going through this process is that it gives Council a comprehensive list of all recreational capital works projects in the Shire, and lists them in a priority order so that, as funding opportunities arrive, Council can take a strategic approach in determining which projects to progress. The main benefit of the listing is that all clubs and committees are aware of where their particular project is prioritised and planning for recurrent grants, such as the CFFP, can take place well in advance of the closing date for the Program.

It should be noted that Council officers are also mindful of the nature of State and Federal funding opportunities and that, when appropriate, opportunities for funding need to be taken.

KEY IMPLICATIONS

The following Table lists the projects which were assessed under the 2010/2011 CFFP – Minor Facilities:

Applicant	Project	Total Project Proposed Sources	Cost and Income	Recreation Plan Priority (Mar 09)	Officer Comments	Comments from DPCD
Barnawartha Chiltern Minors Cricket Club	Installation of turf wicket at Barnawartha Recreation Reserve	Community Council DPCD Grant TOTAL	\$3,700 \$3,700 \$14,800 \$22,200	31	Project was submitted as one of final 3 to DPCD last year (unsuccessful). Funding for project now confirmed. Listed in Council's Capital Works Program for 2010/2011	Good project, will be supported, need to ensure community funds are confirmed.
Tangambalanga Skate Park Construction	Construction of a concrete skatepark at Coulston Park	Community Council DPCD Grant TOTAL	\$12,000 \$40,000 \$60,000 \$112,000	34	New project. Listed in Council's Capital Works Program for 2010/2011	Good project, supported by DPCD
Wooragee Tennis Club	Resurface two existing concrete courts with synthetic grass	Community Council DPCD Grant TOTAL	\$9,500 \$9,500 \$38,000 \$57,000	37	Submitted to Council last year but did not make it to final 3 for submission to DPCD. Listed in Council's Capital Works Program for 2010/2011	Good project, supported by DPCD
Rutherglen Bowls Club	Construction of storage area, official and spectator shelter area	Community Council DPCD Grant TOTAL	\$7,500 \$7,500 \$30,000 \$45,000	57	New project	Will receive lower priority from DPCD than other projects
Kergunyah Pony Club	Construction of storage area, official and spectator shelter area	Community Council DPCD Grant TOTAL	\$10,767 Nil \$21,533 \$32,300	43	Project was submitted as one of final 3 to DPCD last year. Application was unsuccessful. Listed in Council's Capital Works Program for 2010/2011	Will receive lower priority from DPCD than other projects

In determining the final three applications to be submitted to the CFFP, the following additional comments and discussion points were taken into consideration:

Barnawartha Chiltern Minors Cricket Club – Turf wicket project

- The project will develop the second oval at the Barnawartha Recreation Reserve
- Turf wickets are an attraction for young cricketers to improve skills and compete at higher levels
- Barnawartha is the only club in the Association that does not have a turf wicket
- Strong contribution from club/community
- The project was submitted last year unsuccessfully. DPCD noted some budget concerns which have now been addressed
- Strong support for the project by DPCD
- The project was listed as the number 2 priority in the Barnawartha Recreation Reserve Masterplan, adopted by Council in 2005
- The project is listed in Council's Recreation Plan as priority 31
- The project is listed in Council's Capital Works Program for 2010/2011

Indigo Shire Council – Tangambalanga Skate Park project

- There is very strong support from local skaters and riders and the broader Tangambalanga community for the project.
- Tangambalanga skaters and riders have been meeting and consulting with the community for over 12 months and have significant resources to contribute to the project.
- Skate parks and youth related projects are specifically listed as a strong priority under the CFFP guidelines.
- Strong support for the project by DPCD
- The project is listed as the number 34 priority in the Recreation Plan.
- The project is listed in Council's Capital Works Program for 2010/2011

Wooragee Tennis Club Inc. – Resurface 2 tennis courts project

- An Expression of Interest for the project was submitted to Council last year. The club did not have the funds to meet the requirements of the CFFP and were asked to raise the funds and try again next year. The Club have now raised the required funds.
- Strong support for the project by DPCD
- Improvement to the facility by providing better quality surface for tennis.
- The project is listed as the number 37 priority in the Recreation Plan.
- The project is listed in Council's Capital Works Program for 2010/2011.

Kergunyah Pony Club Inc. – Storage and shelter project

- Improvement to the facility by providing shade to spectators and officials and storage space for the Club
- The Club is growing and recently completed one of the few cross country equestrian courses in North East Victoria
- DPCD believe the project will not substantially increase participation in the sport and therefore will receive a lower priority through the CFFP than other projects
- The project is listed as the number 43 priority in the Recreation Plan.
- The project is listed in Council's Capital Works Program for 2010/2011

Rutherglen Bowls Club Inc. – Storage and shelter project

- The project will improve the facility and lessen the workload for the club volunteers
- The project is new and is listed as the number 57 priority in the Recreation Plan.
- The project is not currently listed in Council's Capital Works Program
- DPCD believe the project will not substantially increase participation in the sport and therefore will receive a lower priority through the CFFP than other projects

DPCD has indicated that the Kergunyah pony club project will receive a low priority through the cffp process and would be difficult to fund. This is also the case with the Rutherglen bowling club project. It was therefore considered appropriate to remove these two projects from CFFP considerations.

The Barnawartha Cricket and Wooragee Tennis projects (both re-submissions from last year) have addressed the issues which weakened their applications last year and now have strong submissions which are supported by DPCD. It is therefore considered appropriate that council supports these two projects. The priority listings of the projects in council's recreation plan and the inclusion of both projects in council's capital works budget for 2010/2011 strongly support this recommendation.

The guidelines for the CFFP indicate that Councils can only submit three applications under the program. With two projects confirmed for submission (Barnawartha cricket and Wooragee tennis) the Tangambalanga skate project is the remaining viable application. The project has been well scoped, has substantial community and council support and is supported by DPCD. It is therefore considered appropriate to recommend this project be included as the third submission under the CFFP.

Council officers will continue to work with the Kergunyah pony club and Rutherglen bowling club in investigating other funding options for their projects.

PLANNING CATEGORY

Indigo Shire Council submitted an application under the DPCD's 2009/2010 CFFP – Planning category to produce masterplans for Chiltern Recreation Reserve, Wahgunyah Recreation Reserve and Coulston Park. The application was unsuccessful.

Feedback from DPCD indicated that a lack of funding through the Program was the key reason the application did not succeed and strongly recommended a re-submission through the 2010/2011 CFFP. The project will have major benefits for Council and the communities involved and will result in key documents which will guide future development and assist in sourcing funding for major works.

The project is currently listed in Council's 2010/2011 Capital Works Program. The project has been scoped at \$42,000 and, if successful, will require a Capital contribution from Council of \$21,000 in the 2010/2011 financial year.

FINANCIAL IMPLICATIONS

Council has a policy, where appropriate, of contributing up to 50% of the community contribution component of recreational funding submissions.

The financial implication of this policy, if all recommended submissions were successful, would be the following commitments from Council's 2010/2011 Capital Works Program:

Project	2010/2011 Council	Listed in Council's
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	Commitment	2010/2011 Capital Works Program
Barnwartha Cricket turf wicket	\$3,700	Yes
Tangambalanga Skate Park	\$40,000	Yes
Wooragee Tennis court resurfacing	\$9,500	Yes
Masterplan Project	\$21,000	Yes

POLICY IMPLICATIONS

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

CONCLUSION

In determining the recommended projects for submission to DPCD's 2010/2011 CFFP, the following major factors were taken into consideration:

Recommendations from Council's Recreation Plan

Outcomes from the 2009/2010 CFFP

Feedback on all projects from DPCD

Quality of application material and inclusion of all supporting documentation

Council's financial commitment to the project

Community benefit of the projects

In conclusion, it is considered appropriate to recommend that the following projects (in no particular order) are submitted to DPCD under its 2010/2011 CFFP:

Minor Facilities Category:

1. Barnawartha Chiltern Miners Cricket Club \$14,800.00 grant requested
2. Tangambalanga Skate Park \$60,000.00 grant requested
3. Wooragee Tennis Club Inc. \$38,000.00 grant requested

Planning Category:

1. Development of Masterplans for Chiltern Recreation Reserve, Wahgunyah Recreation Reserve and Coulston Park \$21,000.00 grant requested

10.2 INDIGO SHIRE SWIMMING POOL FEES – CASUAL FAMILY FEE

File No: 09/1235 - David Koren - Recreation & Leisure Coordinator

For Decision

RECOMMENDATION

That Council does not introduce a Casual Family entry fee for Indigo Shire swimming pools.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Indigo Shire Council introduces a Casual Family Entry Fee for the Indigo Swimming Pools for a trial period, that being the 2009/2010 season. That the fee is set at \$12 entry per family and that a Family is defined the same as that which is used for a Family Seasons pass. During the season a tally is kept of how many Casual Family Passes were purchased, the number of people that entered on each pass and whether they were Adults or Children.

CARRIED

INTRODUCTION

At the Special Meeting of Council held on 21 July 2009, Council adopted the schedule of fees and charges for 2009/2010. Council also requested further investigation into the introduction of a Casual Family fee for the Indio Shire swimming pools.

BACKGROUND

Indigo Shire Council directly manages and operates five public swimming pools in the Shire; Beechworth, Tangambalanga, Rutherglen, Chiltern and Yackandandah. Each year, as part of Council's assessment of all fees and charges, the fees and charges for the swimming pools are assessed.

At the Special Meeting of Council held on 21 July 2009, Council requested further investigation into the introduction of a Casual Family fee for the Indio Shire swimming pools.

Indigo Shire swimming pools traditionally have not offered a Casual Family entry fee for patrons. If introduced, it would provide the community with an additional option when using Indigo pools, however, the financial implications need to be fully explored.

Investigations into other swim centres have shown that not many rural swimming pools offer a Casual Family entry fee, although there is some variety in the fee options available to patrons at the various pools. Those centres that do offer a Casual Family entry fee are generally large metropolitan leisure centres that offer a large variety of fee options eg 1 month pass, 3 month pass, book of 10 entries etc. As a result it is difficult to benchmark an appropriate fee for a Casual Family fee for Indigo Shire pools.

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The 2009/2010 Family Season ticket fee for Indigo Shire pools is currently set at \$150.00. This is approximately the cost of one (1) adult (\$86.80) and one (1) child (\$63.60) season ticket fee. If this ratio is used for a Casual Family fee, the cost would be set at \$6.20 ie the cost of a Casual Adult fee (\$3.50) and a Casual Child fee (\$2.70).

Although difficult to determine an exact impact on the swimming pool budgets, it would be reasonable to assume that, due to the very high number of casual tickets (both child and adult) sold across all Indigo pools, a proportion of these patrons would be families that could take advantage of an introduced Casual Family fee. Once a family exceeds one adult and one child, and takes advantage of a Casual Family fee, income would be lost to the swimming pool budgets. This loss could be significant over the course of the swimming season.

Income derived from Adult and Child Casual Fees in 2008/2009

	Adult/Concession Casual		Child Casual	
	Number	Income \$	Number	Income \$
Rutherglen	1308	\$4,316.40	1662	\$4,238.10
Chiltern	625	\$2,062.50	1412	\$3,600.60
Yackandandah	1036	\$3,418.80	1756	\$4,477.80
Tangambalanga	758	\$2,501.40	1390	\$3,544.50
Beechworth	1345	\$4,438.50	2753	\$7,020.15
TOTALS	5072	\$16,737.60	8973	\$22,881.15

As indicated earlier, an estimate of the lost income is very difficult to ascertain. Therefore, if Council makes the decision to introduce a Casual Family fee, it would be prudent to increase the cost of the fee well above the \$6.20 mentioned earlier in this report to minimise the negative impact on the swimming pool budgets.

The makeup of a typical family is difficult to ascertain but it would be reasonable to assume that if the Casual Family fee was set to at about \$8.00 ie more than 1 adult and 1child but less than 1 adult and 2 children or 2 adults and 1 child, the community would benefit and the negative impact on Council's budget would be reduced, although not eliminated.

The key issue of loss of income and the uncertainty of the extent of the loss is an indicator that the new fee should not be introduced for the 2009/2010 season.

The other key issue is the difficulty in monitoring or 'policing' the new fee. It would be difficult for Lifeguards on duty to check the validity of a family every time they enter the pool as there isn't the process of filling out a form as is required for a Season pass. There would need to be an element of trust by the Lifeguards on duty when 'groups' of adults and children enter the pool claiming the Casual family fee. Currently, at Indigo Shire pools, the definition of a family is:

"The family must all reside at the same address. They must be immediate family members. Apart from the guardians, family members must be under the age of eighteen and not derive an income. They must all be listed on the same Medicare card."

Once again, the implication of this issue may be substantial loss of income unless the Casual Family fee was set at a high rate.

KEY IMPLICATIONS

A Casual Family entry fee is not common at rural outdoor swimming pools and therefore it is difficult to benchmark an appropriate fee for this service.

FINANCIAL IMPLICATIONS

It is anticipated that there will be a negative financial impact on the swimming pools budgets with the introduction of a Casual Family pass. The extent of this impact is difficult to determine but it is reasonable to assume that it would be substantial.

It is anticipated that the other endorsed changes from the 21 July Special Meeting of Council (spectator fee and staff concession) will have a minimal impact on Council's budget.

POLICY IMPLICATIONS

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

CONCLUSION

The introduction of a Casual Family entry fee for Indigo Shire swimming pools will have a negative financial impact on Council's 2009/2010 budget. The extent of this impact is very difficult to ascertain but it is reasonable to assume that it may be substantial.

Issues regarding monitoring or policing of the new fee and the definition of what constitutes a family also make the introduction of the fee more difficult for the day to day operation of the pools.

Given the information in this report, it is considered appropriate that Council does not introduce a Casual Family entry fee for Indigo Shire swimming pools in 2009/2010.

10.3 SECTION 173 AGREEMENTS

File No/s: 08/4390, 09/0094, 09/0122 Manager Sustainable Development

For Decision

RECOMMENDATION

That council as the relevant responsible authority resolve to enter into the subject section 173 agreements with the owners of the following land and to sign and seal the appropriate documentation:

- A) Lot 2 PS407361, Adams Lane, Staghorn Flat.**
- B) Crown Allotment 6 Section A Parish of Wooragee, Kibell Lane, Wooragee**
- C) Lot 2 Ps407651 And Crown Allotment 22f Section D Parish of Gundowring, Egan Lane, Sandy Creek**

**Moved Cr Issell
Seconded Cr Croucher**

That council as the relevant responsible authority resolve to enter into the subject section 173 agreements with the owners of the following land and to sign and seal the appropriate documentation:

- A) Lot 2 PS407361, Adams Lane, Staghorn Flat.**
- B) Crown Allotment 6 Section A Parish of Wooragee, Kibell Lane, Wooragee**
- C) Lot 2 Ps407651 And Crown Allotment 22f Section D Parish of Gundowring, Egan Lane, Sandy Creek**

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 1987, 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).

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) Owner: CJ & RY Haynes

Planning Permit 08/4392 relates to a 2 Lot subdivision of land within the Farming Zone at Adams Lane, Staghorn Flat. The proposal subdivides an existing allotment of 131ha into two lots of 51ha and 80ha. The permit was issued on the basis that the owner of the land enters into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which: ensures that each lot created is not able to be further subdivided so as to increase the number of lots.

B) Owner: JL Chambeyron

Planning Permit 09/0094 relates to a 2 Lot subdivision of land within the Farming Zone at Kibell Lane, Wooragee. The proposal subdivides an existing crown allotment of 92ha into two lots of 50ha and 42ha. The permit was issued on the basis that the owner of the land enters into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which: ensures that the Lots created are not able to be further subdivided so as to increase the number of lots.

C) Owner: JK & ACJ Bihler

Planning Permit 09/0122 relates to a 2 Lot subdivision of land within the Farming Zone at Egan Lane, Sandy Creek. The proposal realigns the boundary between two lots to create two lots of 77ha and 52ha. The permit was issued on the basis that the owner of the land enters into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which: ensures that the Lots created are not able to be further subdivided so as to increase the number of lots.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Appendix
Attachment A: Locality/Site Plan – PP08/4392 Adams Lane, Staghorn Flat
Attachment B: Locality/Site Plan – PP09/0094 Kibell Lane, Wooragee
Attachment C: Locality/Site Plan – PP09/0122 Egan Lane, Sandy Creek

10.4 INDIGO PLANNING SCHEME AMENDMENT C36 – ALTERATIONS TO CHILTERN FLOOD OVERLAYS

File No: E1240.36- Kath Oswald- Assistant Town Planner

For Decision

RECOMMENDATION

- 1. That Indigo Planning Scheme Amendment C36 be adopted by Council in accordance with Section 29(1) of the Planning and Environment Act 1987;**
- 2. That the adopted amendment is forwarded to the Minister for Planning for approval in accordance with Section 31(1) of the Planning & Environment Act 1987.**

**Moved Cr Pockley
Seconded Cr Issell**

- 1. That Indigo Planning Scheme Amendment C36 be adopted by Council in accordance with Section 29(1) of the Planning and Environment Act 1987;**
- 2. That the adopted amendment is forwarded to the Minister for Planning for approval in accordance with Section 31(1) of the Planning & Environment Act 1987**

CARRIED

INTRODUCTION

Council has been working in conjunction with the North East Catchment Management Authority (NECMA) to implement alterations to the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) in the Chiltern Township. This matter was last reported to Council on 10 March 2009, with a recommendation to request an Independent Panel be appointed to hear submissions with regard to this matter. The Independent Panel report has been received with recommendations, and the next stage in the process is for Council to adopt the amendment and forward it to the Minister for Planning in accordance with Section 31 of the Planning and Environment Act 1987.

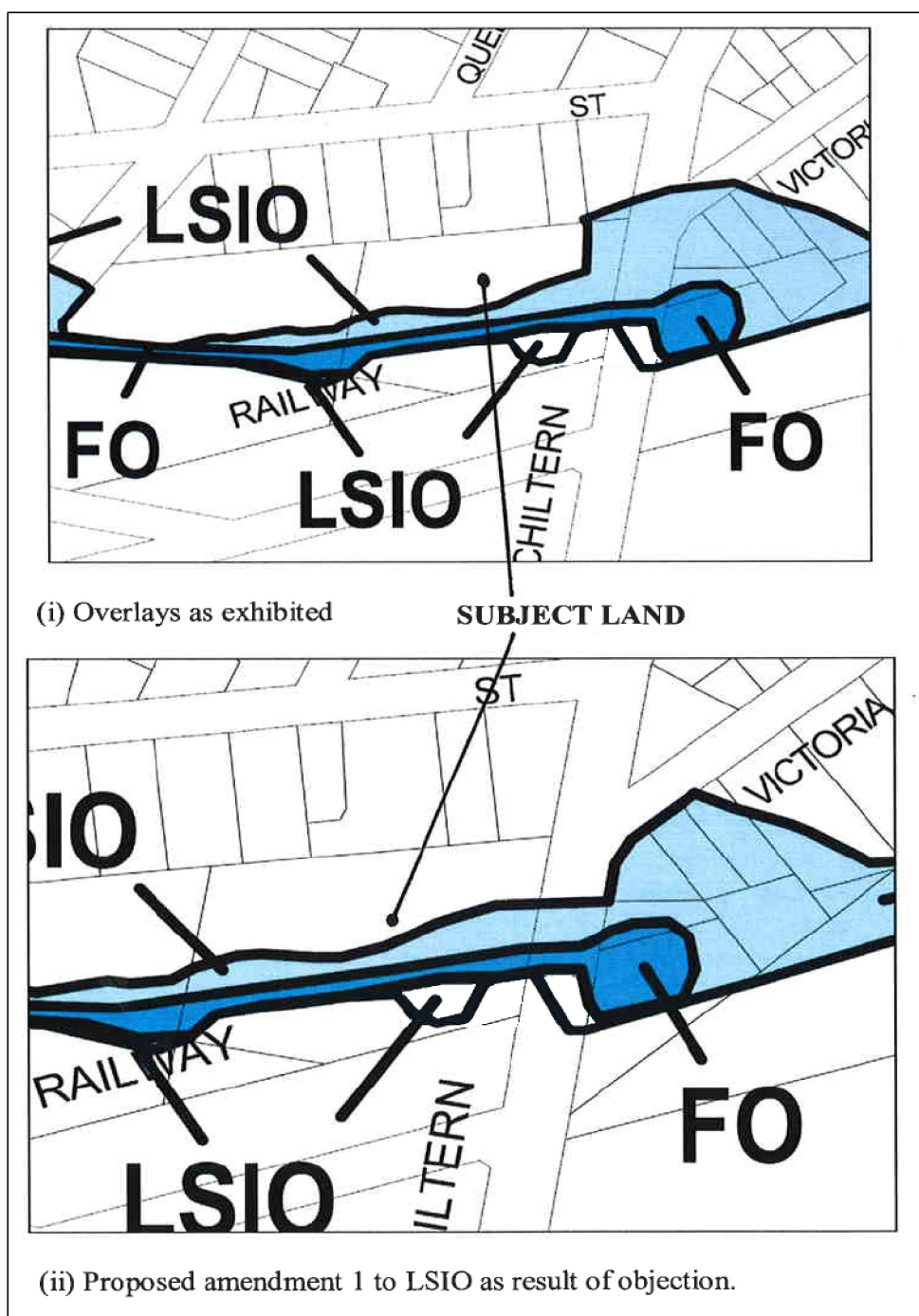
BACKGROUND

Indigo Shire Council and the North East Catchment Management Authority (NECMA) initiated the Chiltern Flood Study in 2007, and the resultant report was adopted by Council on 3 July 2007. This flood report proposes the inclusion of amended flood related overlays into the Indigo Planning Scheme for Chiltern. The proposed overlays are significantly different from the relevant current overlay and would provide for improved non-structural flood mitigation measures in the Chiltern area. The Amendment was exhibited from May to July 2008, and generated two objections, one of which was resolved and one of which was forwarded to an Independent Panel for consideration.

DISCUSSION

Two objections were received regarding the amendment. One, regarding a property at 21 Nickless St was able to be accommodated by a minor alteration to the LSIO. The remaining submission, relating to a property at 1 Main Street, was referred to the Panel. A significant drainage depression is located to the South of the subject land, and the exhibited flood mapping proposed the LSIO extend along the frontage of the property. The landowner objected to the extent of the proposed LSIO. The Catchment Management Authority (CMA) indicated that the overlay could be reduced slightly in this location. Figure 1, (below) indicates the map as first exhibited and also as amended by the CMA.

Figure 1: Exhibited and amended LSIO



The proposed change to the extent of the LSIO was put to the objector who rejected the alteration. The CMA offered a further reduction to the extent of the LSIO which was also rejected. The dotted red line in figure 2, (below) indicates the second reduction in the extent of the LSIO.

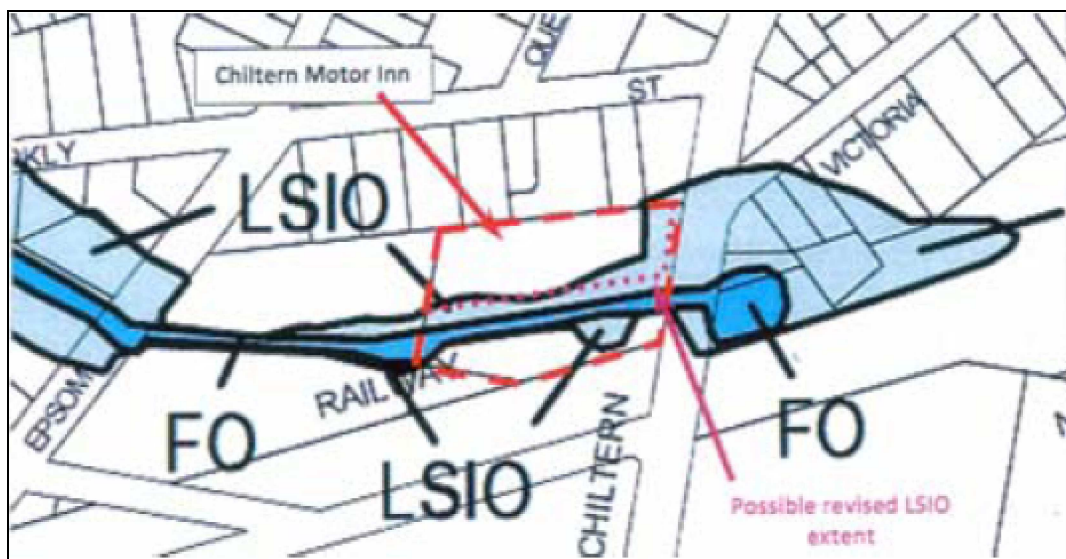


Figure 2: Second alteration to LSIO in response to objection.

The CMA was not willing to reduce the extent of the LSIO in this area any further, and so the matter was brought before the Panel for consideration.

The Panel hearing was held on June 17 at The Shed, Yackandandah, and the objectors made a submission to the Panel.

The Panel report was received by Council on 23 July, and can be found at Appendix A. The Panel member concurred with Council's recommendation that the LSIO remain in the position as indicated by the dotted red line in Figure 2.

FINANCIAL IMPLICATIONS

The amendment to the extent of the flood mapping in Chiltern to more accurately reflect the flood risk will allow Council to better manage risk with relation to flooding in the Chiltern Township.

POLICY IMPLICATIONS

There are no alterations to any planning policies as a result of the Amendment.

CONCLUSION

The Independent Panel supported Council's position with regard to altering the LSIO in the vicinity of 21 Nickless St, along with the suggested alteration to the LSIO in the vicinity of 1 Main St. In accordance with Clause 31 of the Planning and Environment Act, after adopting the Amendment, Council must now submit the amendment to the Minister for Planning for approval.

Appendix A – C36 Panel report

10.5 BIODIVERSITY PLANNING

File No: E371.4-02 - Shay Simpson - Natural Resource Management Officer

For Decision

RECOMMENDATION

- 1. That the report prepared by Coomes Consulting Group "Indigo Shire Council Biodiversity Planning Project Stage 2" be received; and**
- 2. That the Sustainable Development Department proceed with Stage 3 of the project, to implement recommendations from this report including consultation and drafting of a planning scheme amendment to introduce a series of targeted overlays.**

**Moved Cr Issell
Seconded Cr Goldsworthy**

That this report be deferred to a future Council Meeting to allow Councillors an opportunity to tour the nominated sites north-west of the Beechworth township.

CARRIED

INTRODUCTION

Biodiversity - short for biological diversity - can be defined as the range of all living life-forms including plants, animals and micro-organisms, the genes they all contain and the eco-systems of which they form a part. Every native plant and animal, however large or small, has a part to play in maintaining the health of our natural environment. From the smallest soil invertebrate that breaks down leaf litter and helps maintain the soil, to the birds, insects, reptiles, mammals that pollinate plants and contribute to nutrient cycles, each plays an important role. A healthy biodiversity offers many natural services such as the provision of clean air and water, nutrient recycling in soils, control of pests, mitigation of climate change, production of goods such as firewood and timber, filtration and erosion control and waste absorption and breakdown. These benefits can only be provided by landscapes that contain sufficiently intact biodiversity and healthy ecosystems.

There are many threats to biodiversity including habitat loss and degradation, climate change, pollution and introduced species. Since European settlement began in Victoria in the 1830's, an estimated 66% of the State's native vegetation has been cleared. Furthermore, the quality of the remaining native vegetation continues to decline as a result of increasing pressures such as fragmentation, salinity and further clearing. Managing biodiversity on private land is now a major conservation challenge and opportunity, as dedicated reserves such as national parks, alone cannot adequately protect biodiversity from further loss or decline.

The ongoing fragmentation of ecosystems, regardless of their significance, undermines the viability of biodiversity in the landscape. Changing patterns of land use and development create both opportunities for and threats to biodiversity. The planning system can help manage these changes and improve their outcomes, by setting in place controls to guide decision making about new use and development.

Planning authorities should have regard to the National Strategy for the Conservation of Australia's Biological Diversity, as well as the Flora and Fauna Guarantee Act 1988 (Vic), to assist in conservation of habitats of threatened and endangered species and communities. In fulfilling this role, Indigo Shire Council has been successful in attracting external funding to undertake a planning project focused on biodiversity. There has been two main phases of this project. The first identified the biodiversity 'assets' across the Shire (in this instance 'biodiversity assets' are biodiversity elements that have significant ecological value). The report from this phase recommended further investigation into three (3) areas which were determined a priority because of the biodiversity assets present and the high likelihood of development pressure in the future. This report, entitled "Biodiversity Assets within Indigo Shire Council" was prepared by Ecology Partners.

The second phase of the project determined whether provisions, contained in the Indigo Scheme, were adequate to protect biodiversity assets within these priority areas. This report recommended introduction of four (4) specifically targeted Vegetation Protection Overlays (VPO) and four (4) specifically targeted Environmental Significance Overlays (ESO) as soon as possible, and one (1) specifically targeted VPO and one (1) specifically targeted ESO when rezoning occurs. This report, entitled "Biodiversity Planning Project, Stage 2" was prepared by Coomes Consulting Group.

BACKGROUND

In the financial years of 2004-05 and 2006-07 Indigo Shire received funding from the North East Catchment Management Authority (NECMA) to investigate biodiversity in relation to the planning scheme. A steering committee was formed to provide guidance to the project and comprises of Indigo's Strategic Planning staff and NRM Officer, Rural City of Wangaratta (RCoW) Sustainability Officer, Native Vegetation Planning Officers from Department of Sustainability and Environment (DSE), Biodiversity Officer from NECMA and Regional Planner from Department Planning and Community Development (DPCD).

Part of the first phase of the project was to identify the main biodiversity assets, which are summarised below.

Endangered and Vulnerable Vegetation Communities

The Shire lies within three biogeographic regions (bioregions); Victorian Riverina, Northern Inland Slopes and Highlands - Northern Fall. These bioregions capture the patterns of ecological characteristics in the landscape and form part of a national land classification framework. Each bioregion contains various Ecological Vegetation Classes (EVCs). Ecological Vegetation Classes (EVCs) are a standard unit for classifying types of native vegetation. A well-known example is the 'Box-Ironbark Forest' EVC. The conservation status of EVCs within each bioregion has been assessed by DSE and assigned a category.

The first stage report identified EVCs classified as 'endangered' or 'vulnerable' as an asset.

Within Indigo Shire is was identified that the following are present - within the Victoria Riverina bioregion there are 5 x endangered EVCs and 3 x vulnerable EVCs; and within the Northern Inland Slopes bioregion there are 12 x endangered EVCs and 2 x vulnerable EVCs .

Significant Flora

Significant flora species were also identified as a type of biodiversity asset. It was identified that a total of 10 nationally significant flora species have been recorded within the Shire. These comprise one (1) species (Mountain Swainson-pea) listed as endangered and nine (9) species listed as vulnerable under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). A further total of 72 state significant flora species were also identified as being recorded within the Shire.

Significant Fauna

Significant fauna species were also identified as a type of biodiversity asset, with a total of 9 nationally significant fauna species recorded within the Shire. These comprise of four (4) listed as endangered and five (5) listed as vulnerable species under the EPBC Act. A further 36 state significant fauna species were also identified as being recorded within the Shire.

Wetlands

Significant wetlands were identified as a type of biodiversity asset. Four (4) nationally important wetlands occur in or near the Shire boundary; Black Swamp, Lake Hume, Ovens River and Ryan's Lagoon. In addition, Lake Moodemere, within the Shire, is considered a significant wetland.

Significant Roadsides

Roadside reserves throughout the Shire with a high conservation significance have been identified as a type of biodiversity asset.

Notable Fauna Habitat Values

Notable fauna habitat values such as hollow-bearing trees and wildlife corridors have also been identified as an important biodiversity asset where ever they occur within the Shire.

The first stage report recommended strategic planning investigations into three (3) priority areas of the Shire. These were described as:

1. Chiltern - the areas immediately surrounding Chiltern-Mt Pilot National Park and remnant native vegetation along roadsides which provide critical habitat for several significant fauna species;
2. Beechworth - along roadsides and areas supporting remnant native vegetation on private property; and
3. Yackandandah - areas to the south of the township supporting remnant native vegetation and remnant native vegetation along roadside and private property.

Stage two of the project involved determining if the biodiversity assets within these priority areas are adequately protected under the Indigo Planning Scheme and to recommend appropriate planning provisions in cases where they are not. These priority areas were geographically defined and then systematically assessed against existing provisions such as Zones and Overlays to determine if biodiversity is adequately protected within these areas (see table below, extracted from Stage two report). Out of the eleven areas defined, five were determined as having biodiversity assets sufficiently protected under the Indigo Scheme and six as requiring further protection. See attached labeled maps of assessed priority areas.

The report recommended that the Indigo Scheme be amended to introduce:

(Chiltern 1) Vegetation Protection Overlay and an Environmental Significance Overlay on the land bound by North Road to the south, Chiltern Howlong Road to the west and the Chiltern-Mt Pilot National Park to the east. This amendment should be introduced at the same time as the rezoning for residential purposes.

(Chiltern 2) Vegetation Protection Overlay on the land bound by North and Rutherglen roads to the north, Gaunt Street to the east, Gibson Street to the south and Bow Street to the west. This amendment should be made as soon as possible.

(Chiltern 3) Environmental Significance Overlay on the Black Dog Creek riparian environs. This amendment should be made as soon as possible.

(Beechworth 1) Vegetation Protection Overlay and an Environmental Significance Overlay on the land to the north west of the Beechworth Township that has been nominated for future residential and low density residential development within the Planning Scheme Review. This amendment should be made as soon as possible.

(Yackandandah 1) Environmental Significance Overlay on the Yackandandah Creek riparian environs. This amendment should be made as soon as possible.

(Yackandandah 2) Vegetation Protection Overlay on the land to the west of Twist Creek Road that is the preferred area for the residential expansion within the Planning Scheme Review. This amendment should be made as soon as possible.

Table 6-1: Existing Planning Provisions Applying to Priority Biodiversity Areas

Priority Biodiversity Area	Zone	Overlay	Particular Provision	Does the protection and enhancement of the priority biodiversity area require further controls?
Land within 350m of the Chiltern – Mt Pilot National Park	Farming zone Rural Living zone Road zone	ESO	Clause 52.17	No.
Chiltern roadsides of High Conservation Significance	Farming zone Road zone	ESO	Clause 52.17	No. Clause 52.17 provides sufficient protection.
Chiltern residential expansion area to the north east of the Township	Farming zone	ESO	Clause 52.17	Yes, if rezoned to Residential 1 and/or Low Density Residential.
Chiltern residential expansion area to the north west of the Township	Rural Living zone Low Density Residential zone	No overlays	Clause 52.17	Yes.
Black Dog Creek and its riparian environs	Public Conservation and Resource zone	ESO	Clause 52.17	Yes.
Beechworth roadsides of High Conservation Significance	Public Conservation and Resource zone Farming zone Rural Living zone Road zone	SLO	Clause 52.17	No. Clause 52.17 provides sufficient protection.
Beechworth residential expansion area to the north west	Farming zone Low Density Residential zone	SLO DPO HO	Clause 52.17	Yes.
The land that provides connection with the Beechworth Historic Park	Farming zone	SLO HO	Clause 52.17	No. Land is greater than 0.4 hectare and Clause 52.17 provides sufficient protection.
Yackandandah roadsides of High Conservation Significance	Farming zone Rural Living zone Low Density Residential zone	DPO	Clause 52.17	No. Clause 52.17 provides sufficient protection.
Yackandandah Creek and its riparian environs	Public Conservation and Resource zone	LSIO HO	Clause 52.17	Yes.
Yackandandah residential expansion area to the west	Residential 1 zone	DPO	Clause 52.17	Yes.

KEY IMPLICATIONS

The second stage report has recommended only minimal amendments to the Indigo Planning Scheme to protect and enhance the priority biodiversity areas. This is largely due to the majority of areas under consideration being zoned Farming, Rural Living and Public Conservation and Resource, where a purpose of the zone is to protect and enhance biodiversity. Further, some of the other areas under consideration comprise an area greater than 4,000m² and therefore a planning permit would be triggered for most proposals to remove, destroy or lop native vegetation under the recently amended native vegetation provisions of Clause 52.17. This also includes a

new planning permit requirement to remove, destroy or lop dead native vegetation.

New overlays - the VPO and the ESO - however, have been recommended in areas under consideration for residential development and creek areas of Black Dog and Yackandandah. Each of these will be discussed in turn.

(Chiltern 1) Vegetation Protection Overlay and an Environmental Significance Overlay - there are no immediate implications as amendment is not recommended until rezoning occurs.

(Chiltern 2) Vegetation Protection Overlay - presently zoned Low Density Residential, introduction of this overlay would introduce additional permit triggers as exemptions for native vegetation removal would be extinguished.

(Chiltern 3) Environmental Significance Overlay - this area is already covered by a Land Subject to Inundation Overlay so exemptions for many activities, such as native vegetation removal are already extinguished. In addition, this is crown land so permission for many activities would be needed. Introduction of this overlay would have little or negligible implications.

(Beechworth 1) Vegetation Protection Overlay and an Environmental Significance Overlay - this area is currently zoned Farming but nominated for future residential and low density residential development. Introduction of these overlays would create additional triggers for planning permits.

(Yackandandah 1) Environmental Significance Overlay - this area is already covered by a Floodway Overlay so exemptions for many activities are already extinguished. Furthermore, this is crown land so permission for many activities would already be required.

(Yackandandah 2) Vegetation Protection Overlay - this area is zoned Residential 1 and introduction of this overlay would create new planning permit triggers for single dwellings.

Although a key implication of introducing this series of overlays is that it may attract additional applications for planning permits, the total area affected is quite small with many areas already have existing triggers for approval.

Another significant implication of introducing this series of overlays is that it may trigger objections from affected landholders. It is proposed that appropriate consultation with all stakeholders will occur during the next phase of this project to increase understanding of these proposals and minimise objections to the amendments.

There are many key implications for environmental values of not progressing this project and acting on this information. Collectively, the stage one and two reports have highlighted biodiversity values that are of risk in areas tagged for development and has provided some solutions to afford further protection to these values. It is anticipated that introduction of the overlays would help ensure that development in these targeted areas is appropriate.

FINANCIAL IMPLICATIONS

This project has been funded externally with further funds available for the preparation of schedules should Council wish to proceed. In addition, the Sustainable Development department has budgeted for a panel hearing should this be necessary when amendment occurs.

POLICY IMPLICATIONS

This project aligns with many aspirations of the Council Plan 2009-2012, specifically the Objective 4.4 "Promote and manage sustainable development" and the goals under this, specifically:

Ensure Land Use Planning Scheme is appropriate to the community's aspirations to protect the Shire's rural character and landscape

Ensure key sustainability principles are incorporated across all Council activities

Ensure our Land Use Planning Scheme meets the objectives of sustainable growth, protection of our built and natural environment and reflects community aspirations

CONCLUSION

To date, the two part biodiversity project has identified what biodiversity values or 'assets' are present in the Shire, has identified where these assets may be under threat because of future development and has assessed whether they are adequately protected under the current Indigo Planning Scheme. Finally, this strategic planning has yielded recommendations to introduce a series of overlays to protect biodiversity assets at risk.

Appendix
Maps of Areas Assessed for Biodiversity Planning

10.6 SUSTAINABLE COMMUNITIES (COMMUNITY PLANNING) PROGRESS REPORT - AUGUST 2009

For Information

PROJECT	ACTION/PROGRESS
Sustainable Communities Tidy Towns Awards 2009	<p>The Sustainable Communities Tidy Towns Awards 2009 regional presentations were held on 1 September 2009 in Beechworth and Rutherglen. Indigo Shire was represented in the following categories:</p> <p>Heritage and Culture Award:</p> <ul style="list-style-type: none"> - Rutherglen - Celebrating 100 years of Rutherglen - Primary School and preparation for 150 years for Rutherglen - Yackandandah - Rebuilding after the Fire <p>Pam Keating Environmental Innovation Award:</p> <ul style="list-style-type: none"> - Beechworth - Beechworth Sustainability Group - Dalcheri Uniquely Ethical - Rutherglen - Wine Village Motor Inn - Rutherglen - Valhalla Winery <p>Community Government Partnership Award:</p> <ul style="list-style-type: none"> - Rutherglen - Rutherglen Wine Experience <p>Water Conservation Award:</p> <ul style="list-style-type: none"> - Beechworth - Beechworth Sustainability Group - Rutherglen - Save Water for Our Future <p>Proud Schools Award:</p> <ul style="list-style-type: none"> - Rutherglen - Rutherglen Primary School Rutherglen <p>Overall Sustainable Communities Tidy Towns Award:</p> <ul style="list-style-type: none"> - Beechworth - Rutherglen <p>The State Awards weekend will be held in Horsham from 2-4 October 2009.</p>
Council's 2009/2010 Community Grants Program	<p>Applications for Council's 2009/2010 Community Grants Program closed on 21 August 2009. 42 applications were received - 35 general, 5 Arts & Culture and 2 Youth Initiatives.</p> <p>The Indigo Shire Community Advisory Committee (ISCAC) will consider the applications on 21 September 2009. ISCAC's recommendations will be presented to Council in October for consideration.</p>

ORDINARY COUNCIL MEETING MINUTES

<p>Bushfire Recovery Update</p>	<p>Council has received additional funding through the Bushfire Relief Fund and the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) to further support community strengthening activities and undertake community planning initiatives. A dedicated staff member will be engaged to work directly with the bushfire impacted communities.</p> <p>The CEO and General Manager Sustainable communities visited residents of Bruarong on 18 August to discuss recovery issues.</p> <p>The full implications arising from the Bushfire Royal Commission Interim Report are being assessed and clarified.</p> <p>“The working group have held an initial meeting to discuss what actions council can take or should be taking to support residents in their bushfire preparedness. Some actions include:</p> <ul style="list-style-type: none"> Prepare an insert for the Indigo Informer with key information. This information may include (but will be dependent upon government announcements emanating from the Royal Commission Interim Report) what actions are being taken – eg fuel reduction, township protection plans, warning systems, practical tips for clearing around homes, CFA information, etc Free green waste collection – to occur immediately before and immediately after Bushfire Awareness Week in October Discuss with CFA regarding the conduct of community education sessions in each town Having CFA bushfire kits available at customer service centres for residents (this will be dependent upon CFA directions following the Royal Commission Interim Report) Investigate the potential for the Indigo Informer to be released earlier than the original schedule A communication plan to be developed to enable information to be disseminated Discuss with Border mail the potential for a regional bushfire preparedness supplement or feature.
<p>FReeZA</p>	<p>Beechworth hosted the latest FReeZA event on 8 August 2009. The former local group Radiostar provided the entertainment 80 young people participated in the event.</p> <p>The next event will be held in Wahgunyah and is scheduled for 26 September 2009.</p>
<p>Beechworth Skate Park Extension Project</p>	<p>No change from last month’s report</p> <p>Council has received funding from the Department of</p>

ORDINARY COUNCIL MEETING MINUTES

	<p>Planning and Community Development to complete the Beechworth Skate Park extension project. It is anticipated that tenders will be called for the project by October 2009 with a possible completion date in early 2010.</p>
<p>Indigo Shire Public Art Policy</p>	<p>No change from last month's report</p> <p>In 2007 Council adopted the Arts Strategic Plan which determined a set of recommendations to develop arts and culture in the Shire. One of the key recommendations was for the development of a Public Arts Policy.</p> <p>Council's Arts and Cultural Development Officer has now commenced work on the Policy and it is anticipated that a Draft will be presented, following the appropriate community consultation process, to Council by December 2009</p>
<p>Early Years Plan</p>	<p>No change from last month's report</p> <p>As part of the development of the Indigo Early Years Plan an Early Years Forum was held on 23 July 2009.</p> <p>A steering committee of interested community members has been guiding the development of the plan. The steering committee ran the Forum, which was attended by more the thirty service providers.</p> <p>The purpose of the Forum was to present the draft plan, seek feedback, and for the agencies to identify what role they could play in the implementation of the Plan.</p> <p>The Councillors will be briefed on the Plan on 22 September.</p>

10.7 INDIGO HERITAGE ADVISORY COMMITTEE MEETING MINUTES

File No. 0360.010 - Francois Theron - Senior Town Planner

For Information

INTRODUCTION

This report provides a summary of the main issues arising from the minutes of the Indigo Heritage Advisory Committee meetings held in June, July and August 2009.

BACKGROUND

Copy of minutes from the meetings held in June, July and August are attached.

KEY IMPLICATIONS

Matters of note from the meetings are:

OLD BEECHWORTH GOAL

The committee is concerned at the continuing deterioration of the fabric of the Gaol walls and buildings. Estimated cost of refurbishing the wall are approximately \$300,000 and cost for general maintenance of buildings are approximately \$100,000. The required bond does not cover this. It is noted that Heritage Victoria has declined to take action following Council's request that they consider requiring immediate rectification works.

ARTS SHED/RUTHERGLEN WINE EXPERIENCE

The design presented does not achieve optimum heritage outcomes. The Heritage Advisor is to offer input into the design of this building.

COBBLESTONES, BEECHWORTH

The sections of cobblestone pavement in the commercial centre of Beechworth are an OHS risk due to the uneven surfaces. Various ideas have been put forward to address the issue, but no resolution has been reached.

Cr Murdoch declared a conflict of interest and left the meeting at 3.27pm, as she is a Director on the Board of North East Water.

Cr Murdoch returned to the meeting at 3.28pm.

RUTHERGLEN WINE BOTTLE

IHAC is suggesting that a community consultation be undertaken to determine the significance the Rutherglen Wine Bottle has to the community. It is suggested that the outcome of a community consultation process, be considered prior to any decisions made of the future of the wine bottle.

HERITAGE AWARDS

Preparation for 2010 Indigo Heritage Awards will commence shortly. It is agreed to advertise the event more widely in the future.

BURKE MUSEUM

The committee has discussed the report in detail and a summary of points discussed follows:

IHAC endorses the thrust of having well qualified persons appointed on staff.

- The manager's position should be a senior position.
- A strong committee is needed to manage the collections and Burke Museum.
- The "Friends" group is a valuable resource and it is suggested that a position for a "Friend" be included in a committee if a committee is established.
- The report does not seem to recognise that a lot of the collections in the historic precinct are not in ownership of Indigo Shire Council.
- The report does not address the poor state of the Burke Museum building and other buildings in the precinct.
- IHAC considers the street of shops should be retained and refurbished. Inaccurate parts can be replaced over time.
- Disabled access is required to the Burke Museum.
- Two staff are needed on duty for the Museum to be open (reduce hours) and operate effectively.
- The museum and the precinct have a strong linkage (together) with tourism.

BRIEFING WITH COUNCILLORS

The date for a briefing on collections will be 1 September 2009.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Attachment
25 June 2009 Indigo Heritage Advisory Committee minutes
23 July 2009 Indigo Heritage Advisory Committee minutes
25 August 2009 Indigo Heritage Advisory Committee minutes

*Confidential Attachment
Financial report*

10.8 SUSTAINABLE COMMUNITIES WORK IN PROGRESS AND PROJECTS AUGUST 2009

Mark Florence – General Manager Sustainable Communities

For Information

INTRODUCTION

Projects underway are shown in the following table.

PROJECT	CURRENT ACTIONS
ENVIRONMENTAL HEALTH SERVICES	
Environmental Local Law	Environmental Health has now completed the section relevant to their department of the Local Law No 2 which is with Corporate Services for full review.
Alpine contracts	Alpine area inspections in Falls Creek and Mount Hotham will continue during the Winter months
BUILDING SERVICES	
Building Activity	<ul style="list-style-type: none"> • Members of the Building Team are undertaking project work in relation to parts of the RLCIP program, and overall co-ordination of 28 Grant funded projects. • The Building Department has been responsible for 5 RLCIP projects and all will all be completed by mid-September.
Shared accommodations and essential safety measures	<ul style="list-style-type: none"> • The Building team continues the work on Retrospective legislation in relation to Shared Accommodation buildings primarily in Mount Buller and Falls Creek. • Building Permit Application continues to be strong both within the Shire and in the surrounding area. Permits for External surveying have been received this month for works in Wodonga, Myrtleford, Bogong and Tawonga South.
LOCAL LAWS	
Domestic Animals Plan	A submission to Council on The Domestic Animal Plan is being prepared prior to adoption and lodging with the Ministers office. This plan ensures all Councils have adequate resources and are using similar methods to provide good service to the community.
Local Laws Activity	There has been a high number of requests for cat traps as the problem of roaming, fighting and calling due to the approach of mating season increases. Stock on roads has been minimal due to adequate pasture and lower than normal stock numbers within the region.

10.9 SUSTAINABLE DEVELOPMENT WORK IN PROGRESS AND PROJECTS AUGUST 2009

Susan Cheetham – Manager Sustainable Development

For Information

INTRODUCTION

Projects underway are shown in the following table.

PROJECT	CURRENT ACTIONS
STRATEGIC PLANNING	
Amendment C21 – Kiewa-Tangambalanga	Amendment adopted by Council 11 August. Mapping being finalised prior to submission of amendment to the Minister for Planning.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<i>No change from last month.</i> The Independent Panel report makes a number of recommendations, including changes to format of exhibited MSS. Work is on-going, and will be reported to Council prior to being submitted to the Minister for approval.
Amendment C36 – Chiltern Flood Study	The Independent Panel report was received July 23, and a report is included in this agenda.
Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth	Amendment approved by Council 11 August. Forwarded to DPCD for finalisation of mapping and for final approval and gazettal. The amendment will come into operation on the day it is gazetted.
Indigo Planning Scheme C48 – Kiewa Valley Highway	<i>No change from last month.</i> This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.
Indigo Planning Scheme C49 – Old Beechworth Gaol	This amendment introduces a Schedule to the existing Development Plan Overlay over the site. An Independent Panel hearing was held on 28 August 2009. A report is expected four weeks after the hearing.
Indigo Planning Scheme –environmental/biodiversity overlay	Phase 1: Identified biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed. Phase 2: Consultants appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Request for Phase 3 commencement to be presented to Council.
Rural Land Use Strategy	CPG Australia (formerly known as Coomes

ORDINARY COUNCIL MEETING MINUTES

	Consulting) is undertaking this strategy. Two rounds of consultation completed. Issues and opportunities paper finalised. Draft strategy now being prepared and will be placed on exhibition for public comment. Receipt of the draft report has been delayed. The report is now likely to go on exhibition in October.
Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	Brief for this project being finalised. This will go out to consultants for tender in September. Preparation of the amendment will proceed following this strategic work. Further work on the project scheduled for July/August.
STATUTORY PLANNING	
VCAT Appeals	PP08-4222 Appeal by J Hemmerling against conditions of a Planning Permit for a dwelling at Gemmell Road, Wooragee. Hearing held on 30 June 2009 in Wodonga. Awaiting decision.
	PP084449 Appeal by I Jack to amend and delete some of the conditions included in a permit issued by Council for use of a Winery, olive processing (rural industry) , and re-subdivision of the land into 6 lots containing building envelopes. PP084376 Appeal by I Jack to review Council's Decision to refuse to issue a permit for use of a winery, 6 accommodation units, use of olive processing (rural industry), use of produce sales, seven dwelling envelopes and the re-subdivision of land into 9 lots and the creation of common property. Awaiting date for hearing for both matters.
HERITAGE SERVICES	
Promotion of signage guidelines	Planning for promotion of recently published signage guidelines now underway.
NATURAL RESOURCE MANAGEMENT	
North East Greenhouse Alliance	<ul style="list-style-type: none"> • Membership sub-committee has workshopped new vision, goals, geographic scope, structure & will put to full committee in September • Pure Local Energy – final evaluation still being collated • Regional funding application to Federal Government for 'Water for Future' fund submitted
Lake Sambell	<ul style="list-style-type: none"> • Planting completed • Underway – targeting areas include the Glades, adjacent to the boardwalk, the walkway near the pump-house and adjacent GreenCorps track • No change - new maintenance schedule is working effectively – apprentice from Beechworth Town Team & new contractor are both operating within the reserve on regular basis

ORDINARY COUNCIL MEETING MINUTES

	<ul style="list-style-type: none"> • No change - many small maintenance issues being attended to
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • Signage being developed – still awaiting confirmation from Mungabareena Aboriginal Corporation on wording
Isaac Park	Seasonal planting completed. Maintenance ongoing.
Community Woodlot Program	<ul style="list-style-type: none"> • Stanley woodlot – no change ~2,000 cubic meters of timber salvaged from fires • Beechworth woodlot – prison crew continues to cut, split & deliver timber to Beechworth concession cardholders registered to receive this timber – program working very successfully • Chiltern woodlot – no change - still has some timber available from Council operations • Yackandandah woodlot – no change - still has considerable amount of dry, sheared timber
Roadside weed initiative	18 applications received – these to be assessed & chemicals allocated
Roadside weeds	No change - follow up monitoring to occur on roads targeted for spraying of Gorse, Broom & Blackberry and Serrated Tussock under DPI fund.
Eco-Awareness Group	<ul style="list-style-type: none"> • Next meeting to incorporate tour of CleanAway recycling plant • New posters developed & installed above recycling bins showing what can be recycled • WasteWise audit completed. Results yet to be presented to the Eco-Awareness Group • A staff survey still to occur on barriers to sustainable behaviour in the workplace
Community awareness	'Schools Environmental Education Day' (SEED) was held in Rutherglen on August 27 th – 6 schools & 226 attended .
Sustainable Water Use Plan	No change – application lodged with RDV for funding for the extension of use of waste water in Rutherglen.
Code of Forest Practice	<ul style="list-style-type: none"> • Complaint investigated as to logging times & routes, Stanley, Beechworth. Alternatives investigated and haulage operations determined as appropriate. • Inspections of Coupe Plans as notified
Environmental Advisory Committee	<p>Next meeting scheduled for 14th October, 2009 in Wooragee. Previous meeting covered:</p> <ul style="list-style-type: none"> • responses from Goulburn Murray Water; • reiterated gap in Council policy regarding Climate Change adaptation; • opening of Sustainability Fund; • guest speaker from DPCD provided information on Hume Strategy; • Victorian Climate Change Green Paper; • possible presentation to Council regarding latest

ORDINARY COUNCIL MEETING MINUTES

	<ul style="list-style-type: none"> • information on Climate Change scenarios; • Environment Strategy development.
Roadside Management Plan	Awaiting data handover from consultant on roadside conservation value re-assessment. This will provide basis to review Roadside Management Plan.
Greenhouse Action Plan	Discussion with Assets regarding delamping and/or insulation priorities for CCP funding.
Environment Strategy	Pre-draft released to limited audience – Council, staff and Environmental Advisory Committee. Once feedback received & integrated, draft will be widely released.

11.0 OPERATIONS AND ASSETS

11.1 PROPOSED ROAD MANAGEMENT PLAN AMENDMENT

File No: 09/1377 – Robert Uebergang – Manager Assets

For Decision

RECOMMENDATION

That Council:

Adopt the proposed Road Management Plan amendment as Council's new Road Management Plan effective as of 30 September 2009.

Proceed to have the new Road Management Plan put in place to supersede the existing Road Management Plan as of 30 September 2009.

Moved Cr Goldsworthy
Seconded Cr Croucher

That Council adopt the proposed Road Management Plan amendment as Council's new Road Management Plan effective as of 30 September 2009.

Proceed to have the new Road Management Plan put in place to supersede the existing Road Management Plan as of 30 September 2009.

CARRIED

INTRODUCTION

Council's current Road Management Plan was amended in October 2008 in order to provide a current and succinct document outlining the process Indigo Shire uses for the management of the local road network.

It was determined in June 2009 that under legislative requirements a review of Council's Road Management Plan was required to be undertaken despite the recent nature of Council's Road Management Plan review in 2008.

The Road Management Plan was subsequently reviewed in July 2009 with Council's Operations Manager (Alex Showers), General Manager Operations & Assets (Phil Prior), Assets Manager (Robert Uebergang) and Works Officers and Foremen all involved in this process.

The Draft amended Road Management Plan was advertised for public submissions in the Border Mail (11 July 2009) and Government Gazette (16 July 2009).

The proposed amended Plan is now presented for review and adoption by Council. If adopted the Road Management Plan amendment would become Council's new Road Management Plan effective as of 30 September 2009.

BACKGROUND

Council's current Road Management Plan was formulated in late 2008 and there are minimal proposed changes to this Plan as a result of the current review process.

Council's previous Road Management Plan was formulated in late 2004 further to the Road Management Act 2004 establishing a new statutory framework for management of the road network. The purpose of the Road Management Plan is to document the principles, methods and systems used by Indigo Shire Council in managing the local road system. The Plan becomes the documented interface between road users and Council.

THE PLAN HAS THREE MAJOR COMPONENTS:

1. Register of Public Roads – A register of all road and pathway assets as deemed public assets under the Road Management Act
2. Road Maintenance Activity Specification – A statement of the levels of service that Indigo Shire Council provides in managing the local road network
3. Road Management System – A work process that provides a sound basis for monitoring, inspections and work planning.

The reviewed draft Road Management Plan was advertised and submissions invited from all parties aggrieved by the proposed amendment. The submission period closed on 12th August 2009.

Several internal submissions and comments were received from Councillor Goldsworthy and Council officers with nil submissions received from the public. The internal submission related mainly to the Road Maintenance Activity Specification. The following changes were made to the draft Road Management Plan as a result of submissions received:

'Mowing' activity, 'Weed and Grass Spraying Treatment' activity and "Street Landscaping Maintenance' activity were deleted from the Road Maintenance Activity Specification. Provision for the maintenance of visibility and sight distance at intersections and road signs are now all contained in the "Trees and Vegetation Control' activity in the Road Maintenance Activity Specification.

"Changes in road use including traffic volumes and vehicle types" are now included under '1. Long Term Decision System', P. 8 of the Road Management Plan.

Reference to rural road contributions (P. 5) and Conquest 11 Software (P. 13) are no longer relevant and have been deleted from the Road Management Plan.

KEY IMPLICATIONS

Further to the Road Management Plan review, the amendment has been proposed to clarify:

- 1 'Tree and Vegetation Control' in the Road Maintenance Activity Specification to ensure visibility and sight distance at intersections and road signs.
2. The Management System used, including the effect of changes in road use and a reference to the software works order system currently used by Council.

FINANCIAL IMPLICATIONS

The costs associated with advertising in the Border Mail and Government Gazette for the Plan review and adoption are estimated at \$2000. There are no further cost implications to Council.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Due to the recent and comprehensive nature of Council's last review of the Road Management Plan, the current review process has identified a few areas only requiring minor amendment. No public submissions were received by Council in the advertised review period of 16th July to 12th August 2009.

Further to consideration and incorporation of submissions, the reviewed and amended Road Management Plan may now be adopted as Council's Road Management Plan.

Appendix
Proposed Road Management Plan

11.2 INDIGO SHIRE COUNCIL - LAND PURCHASE FROM GEORGE WILLIAM COULSTON - KIEWA-BONEGILLA ROAD, TANGAMBALANGA

File No: Q08/01 (09/213) - ALEX SHOWERS - OPERATIONS MANAGER

For Decision

RECOMMENDATION

That Council sign and seal Transfer of Land documentation for purchase of land from Mr George William Coulston, and being Road R1 on Plan of subdivision No PS 629161T and being part of the land in Volume 3947 Folio 249.

**Moved Cr Croucher
Seconded Cr Issell**

That Council sign and seal Transfer of Land documentation for purchase of land from Mr George William Coulston, and being Road R1 on Plan of subdivision No PS 629161T and being part of the land in Volume 3947 Folio 249.

CARRIED

INTRODUCTION

Not applicable.

BACKGROUND

During the planning for the upgrade of the Kiewa-Bonegilla Road, Tangambalanga it was found that land was required to complete the required improvements to the Kiewa-Bonegilla Road. The land is required to realign the road for safety improvements and to allow access to B-double trucks.

The land owner is supportive of the project and an amicable agreement for the land has been reached. This deal has been negotiated through the landowner, Council and solicitors representing both parties.

KEY IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

The sum of \$4500 has been negotiated with the landowner as consideration for the land. There are also associated legal costs and the costs for fencing of the land.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

11.3 OLD WATER TOWER AT RUTHERGLEN (WINE BOTTLE)

File No: 09/2413 – Robert Uebergang - Manager Assets

Cr Murdoch declared a conflict of interest and left the meeting at 3.46pm, as she a Director on the Board of North East Water.

Cr Murdoch returned to the meeting at 4.03pm.

For Decision

RECOMMENDATION

That Council sanction the acquisition of the Rutherglen Water Tower/ Wine Bottle from North East Water on the condition that it is handed over to Council at a cost of \$1 in a fully restored and maintained structurally sound condition requiring no cost impost to Council for the next 25 years.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Indigo Shire Council respectfully declines the offer to purchase the Old Water Tower at Rutherglen. Further, that the CEO of the Indigo Shire writes to North East Water thanking them for their good faith shown through out the process and that the Indigo Shire has declined the offer of sale.

LOST

**Moved Cr Gaffney
Seconded Cr Croucher**

That the recommendation “That Council sanction the acquisition of the Rutherglen Water Tower/ Wine Bottle from North East Water on the condition that it is handed over to Council at a cost of \$1 in a fully restored and maintained structurally sound condition requiring no cost impost to Council for the next 25 years” be deferred until the November meeting of Council to allow Community consultation and that the petitioner be advised of this decision.

CARRIED

INTRODUCTION

This report discusses the Rutherglen Water Tower (wine bottle) including its background to date, recent engineer’s reports from North East Water and a management proposal to Council outlined in a North East Water letter from Mr Craig Heiner dated 3 August 2009.

BACKGROUND

The Rutherglen Water Tower is a North East Water asset located on the corner of Campbell and Hopetoun Streets. The original Water Tower is 8.4m in diameter and consists of lower brickwork 18.4m high with a 7.9m high riveted water tank on top. The water tower was constructed 1899-1900.

The ‘bottle top’ steel mesh superstructure on top of the Water Tower tank was erected in 1969

and measures 6.9m in height and 0.9 tonne in weight. The Rutherglen Water Tower was decommissioned in the mid to late 1980's.

The recent history of the Water Tower follows, starting from 1998 and finishing with the recent letter received from North East Water 3 August 2009:

1. North East Water commissioned an engineer's report for the Water Tower. Perret Simpson Pty Ltd provided a structural report to North East Water on 16 March 1998. The report recommended repairs to brick walls, metal stabilisation and treatment of the steel tank and wine bottle superstructure, reconstruction of external balcony and repairs to internal timber stairs. Estimated cost of works was \$70,000
2. Rotary Club of Rutherglen proposed a project to restore the Water Tower and develop the tower as a tourist attraction (wine bottle) in 1998. This project received in principle support from Winemakers of Rutherglen, Rutherglen Wine Region Tourism Inc. and the Rutherglen Lions Club
3. Rotary Club of Rutherglen submitted a funding application to the Federation Community Projects program for the Water Tower project in 1999. The submission for funding was not successful (July 1999)
4. Rotary Club of Rutherglen forwarded details of Water Tower project to Indigo Shire Council in August 1999. Council resolved in principle support for the project and advised that there was no funding available for the project in the near future
5. Rotary Club of Rutherglen advised ISC that they intend to continue with project and seek government funding (September 2000)
6. North East Water proposed giving Water Tower to Council for \$1 with North East Water to do condition assessment and remove steel tank at their expense if structurally unsound (December 2000)
7. Council advised North East Water of its resolution (23/1/01) to purchase Water Tower for \$1 conditional upon North East Water removing the steel water tank (February 2001)
8. North East Water accepts Council's proposal and advises Council that they will arrange structural assessment of the Water Tower and prepare a Contract of Sale (February 2001)
9. North East Water provides structural condition assessment (similar in content to Perret Simpson Pty Ltd report in 1998) and Contract of Sale to ISC (August 2001)
10. Council provides Water Tower condition assessment to Rotary Club of Rutherglen for comment on any problems they perceived in proceeding with the Water Tower purchase (September 2001 & May 2002)
11. North East Water contacts Council in late 2006 / early 2007 with concerns on Water Tower. ISC writes to Rotary Club of Rutherglen asking if they are still interested in taking on the tower as a project (January 2007). Rotary Club of Rutherglen informs ISC that the project is now beyond their capacity and they no longer wish to be involved in the management of the project (February 2007)
12. Council adopts recommendation to (1) hold further discussions with North east Water regarding sale of Water Tower, (2) continue to negotiate conditions of sale including removal of water tank and bottle superstructure, (3) undertake a feasibility study in relation to replacing the water tank and bottle superstructure with a similar visual structure (May 1st 2007)
13. North East Water provides ISC with November 2007 structural report for Water Tower from Perrett Simpson Pty Ltd. (21 April 2008). The report outlines that:
 - (a) the steel water tank has deteriorated substantially and should be removed
 - (b) the blue stone ring at the bottom of the tank be connected continuously with a

- curved steel angle for structural reasons
 - (c) a roof be constructed at the top of the brick tower/ new curved steel angle
 - (d) a perimeter steel brace be installed at the base of the window openings
 - (e) cracks in brickwork internally and externally be repaired by replacing cracked and weathered bricks, raking out cracked mortar and re-grouting
- 14. Council briefing report given to Council 20 May 2008. The report gave some options for the Water Tower moving forward with the implications of these options uncertain in terms of funding requirements, NEW contributions and heritage overlay obligations for the Water Tower
- 15. Rutherglen Wine Region Tourism Incorporated (RWRT) organised and collected Petitions of Support for retaining the Water Tower/ Wine Bottle containing approximately 1000 signatures and presented to Council in late September 2008
- 16. North East Water met with planning and engineering Council officers 20 April 2009 to discuss the way forward in making the Water Tower safe and planning permit procedures. An outcome of the meeting was North East Water to arrange an inspection of the Water Tower with their consultant engineer to review a possible option of restoring the steel water tank and bottle top. This option had not been explored to date.
- 17. Inspection of the Water Tower by North East Water with their consultant engineer from Perrett Simpson Pty Ltd was undertaken on 13 May 2009. The purpose of the inspection was to look at restoration options and safety of the steel tank and bottle-top structure
- 18. North East Water subsequently issued Perrett Simpson Pty Ltd structural report on the water tower dated 12 June 2009, giving an option to increase the life of the tank/ top to 50+ years.
- 19. Council received a letter from North East Water dated 3 August 2009. The letter proposes that:
 - (a) North East Water undertakes remedial works to ensure the tower is safe. The remedial works to include items a, c, d and e outlined in Item 13 above
 - (b) Council then takes over all future management responsibility for the tower, inclusive of any proposed restoration works as outlined in the Perrett Simpson report of 12 June 2009.

In order to clarify the cost implications to Council, a contractor was provided with the Perrett Simpson report of 12 June 2009 and asked to give an estimated cost to undertake the tank and bottle top restoration works which do not form part of North East Water's works as proposed in the letter of August 3rd 2009. A summary of these works and estimated costs (to plus or minus 20%) are given below:

1. Scaffolding – erection, hire and removal of scaffolding for works outlined in points 2-5 below * *Est. Cost \$150,000*
2. Bottleneck – removing bottleneck to ground * *Est. Cost \$18,840*
3. Bottleneck - Cleaning, rust stabilization, epoxy painting & replacing bottleneck * *Est. Cost \$45,000 plus (Note: Tent may be required over works – cost not included)*
4. Steel Tank – hole repair, cleaning back to metal, rust stabilization, epoxy painting * *Est. Cost \$50,000 scaffold + \$90,000 works = \$140,000 ((Note: Tent may be required over works – cost not included)*
5. Steel Tank – reinforcing steel structure to be constructed in tank as per ST03-ST05. * *Est. Cost \$81,760.*

The cost estimate totals \$435,600 and does not include tents for the steel tank and bottle top during garnet-blasting operations. Allowing \$50,000 for the tents to confine dust issues and adding 20% to the estimated cost (i.e. estimate given is + or – 20%) gives a total cost liability of \$582,720.

KEY IMPLICATIONS

The complete removal of the Water Tower is not considered an option due to its historical context, landmark status and local recognition as a ‘wine bottle’. The Water Tower could only be considered for demolition if it was in an irretrievable structural state and posed a public safety issue.

The removal of the Water Tank and bottle top whilst making the brickwork stable/ good and leaving over the longer term is considered a very poor option because of the community uproar that would result from perceived poor planning resulting in an icon’s loss.

The implications of Council accepting North East Water’s proposal of 3 August 2009 are:

- a. no immediate cost to Council
- b. tank structurally stable for 8 years but will require a structural inspection every 2 years at an estimated cost of \$4,000 per inspection and report
- c. Council has a window to undertake community consultation, engage the community in completing a Project Plan, community fund-raising and provision of forward budget funding if required
- d. Council takes on the liability to restore or remove the tank, with this liability having to be made good/ funded within the next 8 years. The estimated current cost of this liability is in the order of \$724,000.
- e. Council takes total responsibility for community engagement and planning for what happens with the Water Tower.

In order to mitigate Council liabilities moving forward it is recommended that North East Water’s proposal not be accepted.

FINANCIAL IMPLICATIONS

The implications for accepting North East Water’s proposal is a \$724,000 liability to Council if tank and bottle top restorations are completed by Council in the future. This liability is comprised of the base contractor cost (\$583,000), safety inspection costs (\$16,000), consultant design cost (\$15,000), project management cost (\$30,000 or approx. 5%) and contingency amount (\$80,000 or approximately 12%).

Until Council and North East Water have defined an option and the scope of works for this option, funding implications for the Water Tower project cannot be ascertained. However, it would appear reasonable that suitable works to visually or stylistically replace the steel tank and bottle top would provide a less costly and long term solution in comparison to restoring the existing steel structure.

POLICY IMPLICATIONS

Council adopted the following recommendation on May 1st 2007:

1. That Council hold further discussions with North East Water regarding its offer to sell the redundant Water Tower and site in Rutherglen for a nominal cost of \$1.
2. That Council continue to negotiate conditions of sale and including North East Water's commitment to removing the steel tank section and "bottle superstructure" at its expense.
3. That Council undertake a feasibility study in relation to replacing the Water Tank and "bottle superstructure" with a similar visual structure to retain the tourism icon that the Water Tower represents.

CONCLUSION

Council or North East Water has not engaged the community to formulate a long term plan for the Water Tower to date.

It is recommended Council only accept ownership of this asset on the basis that the structure is handed over in a maintained/ fully restored and structurally sound condition so as to assure no cost liability to Council over the next 25 years.

It is recommended that a community consultation phase for this project be undertaken co-operatively by North East Water and Council before any works commence on the Water Tower and whilst the asset remains in North East Water's ownership, once the issue of cost is resolved.

A defined time period is recommended for the project plan formulation to provide some certainty to both North East Water and the community that this matter is moving forward.

Appendix
Letter from North East Water

**11.4 OPERATIONS & ASSETS DEPARTMENT – PROGRESS REPORT – TO AUGUST 2009
ANDRE KOMPLER – GENERAL MANAGER MAJOR PROJECTS & PROGRAMS**

For Information

CAPITAL WORKS	
PROJECT	DESCRIPTION
ASSETS CAPITAL WORKS	
Rutherglen Wine Bottle	North East Water management proposal received in letter of 3 August 2009. Reply pending Council recommendation.
Chiltern Floodplain Works	Purchase of the detention basin site finalised week ending 28 August. Designs of retention basin underway. Works to commence soon. Together with other completed works this will effectively flood proof Chiltern from known occurrences.
Ready/Soles Street drainage	Works 50% complete.
Chiltern Commercial Area Parking	Works proceeding
Rutherglen Heavy Vehicle Deviation.	No change Consultant's currently preparing detail plans of short listed routes. Council and VicRoads officers assessing future options for Up River and Gorramadda Roads
Tangambalanga Multi-Purpose Activity Centre	Contract works scheduled to commence after football season September 2009. Building permit issued. No change.
Former Beechworth Methodist Church Roof	All but complete. Grant acquittal document yet to be submitted.
Tangambalanga Industrial Estate	Preliminary design and land purchase negotiations in progress.
Yackandandah Depot Industrial Estate and Steel Rd industrial area	Planning Permit issued. No change.
Wahgunyah Boat Ramp	Budget allows only for Masterplan development. CSC & ISC at officer level are willing to work together to develop one foreshore Masterplan for both Corowa & Wahgunyah. Currently at the stage of defining Terms of Reference.
Osborne's Flat Hall Upgrade	Originally structural scope only and associated quotes were to be sought in August. Have changed to a full package delivery approach necessitating completion of scoping on elements yet to be detailed (i.e. kitchen & A/C). Now expect quotes late September 09.

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Yackandandah Public Hall Upgrade	Architect appointed consultation and concept plans in progress.
Yackandandah sports park hall	Architect appointed consultation and concept plans in progress.
Baarmutha park multi-purpose facility	Architect appointed community consultation in progress.
OPERATIONS CAPITAL WORKS	
Mellish Street Reconstruction	Progress has improved. Concrete work is complete. The road pavement is being constructed and almost ready for seal.
Spring Street Construction	Due to wet weather the contractor has done very little work in Spring Street during August. The road will be sealed as soon as the conditions permit. Some work has been done topsoiling the nature strip.
Rutherglen to Wahgunyah Rail Trail and Wahgunyah-Moodemere Walking Trails	The sealing contractors have commenced works in the Wahgunyah area. Signs have been ordered and the fencing contractor has been appointed.
Kiewa Bonegilla Road	There has been very little work during August due to weather.
Oxford Street Footbridge	Complete
Sutherland Road Bridge	Complete
Indigo Creek Road widening	Works have commenced and progress has been very good.
Bus Stops	Complete
Annual reseal program	The reseal list is almost complete
Osbornes Flat Bridge Widening	Design is complete. Tender for bridge widening has been awarded
Yack Chiltern / Indigo Creek Rd intersection	Design is underway
Gooramadda community water supply bore	Work has commenced on the community bore at the Gooramadda Hall reserve. The bore has been constructed and the pump has been installed along with the standpipe. There will be a delay in supplying the power to the site. Hopefully operational by the end of October.
ANNUAL TREE PLANTING PROGRAM	Complete.
PLANT	Tender is being prepared for the new grader
OPERATIONS MAINTENANCE WORKS	
GENERAL MAINTENANCE	Rural tree pruning has commenced in Sandy Creek Rd. There has also been work done on maintenance of footpaths

ORDINARY COUNCIL MEETING MINUTES

Road Maintenance	A major focus has been on grading and getting unsealed roads ready for summer. On sealed roads the crew on the Paveline have been working hard on potholes and edges.
Parks and Gardens	Spraying and mowing has commenced early due to an early Spring which has kept the town teams busy. They have also been busy with pruning
Indigo Waste Management	Scrap metal clearance is scheduled for the Beechworth and Rutherglen Transfer Stations in September. Hard waste disposal is proposed for late November and free green waste disposal days in mid October
EXTERNAL PRIVATE CONTRACTS	
Buller Gas	Volume of Gas sold for June & July on average. Jim Redmond has been employed and will take over the management of the contract over the next 9 months
East Gippsland Waste	Annual site visits and audits carried out on all sites. The annual contract performance review with East Gippsland Shire Council scheduled for 1 st October 2009.
ASSETS MAINTENANCE WORKS	
Subdivisional Works by Developers	Stage 2 Howlong Road Barnawartha – consisting of 9 lots at corner of Mucha Road approaching plan approval. Developer ready to start.

12.0 CORPORATE SERVICES

12.1 ADOPTION IN PRINCIPLE OF FINANCIAL AND STANDARD STATEMENTS AND PERFORMANCE STATEMENT – YEAR ENDED JUNE 30 2009

File No: 09/645 – Frank Bonacci – Manager Finance

For Decision

RECOMMENDATION

That:

- 1. Council resolve under Section 131(7) of the Local Government Act 1989, giving its approval “in principle” to the 2008/2009 Standard Statements and the Financial Statements; and**
- 2. Council, under Section 132(6) of the Local Government Act 1989, give its approval “in principle” to the 2008/2009 Performance Statement; and**
- 3. Council nominate under Section 131(8) of the Local Government Act 1989, three Councillors as signatories with authorisation given for any two of the nominated three Councillors to certify the 2008/2009 Standard Statements and Financial Statements in their final form after any changes recommended, or agreed to, by the auditor have been made.**
- 4. Council, nominate under Section 132(7) of the Local Government Act 1989, three Councillors as signatories with authorisation given for any two of the nominated three Councillors to certify the 2008/2009 Performance Statement, in its final form after any changes recommended, or agreed to, by the auditor have been made.**

**Moved Cr Pockley
Seconded Cr Goldsworthy**

That:

- 1. Council resolve under Section 131(7) of the Local Government Act 1989, giving its approval “in principle” to the 2008/2009 Standard Statements and the Financial Statements; and**
- 2. Council, under Section 132(6) of the Local Government Act 1989, give its approval “in principle” to the 2008/2009 Performance Statement; and**
- 3. Council nominate, under Section 131(8) of the Local Government Act 1989, Cr Goldsworthy, Cr Pockley, Cr Murdoch as signatories with authorisation given for any two of the nominated three Councillors to certify the 2008/2009 Standard Statements and Financial Statements in their final form after any changes recommended, or agreed to, by the auditor have been made.**

4. Council, nominate under Section 132(7) of the Local Government Act 1989, Cr Goldsworthy, Cr Pockley, Cr Murdoch as signatories with authorisation given for any two of the nominated three Councillors to certify the 2008/2009 Performance Statement, in its final form after any changes recommended, or agreed to, by the auditor have been made.

CARRIED

INTRODUCTION

The report is seeking:

1. A resolution giving Council's "in principle" approval to the Annual 2008/2009 Financial Statements, Performance Statement and Standard Statements.
2. Endorsement for two of the nominated three Councillors to certify Council's Annual Financial Statements, Performance Statement and Standard Statements in the final form after changes have been recommended by the Auditor General.

BACKGROUND

Section 131(7) of the Local Government Act 1989 requires the Council to approve "in principle" the standard statements and financial statements prior to submission to its Auditors or the Minister. Section 132(6) requires the Council to approve "in principle" the Performance Statement.

As part of the Local Government (Democratic Reform) Act 2003, Councils are required to prepare Standard Statements which are available and published as part of the Annual Report. These Statements are a comparison between the budgeted statements as adopted by Council with the actual results for the financial year. Explanations for significant variations (greater than 10% or \$50,000) are also required.

The steps in completing the Statements are as follows:

1. Draft set of Financial Statements, Standard Statement and Performance Statement are enclosed for Council's perusal.
2. At the September Ordinary Council meeting, Council passes a resolution in accordance with Section 131(7) and 132(6) giving "in principle" approval to the Statements and resolution in accordance with Section 131(8) and 132(7) approving two Councillors to sign the Statement in their final form.
3. The draft Statements are reviewed by the Auditor General's contractor who will forward them to the Auditor General, together with his recommendations.
4. The Auditor General reviews the Statements and his contractor's recommendation and either signs the Statements or, returns the Statements with a requirement to make amendments.
5. Once any amendments are made and any changes recommended and agreed to by the auditors, the Statements are authorised by two Councillors (who were authorised in accordance with Section 131(8) and 132(7) at the September Council Meeting)
6. The Statements are then returned to the Auditor General who issues his audit opinion and

final sign off. The audit opinion is then inserted at the back of the financial report which forms part of the Annual Report.

7. The Statements are then referred to the Minister as part of Council's Annual Report. The Council then has until 30 September to finalise and deliver its Annual Report to the Minister. A report on the financial results for the year is provided to Council at the October Ordinary meeting when Council "considers" the Annual Report in accordance with Section 134 of the Local Government Act.

KEY IMPLICATIONS

Address the following implications if applicable:

- Risk Management - Nil
- Legislative – These recommendations ensures compliance with key Local Government Act requirements for Annual Reports and Performance Statements
- Regulatory – This recommendations ensures compliance with key Local Government Act requirements for Annual Reports and Performance Statements
- Environmental - Nil

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

*Appendix
Draft reports will be issued via email prior to the Council Meeting*

12.2 INDIGO SHIRE COUNCIL AUDIT COMMITTEE – MINUTES OF MEETING JUNE 18 2009

File No: 09/636 – David Montgomery – Manager Governance and Risk

For Decision

RECOMMENDATION

That the minutes of the Indigo Shire Audit Committee meeting dated June 18 2009 be received and noted.

**Moved Cr Murdoch
Seconded Cr Croucher**

That the minutes of the Indigo Shire Audit Committee meeting dated June 18 2009 be received and noted.

CARRIED

INTRODUCTION

The Audit Committee held its last meeting on 18 June 2009. A copy of the minutes from that meeting together with the Chairman’s covering note is attached to the agenda.

BACKGROUND

Action items from the Audit Committee meeting are:

		Comment/Status
2.1	Report to Council on risk factors with Council’s Investments	# See below
2.5	Credit Card policy report to Council	# See below
3.0	Business Risks Assessment Review	Initiated
4.0	External Audit – Interim Management Letter – Report to Council	# See below
5.0	Fidelity Guarantee Audit	Initiated
6.0	Action sheet for Audit Committee	Developed

Because of time constraints associated with the Budget preparation and Annual Report. A report will be presented to the October meeting of Council.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Appendix
Meeting notes – Audit Committee Meeting – 18 June 2009

12.3 BEECHWORTH DEPOT LAND AND PARKS VICTORIA

File No: 09/744 – David Montgomery – Manager Governance and Risk

For Decision

RECOMMENDATION

That:

Council advise the Department of Sustainability and Environment / Parks Victoria it no longer wishes to proceed with the land exchange of its Council depot in Radcliffe Road Beechworth with the former Parks Victoria site in Victoria Road Beechworth.

Council negotiate a long term lease arrangement with Parks Victoria for part of the Depot site in Radcliffe Road Beechworth and for the matter to be considered by Council.

**Moved Cr Goldsworthy
Seconded Cr Murdoch**

That:

Council advise the Department of Sustainability and Environment / Parks Victoria it no longer wishes to proceed with the land exchange of its Council depot in Radcliffe Road Beechworth with the former Parks Victoria site in Victoria Road Beechworth.

Council negotiate a long term lease arrangement with Parks Victoria for part of the Depot site in Radcliffe Road Beechworth and for the matter to be considered by Council.

CARRIED

INTRODUCTION

This report is to update Council on the status of the Beechworth Depot Land on which Parks Victoria have established their depot.

BACKGROUND

Since 1998 Council has been involved in negotiating with the Department of Sustainability and Environment (DSE)/ Parks Victoria for a number of land exchanges. What was initially a simple land swap has developed into a complex and potentially expensive exercise.

Council was seeking to swap its Radcliffe Road Council Depot in Beechworth for several crown land parcels, including some land fill sites and the Parks Victoria Depot in Victoria Road Beechworth.

Each time the two parties have come close to an agreed price for the land swap, delays by DSE resulted in agreement and valuations settled on becoming so out of date that the Land Monitor would request new valuations effectively forcing the restarting of the process.

Council has been caught in this loop and has made no progress with the land exchange. A great deal of consultation has taken place between Council and DSE and the last agreed position was

to exchange the old DSE/Parks Victoria Depot in Victoria Road Beechworth for the Shire's old depot site in Radcliffe Road Beechworth.

The Victoria Road site has been used as a workshop and vehicle equipment storage facility by Parks Victoria and Department of Natural Resources and Environment since the 1950's. Facilities at the site include a workshop building, staff amenities, a storage shed, a large open sided vehicle shed and a concrete floored fuel/chemical storage shed.

Two underground storage tanks that are on the site have a capacity of 4500 litres and 2250 litres respectively, each of the tanks is used for the storage of diesel and petrol during the life of the site. Apparently the tanks have not been used for approximately 10 years.

The Victoria Road site comprises an area of 4207 square metres. The dimensions of the property are approximately 72 metre frontage with a depth of 59 metres. There is good vehicular access from Victoria Road.

Advice from the planning department indicates that the site is zoned residential 1 under the Indigo Planning Scheme. There are no applicable overlays. Subdivision of the land is the assumed initial development option with subsequent residential development at a later time. Matters that would need to be considered in assessing any planning application include the normal requirements applicable to subdivision for residential purposes and in addition there are issues particular to this site of contamination and proximity to a heritage place.

Contamination would need to be addressed in detail in any planning application, particularly given that sensitive uses that would potentially form part of proposed subdivision. It would be necessary to submit either a Certificate of Environmental Audit prior to approval of any subdivision or include the following as a condition on any planning permit issue.

Before issue of a statement of compliance either a certificate of Environmental Audit would need to be issued pursuant to the Environment Protection Act 1970 or, an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with part 1 of that Act that the environmental conditions of the land are suitable for sensitive use.

In terms of proximity to a heritage place, the proposed development will need to ensure there is no adverse impact on the adjacent heritage place.

KEY IMPLICATIONS

Legislative - If Council determines to sell or lease the property it needs to comply the Local Government Act 1989.

Environmental - The Victoria Road site has contamination issues which have been referred to above.

FINANCIAL IMPLICATIONS

There is currently no rental agreement with Parks Victoria for the Parks Victoria depot occupying part of the Council Radcliffe Road depot site.

Council is receiving income of \$17,712 pa including GST from Parks Victoria paid on a quarterly basis.

There is an obvious need to formalise the Parks Victoria occupation of Council depot land in Radcliffe Road Beechworth.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

A considerable amount of resources have been wasted on the above negotiations process over the past decade with nothing to show.

On the basis that no workable option has been agreed to between Council and Parks Victoria, and on the basis that Parks Victoria are operating from part of the Council depot land Radcliffe Road Beechworth without formal tenure, this matter needs to be brought to a head and formalised.

Appendix
Aerial photographs of Beechworth Depot & Parks Victoria Site

12.4 INDIGO SHIRE COUNCIL – FINANCE COMMITTEE MINUTES

File No: 09/662 – Mark Crouch – General Manager Corporate Services

For Decision

RECOMMENDATION

That:

The Indigo Shire Council Finance Committee Minutes from its meetings held July 9 2009 and August 13 2009 be received and noted.

Moved Cr Goldsworthy
Seconded Cr Issell

That:

The Indigo Shire Council Finance Committee Minutes from its meetings held July 9 2009 and August 13 2009 be received and noted.

CARRIED

Cr Goldsworthy provided a brief update to Council on the Finance Committee activities, as is requested on a monthly basis.

INTRODUCTION

Not applicable.

BACKGROUND

Not applicable.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

12.5 TRADING PLACES POLICY REVIEW

File No: M201.1-02 – Mark Crouch – General Manager Corporate Services

For Decision

RECOMMENDATION

That based on:

**Legal advice from Council’s legal advisers Russell Kennedy;
 Input from Council’s liability insurers CMP;
 Some level of consistency and sound principles between the existing policy of Council
 and many other similar Trading Policy policies maintained by other Councils;**

Council maintain its existing Trading Places policy in its current form without alteration.

**Moved Cr Goldsworthy
 Seconded Cr Gaffney**

**That this report be adjourned to the October 2009 meeting of Council to allow time for
 further information to be received and considered.**

CARRIED

INTRODUCTION

The Indigo Shire Council Trading Places policy was introduced in late 2007 as a means to provide guidelines and regulations associated with the display of trading wares and other items / equipment on footpaths within retail and commercial precincts. The policy implementation has resulted in expressions of concern from some traders, particularly in the Beechworth commercial area, as to the perceived negative impact of the policy on trading activity.

The Trading Places policy and its review process was considered at a Council briefing session held July 21, 2009 at which time a Council briefing report was considered. The matter was also considered by Council at its August 11 2009 Council meeting.

Following the resolution by Council August 11 2009, further legal advice has been sought, together with additional inputs from Council liability insurers Civic Mutual Plus (CMP).

The professional advice to hand confirms the existing policy is structured on sound foundations and to weaken the policy will expose Council and the community to increased liability exposure. No SWOT examination / exercise have been undertaken based on the further legal advice to hand and the clear advice regarding encroachment of the pedestrian zone and the litigation exposures this would create.

BACKGROUND

Council considered this matter at the February 10, 2009 Council meeting where it was resolved that “a review of Indigo Shire Trading Places policy be undertaken”.

On May 21, 2009, a working group comprising of Councillors, and representatives from traders,

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disability committee, community, and Council staff, was convened to consider the existing policies of Council with regard trading places. A copy of the meeting notes from the above working group meeting was provided to all Councillors at the briefing session and is now provided as an attachment to this report.

All parties were afforded an opportunity to detail their position and any concerns they had with the existing policy of Council with regard to the above.

The Council General Manager Sustainable Communities outlined the key aspects of the existing Council policy, and features and principles that form the basis of the current policy. It was explained to those in attendance that the Council policy contained features and structure not dissimilar to many other trading places policies maintained by other councils'.

The workshop group was advised that Council had sought professional input from its solicitors, Municipal Association of Victoria (MAV) and Council liability insurers, who had indicated support for the trading places structure currently implemented by Council. Lawyers Russell Kennedy advised having regard to the Disability Discrimination Act 1992 (DDA) that it is their view that if Council permits goods, signs and other obstacles to be placed and/or located near the building line, thereby obstructing and/or encroaching on the continuous accessible path of travel that Council would be exposed to a risk of litigation under the DDA. It is Council's ultimate responsibility to interpret and take heed to the DDA, as well as the level of risk Council is prepared to bear in this area of footpath management. Given the aging community and the level of democratic structure of those people visiting the historical towns in Indigo Shire, these added risk factors may also need to be taken into account when considering risk.

It was also indicated to the group that the final arbiter in any case of alleged negligence by Council would be the courts. The courts would determine whether Council was in breach of any act or at common law, and whether Council had acted 'reasonably'.

The fact that other councils' did or did not have local laws or policies controlling, or enabled a different form of trading places structure to that of Indigo Shire, does not mean Indigo Shire Council has acted unreasonably or have policies regulating trading places that are wrong. Council has put in place or established policies that have a strong regard to DDA, and features key themes and sound principles that are found in many other councils' policies being implemented across the state. How the Indigo Shire Trading Places policy was put in place at the time, and how much consultation and input was sought from traders and disabled groups, is not known.

There was "around the table" support at the meeting May 21, 2009 for the use of footpaths for trading purposes and that there was a need for some common sense level of regulation to control same. There was support for the needs and interests of the disabled, and that the primary use of footpath being the safe trafficking of pedestrians. There were varied opinions expressed on the matter of "continuous accessible path of travel area" and whether there should be scope for individual traders to decide whether to place goods up against their property line or on other locations on the footpath.

One matter that was clear from the discussion was that there were many and varied opinions as to what was or was not appropriate with regarding trading places and other regulations relating to footpaths in Indigo Shire, and that the likelihood of a consensus view was remote. One thing that was not in doubt is that the Council must manage footpaths for all users and that Council may ultimately be called upon to prove it has acted reasonably.

In moving forward, Council has a number of option regarding trading places;

Status quo. Leave the existing Trading Places policy as it is currently and enforce what has been agreed and established.

Disband the existing Trading Places policy and do nothing.

Revise / amend aspects of the existing Trading Places policy, preferably in consultation with the various stakeholders, seeking to provide a basis for meeting the obligations placed on Council, yet seeking to placate some of the concerns that have been raised.

Disband the existing policy in its entirety and seek to come up with a better structure that meets the needs of those impacted and also accommodates Council's obligations to act reasonably and responsibly with regard footpaths and those that use the footpaths.

At the August 11 2009 Council meeting, Council resolved as follows.

That the motion "That the CEO causes a report to be tabled to council examining the following proposition in relation to the Trading Places Policy:

Traders in Beechworth and Yackandandah are permitted to have goods on display or street furniture within one metre of their window line. All displays or furniture within this area must have a tap rail surrounding it on the 3 sides not facing the window. The tap rail is to comply with any Australian or industry standard.

Street furniture (not goods for sale) is permitted on the space between the veranda posts and the gutter or within 1.2 metres of the gutter back towards the window line, whichever is more, applies.

No goods, ornaments, flags or any other items are to hang down and provide less than 1.8 metres clearance from the footpath.

That like conditions of the placement of street furniture and goods on display be considered for other townships with retail shops or cafes etc., taking into consideration the narrower footpaths" be deferred to the September Meeting of Council to be discussed.

KEY IMPLICATIONS

Is Council acting reasonably with regard the existing Trading Places policy?

Based on the legal advice sought by Council, is the existing policy excessive or unnecessarily restrictive?

If Council alters the existing policy regarding trading places, can a better policy structure be articulated that meets the needs of all concerned yet ensures Council has acted reasonably and does excessively expose Council to risk?

Council is not obliged to establish a trading places policy in any set form or structure under law.

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Council's insurers cannot force Council to establish a trading places policy or dictate what form a policy takes.

Council is required to act responsibly given its duty of care responsibilities at law.

FINANCIAL IMPLICATIONS

Council faces widespread financial implications associated with public liability issues involving Council and the wider community

The existing CMP liability insurance excess for liability claims is currently set at \$10,000 for each and every claim.

POLICY IMPLICATIONS

This report is concerned with existing Council Policy.

CONCLUSION

There is an overall need and desire to arrive at a workable and common sense outcome in a world often dominated by regulation and litigation. The existing policy regarding trading places has not been created to make life difficult for shop trader operating in Indigo Shire. The existing policy was created in accordance with the Local Government Act 1989 and would have involved an opportunity for community input at the time of its creation.

What Council must seek to achieve is a workable outcome based on a number of sound principles that respects the rights of all footpath users, provides a reasonable basis for traders to exhibit and sell their ware, meets the required provisions as laid out the in the DDA, Local Government Act 1989, and any other regulations, and ultimately an outcome that is reasonable and protects the Council of imprudent risks.

Appended to this report are copies of the legal advice dated September 5, 2008 and August 25 2009 from Russell Kennedy re Trading Places Guidelines – footpath trading.

The legal advice concludes that having regard a number of factors as set out in the legal advice, it is the opinion of Russell Kennedy that if Council permits good, signs or other obstructions to be placed and/ or located near the building line, thereby obstructing and/or encroaching on the continuous accessible path of travel, Council would be exposed to the risk of litigation under the DDA.

Appendix

Meeting notes – Trading Places Working Party meeting May 21, 2009

Legal advice from Russell Kennedy Trading Places Guidelines – footpath trading dated September 5 2008 ref IN08/5857

Legal advice from Russell Kennedy Trading Places Guidelines – footpath trading dated August 25 2009 ref TBC

Civic Mutual Plus (CMP) Footpath Trading Activities Circular dated October 2008 ref TBC

12.6 LICENCE TO OCCUPY SUBTREASURY BUILDING – BEECHWORTH HISTORIC PRECINCT

File No: 09/336 - Stuart Perry, Tourism Manager

For Decision

RECOMMENDATION

That the licence to occupy the building referred to as the ‘Sub-Treasury Building’ in the Beechworth Historic Precinct by the Beechworth Historic Re-enactment Group Inc. be approved and the documents signed and sealed.

**Moved Cr Pockley
Seconded Cr Issell**

That the licence to occupy the building referred to as the ‘Sub-Treasury Building’ in the Beechworth Historic Precinct by the Beechworth Historic Re-enactment Group Inc. be approved and the documents signed and sealed.

CARRIED

INTRODUCTION

By a previous council resolution, the Tourism Manager was instructed to negotiate the license for the Beechworth Historic Re-enactment Group (BHRG) to occupy the ‘Sub-Treasury’ with the purpose of establishing a ‘Police Museum’ and Gold display in the building. The group will be also using the premises to base their re-enactment activities and to run the Ned Kelly weekend.

BACKGROUND

The building has been empty for a number of years and is regarded as an important component of the Beechworth Historic Precinct. The BHRG will be renovating the interior under strict guidelines to ensure the building remains in its historic state. Any alterations will require approval from the Indigo Shire Heritage Advisory Committee.

KEY IMPLICATIONS

Legislative - The licence has been approved by the Regional officer of the Department of Sustainability and Environment. After signing and sealing by Council, the document will be sent for signing by the Minister of the Ministers delegate.

Regulatory - All colour schemes for painting and any renovations will meet the Shires Heritage Advisory committee guidelines.

ENVIRONMENTAL IMPLICATIONS

No environmental issues.

FINANCIAL IMPLICATIONS

The costs to council of maintaining the building will be minimised as the lessee has ongoing maintenance responsibilities. The costs associated with refurbishing the interior of the building will be met by the BHRG. There will be an additional revenue stream will come through ticket sales for visitors experiencing the displays.

POLICY IMPLICATIONS

No policy implications.

CONCLUSION

The renovation and reopening of the 'Sub-treasury Building' in the Beechworth Historic Precinct will add another component to the visitor attraction and from the 2010/2011 financial year an additional revenue stream will be received by council through a revenue sharing agreement with the BHRG.

Appendix
Licence site map 1
Licence site map 2
Licence document.

12.7 COMMITTEES OF MANAGEMENT AND OFFICER DELEGATIONS – REVIEW – AS PER SECTIONS 86 & 98 OF THE LOCAL GOVERNMENT ACT 1989

File No: 09/1148 – David Montgomery – Manager Governance and Risk

For Decision

RECOMMENDATION

Pursuant to Section 86 of the Local Government Act 1989, that a review has been carried out of delegations to Special committees, and that no changes are considered warranted to the following committee delegations:

- Atauro Island Friendship Committee
- Beechworth Memorial Hall Committee of Management
- Chiltern Athenaeum Trust Committee
- Indigo Environmental Advisory Committee
- Indigo Shire Arts and Cultural Advisory Committee
- Indigo Heritage Advisory Committee
- Lake Sambell Committee of Management
- Murray to Mountains Rail Trail Committee of Management
- Stanley Soldiers Memorial Hall and Athenaeum Advisory Committee

Pursuant to Section 86 of the Local Government Act 1989, that a review has been carried out of delegations to Special committees, and that changes are considered warranted to the following committee delegations, with these altered Section 86 delegation to come before the October 2009 Council meeting for Council consideration and resolution:

- Baarmutha Park Committee of Management
- Chiltern Community Offices Committee of Management
- Chiltern Memorial Hall Committee of Management
- Coulston Park Committee of Management
- I86 Youth Action Committee
- Indigo Shire Beechworth and District Meals on Wheels Volunteer Delivery Committee
- Indigo Shire Disability Advisory Committee
- Wooragee Community Centre Committee of Management
- Yackandandah Public Hall Committee of Management
- Yackandandah Sports Park Committee of Management
- Indigo Tourism Advisory Committee

Pursuant to Section 98 of the Local Government Act 1989, and recognising a significant number of impending changes to various legislation that that will impact on Council officer delegations pursuant to this section, that a revised schedule of delegations be considered at the October 2009 Council meeting.

Note:

A separate review of the Rutherglen Wine Centre Board, the Indigo Shire Audit Committee, and the Indigo Shire Community Advisory Committee is currently being undertaken.

**Moved Cr Goldsworthy
Seconded Cr Murdoch**

Pursuant to Section 86 of the Local Government Act 1989, that a review has been carried out of delegations to Special committees, and that no changes are considered warranted to the following committee delegations:

- Atauro Island Friendship Committee
- Beechworth Memorial Hall Committee of Management
- Chiltern Athenaeum Trust Committee
- Indigo Environmental Advisory Committee
- Indigo Shire Arts and Cultural Advisory Committee
- Indigo Heritage Advisory Committee
- Murray to Mountains Rail Trail Committee of Management
- Stanley Soldiers Memorial Hall and Athenaeum Advisory Committee

Pursuant to Section 86 of the Local Government Act 1989, that a review has been carried out of delegations to Special committees, and that changes are considered warranted to the following committee delegations, with these altered Section 86 delegation to come before the October 2009 Council meeting for Council consideration and resolution:

- Baarmutha Park Committee of Management
- Chiltern Community Offices Committee of Management
- Chiltern Memorial Hall Committee of Management
- Coulston Park Committee of Management
- I86 Youth Action Committee
- Indigo Shire Beechworth and District Meals on Wheels Volunteer Delivery Committee
- Indigo Shire Disability Advisory Committee
- Wooragee Community Centre Committee of Management
- Yackandandah Public Hall Committee of Management
- Yackandandah Sports Park Committee of Management
- Indigo Tourism Advisory Committee
- Pursuant to Section 98 of the Local Government Act 1989, and recognising a significant number of impending changes to various legislation that that will impact on Council officer delegations pursuant to this section, that a revised schedule of delegations be considered at the October 2009 Council meeting.

Note:

A separate review of the Rutherglen Wine Centre Board, the Indigo Shire Audit Committee, the Indigo Shire Community Advisory Committee, Lake Sambell Committee of Management is currently being undertaken.

CARRIED

Moved Cr Gaffney

Seconded Cr Croucher

That the “Indigo Tourism Advisory Committee Instrument of Delegation”, Page 2 Section 3, titled “Composition of the Committee” be reworded to:

“3. Composition of the Committee

The committee shall consist of 6 members appointed by the Council of whom:

- **Two shall be Councillors of the Indigo Shire Council**
- **One person who has been nominated by each of the following Tourism-related organisations**
 - **The Chiltern Tourist Association Inc**
 - **The Rutherglen Wine Region Tourism Inc**
 - **The Yackandandah Tourist Association Inc**
 - **The Beechworth Chamber of Commerce Inc”**

CARRIED

INTRODUCTION

This report provides an update and recommendation on the review of the delegations to Committees of Management of Council and delegations to Council staff.

BACKGROUND

Council delegations can take the form of delegations as follows:

Delegations pursuant to Section 86 of the Local Government Act either as a Special Committee or an Advisory Committee of Council; and

Authorised Officers who are delegated functions and powers by Council pursuant to section 98 of the Local Government Act 1989.

A review of both sets of delegations has taken place.

A report on the Delegations to Authorised officers will come to the October 2009 meeting of Council. Advice has been received from Council’s legal advisors that with the introduction of the Public Health and Wellbeing Act 2008, the new provisions in the Building Act 1993 (relevant to Municipal Building Surveyors), amendments to the Road Management Act 2004 and the change in the name of the Domestic Animal Act 1994 (from the Domestic (Feral and Nuisance) Animals Act 1994 to take effect from 1 December 2009, that it is important for Councils to have these delegations in place when the Act commences.

The review of the Committees of Management delegations involved consultation with the appropriate Council Officers, Committee members and Councillors.

Results of the review were split into categories, they are:

- No need for review, the respective Committee was established by Council after the 2008 election:
- Deed of Delegation needs updating to reduce onerous reporting requirements otherwise Committee is satisfied with Deed, or some minor amendments are proposed, or the Committee is inactive;
- No change required, relevant Committee is satisfied with Deed;
- Council conducting separate review as distinct from this process e.g. Rutherglen Wine Centre Board.

KEY IMPLICATIONS

86. Special committees of the Council

1. In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following:
 - (a) Councillors;
 - (b) Council staff;
 - (c) other persons;
 - (d) any combination of persons referred to in paragraphs (a), (b) and (c).
2. A Council may appoint members to a special committee and may at any time remove a member from a special committee.
3. Except as provided in sub-section (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.
4. A Council cannot delegate to a committee the following powers—
 - (a) this power of delegation;
 - (b) to declare a rate or charge;
 - (c) to borrow money;
 - (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
 - (e) to incur any expenditure exceeding an amount previously determined by the Council;
 - (f) any prescribed power.
5. A Council may require a special Committee to report to the Council at intervals determined by the Council.
6. The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.
7. A committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.

98. Delegations

1. A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—
 - (a) this power of delegation; and
 - (b) the power to declare a rate or charge; and
 - (c) the power to borrow money; and
 - (d) the power to approve any expenditure not contained in a budget approved by the Council;
 and
 - (e) any power, duty or function of the Council under section 223; and
 - (f) any prescribed power.

2. The Chief Executive Officer may by instrument of delegation delegate to a member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.
3. The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power, duty or function of the Council other than the power of delegation to a member of the Council staff.
4. The Council must keep a register of delegations to members of Council staff.
5. A delegation under this section to a member of Council staff may be made to—
 - (a) a person named in the delegation; or
 - (b) the holder of an office or position specified in the delegation.
6. A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

As detailed above, a schedule of various section 86 special committee instruments of delegation requiring change will be tabled in full at the October 2009 Council meeting. A further report will be made to Council with changes proposed to officer delegations pursuant to section 98 of the Local Government Act 1989.

Refer attachment to this report providing commentary as to the changes that have been flagged to date. These draft changes will be made to the various instruments of delegation for Council consideration October 2009.

Appendix
Committees of Management Review Schedule

12.8 LOCAL LAW NO. 3 – MEETING PROCEDURE

FILE NO: M200-04 - David Montgomery - Manager Governance and Risk

For Decision

RECOMMENDATION

That in accordance with Section 119 of the Local Government Act 1989, Council hereby resolves to make and adopt the revised attached Local Law No. 3 (2009) – Meeting Procedure (subject to further changes, if applicable, to be specified) and; give public notice of the making of the Local Law in the Border Mail and the Government Gazette, and; that a copy of the made Local Law is sent to the Minister for Local Government.

**Moved Cr Goldsworthy
Seconded Cr Issell**

**Meeting adjourned for 5-minute break at 5.00pm.
Meeting re-adjourned at 5.05pm.**

On a point of order:

**Moved Cr Gaffney
Seconded Cr Pockley**

That Item 14.1 was considered prior to item 12.8.

CARRIED

That the joining of the opening prayer and the acknowledgement of the traditional owners does not meet the “adjustem generis” rule. These issues are separate and should be treated as individual motions.

CARRIED

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That the opening prayer be removed from Local Law 3 Meeting Procedure.

LOST

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the traditional indigenous owners of the land be acknowledged at the commencement of Council Meetings.

CARRIED

Moved Cr Goldsworthy

Seconded Cr Murdoch

That in accordance with Section 119 of the Local Government Act 1989, Council hereby resolves to make and adopt the revised attached Local Law No. 3 (2009) – Meeting Procedure (subject to further changes, if applicable, to be specified) and; give public notice of the making of the Local Law in the Border Mail and the Government Gazette, and; that a copy of the made Local Law is sent to the Minister for Local Government, taking into consideration the following amendments:

Pg 68 Item 12.8 Local Law 3 – Meeting Procedure

Pg 154 Item 4.6 Attendance at Meetings

The two paragraphs need to be marked as (a) and (b)

Pg 159 Item 12.7 Amendment

Sub-section (e) replace the words ‘right of reply being exercised’ to ‘the next item of business being discussed.’

(e) If any Councillor intends to move a second or subsequent amendment he or she must give notice of that intention prior to the right of reply being exercised. (there is no right of reply)

Pg. 160, Item 12.7 Amendment

Sub-section (g) insert at the end ‘, unless permitted by the Chairperson.’

(g) A Councillor cannot move more than two amendments in succession.

Pg 160 Item 16 Confidential Business

(a) ‘Clause 18’ should be replaced with ‘Section 4.6, Sub-section (b)’.

Pg 164 Item 4.13 Interruptions, interjections and relevance

Insert at the end of sub-section (c):

- i) If a Councillor does digress, the Chairperson may request the speaker to confine the discussion to the subject business or motion.
- ii) If after being requested to confine discussion to the subject business or motion before the Chairperson and the speaker continues to discuss irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter before the Chairperson.

CARRIED

INTRODUCTION

This report recommends that Council make and adopts Local Law No. 3 (2009) Meeting Procedure. This report was initially considered at Council’s June, July and August 2009 Council meetings. It has been adjourned to the September 2009 meeting. Formatting issues in the document have been addressed.

At the August 11 2009 Council meeting, Council resolved as follows.
That Council adopt Local Law No.3 as presented in principle.

That the above motion “Section 4.8 Item 2 the Opening Prayer be removed and replaced with an

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acknowledgment of the traditional indigenous owners of the land” be held over to the September Meeting of Council for discussion.

That Section 4.30 - except for sub section (d), 4.31 and 4.33 be removed and replaced with one section that is titled ‘Record of votes’. All votes are to be recorded clearly showing which Councillors voted for and against a particular motion. That if all Councillors vote the same, either for or against a motion, then an indication of this is sufficient in lieu of recording individual names.

BACKGROUND

At its January 2009 meeting, Council resolved that an immediate review of the meeting procedure local law be carried out to bring it in line with the Local Government Act.

There was an anomaly between the Local Law and the Local Government Act particularly in paragraph 23 of the local law which stated that “the Mayor, Chief Executive Officer or at least 2 Councillors may by written notice call a Special Meeting of the Council”. The Local law was inconsistent with the act in that Section 84 of the Local Government Act actually states that “the Mayor or at least 3 Councillors may by written notice call a Special Meeting of Council”.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

In accordance with the Local Government Act, Council’s proposal to make the Local Law was advertised in the Border Mail and the Government Gazette. At the close of submissions on the 25th of May 2009, no submissions had been received.

Considerable expense and resources have been consumed to get this local law where it is currently. There is now some urgency to have this matter finalised.

Appendix
Draft Local Law No. 3

12.9 COUNCILLOR CODE OF CONDUCT

File No: 09/742 – David Montgomery – Governance and Risk

For Information

INTRODUCTION

Section 76C of the Local Government Act 1989 requires Council to develop a code of Conduct within a period of a year of a general election being held.

BACKGROUND

Amendments in 2008 to the Local Government Act 1989 have further developed the roles of Councillors in Local Government and the behavior expected of them.

The Act mandates certain provisions that must be included in any code.

Section 76C of the Act currently requires the following:

1. A Council must develop and approve a Councillor Code of Conduct within a specified period and it must review that Code within a year of a general election being held.
2. The Code must include Councillor Conduct principles.
3. The Code may include processes for resolving internal disputes between Councillors.
4. The Code must include provisions for any matter prescribed for Section 76C.
5. The Code may include other matters of conduct that a Council considers appropriate.
6. The Code cannot be inconsistent with any Act or regulation.
7. A copy of the Code must be given to every Councillor and must be made available for public inspection.
8. From the time of the 2008 Amendments coming into force the Code is taken to include the Councillor Conduct Principles, which are listed in sections 76B and 76BA.

To assist Councils' in understanding their role and in meeting legislative requirements for a Code of Conduct for each council, the MAV has prepared draft Code of Conduct models, but is yet to endorse the final models.

The MAV have sought comment from the Local Government Sector and will be providing model Codes of Conduct to the Local Government sector. The final code models are yet to be endorsed by the MAV and will not be formally released to the sector until mid September 2009.

Councillors have considered the earlier draft codes at a recent briefing session.

The adoption of a code of conduct will come before the October 2009 Council meeting.

KEY IMPLICATIONS

The Councillor Code of Conduct is an important document that provides structure and guides Councillors in their day to day activities as a Councillor.

I encourage all Councillors to be aware of their responsibilities in this regard and make themselves familiar with the Department of Planning and Community Development issued 'Guide to Councillor Conduct Arrangements'.

LEGAL IMPLICATIONS

76C. Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
 - (a) must include the Councillor conduct principles;
 - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;

 - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
 - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.

- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must **be—**
 - (a) given to each Councillor;
 - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

To be listed for Council consideration and formalisation October 2009 Council meeting.

Appendix
DRAFT Code of Conduct

12.10 LOCAL GOVERNMENT ACT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL

File No: 09/763 – David Montgomery – Manager Governance and Risk

For Information

INTRODUCTION

The Local Government Amendment (Offences and Other Matters) Bill 2009 was introduced into Parliament on 12 August 2009.

BACKGROUND

Local Government Victoria has provided advice for Council on the Local Government Amendment (Offences and Other Matters) Bill.

Offences and Penalties

The Bill proposes to update many of the prescribed penalties in the Local Government Act 1989 (The Act). Most changes will bring penalties into line with the standards in the Sentencing Act 1991. However some are more substantial and aim to provide greater deterrence and better reflect community expectations.

There are a number of changes proposed to electoral offences. The maximum penalties for impersonating a voter, interfering with the delivery of postal voting material, interfering with ballot boxes or nominating for Council when not qualified would be increased to imprisonment for 2 years or fines of 240 penalty units. The maximum penalty for bribery in connection with an election would be increased to 5 years imprisonment or a fine up to 600 penalty unit.

A person who acts as a Councillor, when not qualified, would become liable to a penalty of 1 year imprisonment or 120 penalty units and may be ordered by a court to repay allowances and other benefits received when unlawfully acting as a Councillor. The maximum penalty for a Councillor or a special committee member who mis-uses his or her position for personal gain, ordering property, harm or benefit another person is proposed to be increased to 5 years imprisonment or 600 penalty units or both.

It should be noted that prescribed maximums are normally only proposed for most serious offences of that particular type. A penalty unit is currently valued at \$116.82.

Other matters

Local Government Victoria advises that the Bill also proposes a range of other amendments. This includes excluding hospitality from the Conflict of Interests definitions where it is reasonably provided by a not-for-profit organisation to a Mayor, Councillor or Officer who attends a function or event in an official capacity. Other amendments include provision for ministerial guidelines or regulations in regard to local laws and specifying that a council may grant rate rebates or concessions to registered agencies to support the provision of affordable housing.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

A copy of the bill has previously been made available to all Councillors.

12.11 LOCAL GOVERNMENT INVESTIGATIONS AND COMPLIANCE INSPECTORATE

File No: 09/785 – David Montgomery – Manager Governance and Risk

For Information

INTRODUCTION

The Honorable Richard Wynne MP Minister for Local Government has provided advice to Council entitled “State Government Strengthens its Local Government Functions”.

BACKGROUND

On 16 August 2009 the Premier announced the formation of a new Local Government Investigations and Compliance Inspectorate. The Minister has advised Council of the thinking behind the formation of the Inspectorate, the changes to the State Government Local Government Functions and what it means to Victoria’s Council’s and peak bodies.

Mr Wynne advises that the Local Government Investigations and Compliance Inspectorate is being established to further enhance the investigative and compliance functions that are currently undertaken by Local Government Victoria (LGV). Essentially what this means is the restructure separates the current functions of LGV – policy leadership and enforcement of the Local Government Act. It is advised that the restructure allows the State Government to deliver better services to the sector and meet community and Council expectations about good local governance.

Local Government Victoria (LGV)

LGV will retain responsibility for all the functions under the Act that do not relate to investigations or compliance breaches as illustrated in the table reproduced below.

DPCD	
Local Government Victoria	Local Government Investigation and Compliance Inspectorate
Ongoing legislative reform Setting the policy and performance framework for the operation of the sector Enhancing sector performance through capacity building and grants programs Advising the Minister for Local Government on: Directions concerning rate and charges Granting exemptions Granting approvals Making regulations Setting and reviewing councillor allowances Publishing codes and guidelines on a wide range of matters Monitoring the overall performance and financial viability of the sector and individual	Systematic spot audits Investigating alleged breaches of the Local Government Act Monitoring corporate governance Investigating alleged breaches of the electoral provisions Undertaking prosecutions Applying to VCAT for determinations Recommending to the Minister for Local Government that a Council be suspended or dismissed

ORDINARY COUNCIL MEETING MINUTES

councils	
----------	--

Essential Services Commission

Playing a role in ensuring the high standards of the sector Develop and implement a local government performance reporting regime Working in consultation with LGV
--

It is advised that LGV will continue to advise the Minister on legislative reform and the policy framework for the operation of the sector. LGV will also deliver sector reform and grants programs that build a capacity for Councils to benefit the communities they represent.

Local Government Investigations and Compliance Inspectorate

The Minister advises that the Local Government Investigation and Compliance Inspectorate is a dedicated investigative unit. The inspectorate is an administrative office of the Department of Planning and Community Development (DPCD) which will be headed by a Chief Municipal Inspector.

Essential Services Commission

The Essential Services Commission, in consultation with LGV will play a role in ensuring high standard in the Local Government Sector by developing and implementing a performance assessment and benchmarking regime for Councils.

The State Government is committed to strengthening the capacity and governance of Victoria's 79 Councils.

KEY IMPLICATIONS

Risk Management - No comment
 Legislative – No comment
 Regulatory – Will be administered by LGV
 Environmental - Nil

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

13.0 GOVERNANCE

13.1 COUNCIL OFFICE ACCOMMODATION AND PROVISION OF CUSTOMER SERVICE

File No.: Brendan McGrath – Chief Executive Officer

For Decision

RECOMMENDATION

That based on all previous information and considerations Council determines to:

1. Officers investigate the cost and feasibility of catering for all current and future staff by extending the existing Beechworth office site; and
2. Officers investigate the cost and feasibility of supplementing the existing Beechworth office site with additional office facilities in the Police Paddocks;
3. Officers report on results of these investigations back to Council for consideration, then seek further public input; and
4. Officers continue to investigate the practicality of customer service “kiosks” in smaller communities that are not in close proximity to Council offices and report this back to Council for consideration; and
5. Ensure the costs of works above can be accommodated in the long term financial plan being developed.

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That based on all previous information and considerations Council determines to:

1. Officers investigate the cost and feasibility of catering for all current and future staff by extending the existing Beechworth office site; and
2. Officers report on results of these investigations back to Council for consideration, then seek further public input; and
3. Officers continue to investigate the practicality of customer service “kiosks” in smaller communities that are not in close proximity to Council offices and report this back to Council for consideration; and
4. Ensure the costs of works above can be accommodated in the long term financial plan being developed.

Pending the deletion of item 2 of the abovementioned motion “Officers investigate the cost and feasibility of supplementing the existing Beechworth office site with additional office facilities in the Police Paddocks” and the remaining items being renumbered.

CARRIED

**Moved Cr Murdoch
Seconded Cr Gaffney**

That Council before doing a financial investigation into a specific site

- a) **consult with the community in a manner similar to that used for developing the Council Plan with the aim of developing criteria and options to be used in developing the Councils long term and short term accommodation strategy**
- b) **set up a community reference group representative of all the Shire, to help and advise Council on the selection of those options and criteria.**

LOST

**Moved Cr Gaffney
Seconded Cr Pockley**

That based on all previous information and considerations Council determines to:

1. **Officers investigate the cost and feasibility of catering for all current and future staff by extending the existing Beechworth and Yackandandah office sites; and**
2. **Officers report on results of these investigations back to Council for consideration, then seek further public input; and**
3. **Officers continue to investigate the practicality of customer service “kiosks” in smaller communities that are not in close proximity to Council offices and report this back to Council for consideration; and**
4. **Ensure the costs of works above can be accommodated in the long term financial plan being developed, and**
5. **The cost of these investigations be quoted and returned to Council for approval.**

CARRIED

INTRODUCTION

This report is intended to assist the progression of this key issue. It considers potential sites which could be developed for accommodation, the financial implications and methods which could be employed to finance these implications and importantly the broader issue of the provision of equitable customer service right across the municipality.

BACKGROUND

Council has been working towards resolving the long term prospects for Council Office Accommodation for a number of years. This process began due predominantly due to:

- limited space being available for future expansion of current accommodation facilities;
- lack of one central facility for Council business use, meetings etc.
- very poor condition of some of the current office accommodation, particularly in Yackandandah; and
- the inefficiencies and additional cost of working across multiple sites.

Councillors are well aware of the background of this project as they have been provided with, considered and discussed all relevant documentation that has been developed up to this point. After considering that documentation Councillor's have recently passed two relevant resolutions that are detailed below:

14.0 NOTICES OF MOTION NO. 12/09

14.1 STAND ALONE OFFICE COMPLEX (FILE NO: E971 – CR B GAFFNEY)

TAKE NOTICE that I intend to move the following motion:

“That:

We have received extensive documentation and listened to presentations from senior management in regard a new stand-alone Indigo Shire office complex.

In the environment of the Global Economic Crisis with uncertain times ahead - together with the Shires unpaid loans as described in the Annual Report - to proceed with such a project would require a severe reduction in capital works expenditure and reduced services as well as substantial rate increases over an extended period

This situation is untenable.

I move the following motion - "All work towards a new stand alone Indigo Shire office complex is to be halted immediately."

If this motion is carried the full Council is prepared to work with the Chief Executive Officer to address any staff accommodation problems.

Bernard Gaffney

.....
COUNCILLOR B GAFFNEY
14 April 2009

Officers Comments:

This project needs clear direction from Council as to how it intends to resolve the current state of inefficient, very poor office accommodation.

Officers could provide much more specific financial analysis of the likely impacts on rates and Capital Works resulting from this project.

Even at a relatively high level, the Kwong Report demonstrated that with appropriate limits and direction, this project is quite affordable.

TAKE NOTICE that I intend to move the following motion:

*Moved Cr Croucher
Seconded Cr Goldsworthy*

A specific financial analysis of other options available in regard to addressing staff accommodation be made available.

CARRIED

The effect of these two motions can essentially be summarised as:

- The first resolution is to invalidate what was the prevailing Council position, which was basically that if one consolidated office building was to be developed then the preferred location was that site identified in Chiltern. This resolution effectively puts a stop to that proposition and any other option(s) that involves consolidating all Council staff at this point in time in one new stand alone location.
- The second resolution is to effectively ask Officers to identify and investigate other sites and solutions as well as providing an outline of the cost implications and methods of financing these opportunities.

At the same time that we are considering the office accommodation issue we need also to simultaneously consider what the implications are of any proposition on the equitable provision of customer service right across this municipality which is made up of many small communities over quite a large geographic location.

KEY IMPLICATIONS

In essence to ensure we have sufficient office space for the next 5-10 years (assuming we keep the main Beechworth office) we need to provide a further 1300-1400m², either at the existing Yackandandah site or elsewhere. The cost of building this space would be virtually no different in either Yackandandah or Beechworth, the only difference is in the cost of acquiring land (if required).

Having considered the impact of the resolutions outlined above, when we turn to considering potential alternative sites and options we effectively have to discount options which would involve building one new building for all staff to be located in. This would therefore seem to limit options to the following:

1. Some combination of extensions and refurbishments to one or two existing main sites at Beechworth and Yackandandah; and
2. The identification of an existing site and/or building that exists which could be effectively transformed to replace some of our existing office accommodation which is considered unviable from a future refurbishment point of view.

In order to clarify costs and spatial requirements and to ensure reasonable estimates of cost three simple spreadsheets have been attached:

Appendix A - Municipal Offices Indicative Building Costs. This document extracts costs from the Suter Prior Cheney Report (which have subsequently been checked as applicable) and adds fees etc to provide a unit rate of \$3381 per sq m to build in 2.5 years time and \$3353 per car park bay.

Appendix B - Provides some basic facts on spatial requirements and uses unit costs to provide

costs of building based on 2 different scenarios.

Appendix C - Provides estimated costs to build on a variety of Beechworth sites.

Based on the current conditions, and based on the premise that we want to continue to be reasonably central under this scenario, there is a very real need to replace the extremely poor office accommodation at Yackandandah.

In considering the two options above we need to consider whether we believe it is a key point that all staff should be located within close proximity of each other and therefore reducing unnecessary duplication of staff, equipment and buildings and providing increased efficiency and a reduction of the cost of communication and clarity about where individual customers need to go regardless of the services they require.

In relation to item 1 above (extension and/or refurbishment of two sites) there are several pros and cons of these two options; these are set out in the table below:

PROS	CONS
<ul style="list-style-type: none"> • Council has ownership and/or occupation of the two sites already. 	<ul style="list-style-type: none"> • Refer also to AH1 and Attachment 2, setting out actual land area available if all existing buildings are retained. This option warrants some more investigation as although space is tight as parking could be built in the Police Paddocks.
<ul style="list-style-type: none"> • There is some infrastructure that exists which could be reutilised. 	<ul style="list-style-type: none"> • There is very little that is salvageable of the buildings at Yackandandah so to do anything meaningful with that site you would predominantly be looking at demolishing and building new offices based on the need to build 1350 m² at a cost of \$3381/m². It is apparent the cost of building this would be approximately \$4.86 M including carparking (this was investigated during the feasibility work - refer Attachment 3).
<ul style="list-style-type: none"> • The locations are well known and established within the municipality. 	<ul style="list-style-type: none"> • Refurbishing either or both of these sites would continue the current inefficiency that has previously been well documented (duplication of people, facilities, equipment, inefficient communication etc.). • If we were to consider complete refurbishment of the Yackandandah site, there is a real question mark as to the cost and ability to temporarily rehouse those staff for up to 18 months within Yackandandah (both the suitability of sites and costs). • There is a perceived disadvantage of withdrawing substantial staffing numbers and therefore expenditure from one of the townships.

In summary on Option 1 – to continue to use the Yackandandah site would require demolition of Wellsford and The Shed and a complete refurbishment of Ardsville and the main building plus carparking.

This is likely to be around the same cost as building new buildings elsewhere to replace them and

does not resolve the inefficiency of being in two (2) different towns. It would also require substantial investment in a secure IT connection between the two (2) locations.

In examining item 2 – if we assume that we are trying to avoid building one new office accommodation building for all staff then the following could be considered:

- Of our existing two sites, Beechworth is considered the more central and of the most acceptable standard of accommodation; therefore the options here are generally centred on office facilities in Beechworth. There are a number of options that have previously been identified but not investigated in any great detail that warrant further consideration - they are:
 - (a) There are several buildings at La Trobe that exist and are either currently not in use, or in use and would be available in the short term future. These buildings present a combination of opportunities: on the one hand there are buildings available which appear big enough to be refurbished for all existing staff to move into, and on the other hand there are buildings which could be refurbished to accommodate our existing staff i.e. if we were to decommission the Yackandandah office, between the existing Beechworth site and buildings at La Trobe there would be enough space for existing staff to be relocated, although there would not be a lot of benefit in having staff split between the existing Beechworth office and La Trobe. In reality it's probably a case of "all or nothing". The existing La Trobe buildings would only provide an external shell- upgrade works would include full internal rebuild/refit plus external upgrade plus sustainability improvements i.e. costs are likely to approach that of a new building. One benefit of this option is that it supports the viability of the La Trobe complex. Previous work has eliminated this site on accessibility issues. Refer Attachment 4.
 - (b) Police paddocks – one option would be to build a new building in the Police paddocks big enough to house all staff between the existing Beechworth office and the new office building. This appears to be a good option in that it is directly across the road from the existing Beechworth site; therefore communication between staff along with IT activity and Community access would enable a greater level of efficiency. The Police paddocks are crown land that would be available to the Council at no cost in order to develop this building. Heritage Victoria has previously indicated that in principle they would consider this an appropriate use of the site. There may be community resistance to Council occupying this site. One benefit is that carparking built for mid week use by Council would be available for peak tourist use at weekends. Refer Attachment 5.
 - (c) An offer has previously been put forward by the owner of the Beechworth Gaol. A range of options would be considered by the owner including, potential to redevelop the old industry building site or the provision of some other parcel of land on that site for construction of a new office building. The industry building is a shell which would require very extensive and expensive modification including external re-cladding and full internal fit-out i.e. costs are likely to approach that of a new building. Given the presumption that we may have to purchase that land then this would need to be factored in to the cost. The owner may also consider constructing the offices and leasing to the Council on a commercial basis. This could be considered with or without the retention of the existing office facilities. The walk between the two sites is approximately four minutes. One benefit of this option is that it potentially supports the viability of the site. Refer Attachment 6.
 - (d) Another previously unconsidered option is land which is currently in private ownership (three separate owners) and is of sufficient size, with adjoining crown

land, to house all of Council’s current and foreseeable future needs. This site is 5 minutes walk from the existing offices and whilst not as convenient as the Police Paddocks option is still manageable. This site would overcome IT and communications issues. One option would be to house meeting rooms, Council Chambers etc at the existing office site and staff at the new site. Given that ownership is split, Council would need to move quickly to secure the three titles required before the current owners contemplated building (if they have not already). Refer Attachment 7 (confidential attachment).

- (e) The extension of the existing offices from the rear and extending across the back of the memorial hall and then covering the existing car park area to Loch St would provide approximately 1470 sq m of land area. This would cater for existing needs as a single storey building with some provision for expansion as a partial two (2) storey building or potentially some under –croft car parking. There would be a loss of 26 existing carparking bays which would need to be replaced as part of the full 65 staff parking bays required to support a full office complex. Visitor bays are currently provided in Ford St, adequacy of this arrangement would need to be reviewed for a full office complex. Staff and long term visitor parking could be provided for in the Police Paddock. This parking could then be well utilised for weekend tourist parking in accordance with the original master plans this area. Consideration needs to be given to long term expansion of the offices, the memorial hall and the Burke Museum.

Customer Service:

In any of the options outlined above, we need to consider the equitable provision of customer service right across the municipality. Amongst the information previously distributed to Councillor’s was the discussion paper that considered a range of options (refer Attachment 8).

The provision of customer service in both Beechworth and Yackandandah is obviously well provided for if we were to maintain both sites. Presumably we would maintain the existing Rutherglen office, which is very well patronised by the Community, and some sort of presence in Chiltern either in the existing location or some other location (this would warrant some further investigation). This predominantly leaves the areas in the North East of our municipality around Sandy Creek and Kiewa/Tangambalanga, in regard to the service gaps from a geographic perspective at least (refer Attachment 8).

One potential solution could involve putting an “internet kiosk” in an existing location such as general stores that would be supported by both a range of Council brochures and information packs and also a direct telephone line to a Council customer service officer that would be able to verbally assist or “walk” them through finding the information that they require. This would obviously not solve all needs but would provide for a good range of service opportunities on the outlying areas. It is considered this could be done relatively cheaply and could be replicated in several small communities if successful and desired.

If we were to decommission the Yackandandah site from being a substantial office location, all of the options outlined above remain valid. An alternative which could be considered for the Yackandandah site would be for us to introduce a “fixed” library service effectively eliminating the need for the “mobile” library service via redeveloping one of the three buildings. This would enable a strong customer service presence in conjunction with a branch library (similar to the Rutherglen model). It is likely this concept would be well received by the Yackandandah community in terms of a far superior library service over the one that currently exists. There may be other services which could also be co-located.

FINANCIAL IMPLICATIONS

The *Charles Kwong Report* strongly recommended that any office solution be capped at around \$5M. Set out below are a range of funding models and options developed by our Finance Manager for consideration.

Overview:

- Council has cash and some assets available for disposal (dependant upon the office project option selected) to partially fund a new office project. Council does not need to borrow 100% of the cost of any new office project.
- Council have more than \$4M in cash at any point in time. The Strategic Resource Plan reflects that this level of cash is available for the life of that plan.
- Each of the various options for new Council offices falls into one of two scenarios and each of those scenarios has differing net capital borrowing needs and net cash benefits flowing from them. Depending on which scenario council’s adopted project falls within and how much it costs will vary the affordability of new Council offices across a range from very affordable with no additional burden on rates to financially stressing with sizable burden upon rates and debt / rate revenue ratio.
- The net capital borrowing needs of any selected Council office project must be reviewed as part of Council’s overall Capital Works program planned for the medium term to ensure that we attempt to stay outside the “Red” zone of LGV’s debt / rate revenue ratio. Borrowing requirements for a new Council office should not be looked at in isolation. Council’s medium term borrowing requirements for Capital Works have recently been forecast as part of the Strategic Resource Plan.
- The use of internal funding is premised on utilising existing cash and other liquid holdings as part of any long term strategy for Council offices. At any particular time, Council has considerable levels of liquidity, both discretionary and non discretionary that can be utilised as part of any offices construction finance strategy. Council does not need to borrow the cost of the whole project in year one. Council does need to be understood that a number of longer term commitments and projects will remain which will need to be financed appropriately at a given time based on longer term timing projections and an overall long term financial strategy for Indigo Shire. These projections will form a vital component of the financial strategy that will be completed in 2009/10. Appropriate levels of liquidity should and can be maintained in the medium to longer term based on use of \$2m in the manner proposed.

There is an opportunity cost associated with Council utilising these funds instead of these funds being invested. This cost has been factored into Scenarios 1 & 2 under the term ‘Lost interest on cash used’. A solid argument can be mounted that the use of these liquidity holdings is more cost effective that borrowing the full amount for offices construction from the outset.

Discretionary Cash:

The discretionary cash available to Council as reported within the audited reports for the last three financial years is as follows:

- 2005/06 (\$182,000)
- 2006/07 \$506,000
- 2007/08 \$823,000

Our current estimates for the end of the 2008/09 financial year is that at least \$1M will be available to Shire as discretionary cash.

Surplus Assets Available For sale:

Council has looked at a wide range of options for consideration as possible new Council offices. Any of these options which do not include further development at the Yackandandah site will potentially yield several buildings surplus to needs that can be made available for sale, or possibly other community use (although limited by existing conditions).

The potential to dispose of the Ardsville and Wellsford Street properties whilst still retaining a significant presence in the Old Yackandandah shire office would conservatively yield \$600,000. There is also the potential to recover up to an additional \$100,000 from the disposal of two smaller portable buildings across those two properties.

For the purpose of further analysis later in this report, we will assume \$600,000 is available from the disposal of assets within scenarios that do not require further development of the Yackandandah site.

Two Scenario Funding Analysis:

1. An option to expand and redevelop the Yackandandah site with no further development at the Beechworth site or any other site
2. The option to build additional office space at Beechworth with no further development at the Yackandandah site or any other site

Note: The following two (2) tables 'Capital Works Refinanced' refers to funds we could 'save' out of our current capital works allocations to this project.

Scenario 1:

Expand and develop the existing Yackandandah site with no development at any other site.

Term of loan:	25 years
Interest Rate:	10%
Funding available from internal sources:	\$2.0M (excludes the sale of Yackandandah properties and also excludes temporary relocation and accommodation costs)
Annual Savings:	\$220,000 (as per Kwong Report)
Lost interest on Cash holdings used:	\$100,000 (\$2M @ 5%)

ORDINARY COUNCIL MEETING MINUTES

Total Building Cost	\$4M	\$5M	\$6M
Internal Funding	\$2M	\$2M	\$2M
Borrowings Required	\$2M	\$3M	\$4M
Annual Repayments (\$000's)	220	331	441
Plus lost Interest on cash used (\$000's)	100	100	100
	320	431	541
Less Potential Savings (\$000's)	(220)	(220)	(220)
Net Annual Payments (\$000's)	100	211	321
Less Capital works "refinanced" (\$000's)	(100)	(211)	(250)
Net Annual Payments (\$000's)	0	0	71
Equivalent rate increase	0.0%	0.0%	0.9%

Under this scenario, there is no impact or pressure on rates for new offices costing \$4M and \$5M with a 1% increase being required for offices costing \$6M and the full \$250,000 capital works "refinancing" is not required for building costs of \$4M and \$5M.

Whilst on the surface, under this scenario, new Council office buildings costing up to \$5M place no additional pressure on rates; the impact upon the debt / rate revenue ratio covered in the next section also needs to be considered.

Scenario 2:

To develop additional office facilities at Beechworth with no development at any other site.

Term of loan:	25 years
Interest Rate:	10%
Funding available from internal sources:	\$2.6M (includes the sale of Yackandandah properties)
Annual Savings:	\$192,000 (as per Kwong Report less rent forgone by not leasing out Beechworth office)
Lost interest on Cash holdings used:	\$100,000 (\$2M @ 5%)

Total Building Cost	\$4M	\$5M	\$6M
Internal Funding	\$2.6M	\$2.6M	\$2.6M
Borrowings Required	\$1.4M	\$2.4M	\$3.4M
Annual Repayments (\$000's)	154	264	375
Plus lost Interest on cash used (\$000's)	100	100	100
	254	364	475
Less Potential Savings (\$000's)	(192)	(192)	(192)
Net Annual Payments (\$000's)	62	172	283
Less Capital works "refinanced" (\$000's)	(62)	(172)	(250)
Net Annual Payments (\$000's)	0	0	33
Equivalent rate increase	0.0%	0.0%	0.4%

Under this scenario, there is no impact or pressure on rates for new offices costing \$4M and \$5M

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and very minimal impact on rates for new offices costing \$6M and the full \$250,000 capital works “refinancing” is also not required for building costs of \$4M and \$5M.

Review of the above analysis in combination with the current Strategic Resource Plan shows that any office accommodation project undertaken by Indigo Shire costing up to \$5M or \$6M would not only place nil to minimal pressure on rates, but the debt / rate revenue ratio would also remain under 50% for the duration of the Strategic Resource plan which is well under the 60% low risk threshold set by LGV.

POLICY IMPLICATIONS

The consideration and progression of this matter would be consistent with:

- (a) The two council resolutions outlined in the front section of this report; and
- (b) The key strategy in the Council Plan which says “Review the Council’s office accommodation strategy including options to provide for short and long term needs”.

All of the options above would require detailed investigation(s), we have an allocation of \$20,000 in the 2009/2010 budget. This allocation would be used to engage whatever assistance is considered necessary to progress consideration of any of these options in a meaningful way and may need to be reviewed depending on final selections by Council.

CONCLUSION

This report is intended to provide a range of options for the purposes of discussion on possible combinations of sites for future office development, possible combinations of options for providing equitable customer service and some more detailed guidance on funding options.

Council needs to discuss the potential sites, the potential options for equitable customer service and consider the funding models above to try to determine a limited number of preferred combination of options for Officers to analyse in greater detail.

Attachments to be tabled and not included within this Agenda:

Appendix A – Municipal Offices Indicative Costs

Appendix B – Municipal Offices Project – Some Basic Facts

Appendix C – Site Cost Estimates

Attachment 1

Attachment 2

Attachment 3

Attachment 4

Attachment 5

Attachment 6

Attachment 7 – Confidential and not attached

Attachment 8

13.2 COMMUNICATIONS POLICY

File No: M450.7 – COMMUNICATIONS ADVISER, Roberta Baker

For Decision

RECOMMENDATION

That Council adopt the Communications Policy August 2009.

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That Council adopt the Communications Policy August 2009.

CARRIED

INTRODUCTION

At the August meeting Council discussed the draft Communications Policy 2009 and resolved to adopt it in draft form and to seek public input. The draft policy was emailed to more than 630 people who provided their email address to Council during the community roundtable meetings earlier this year for the preparation of the new Council Plan. Advertisements were placed in the Border Mail and the Ovens & Murray Advertiser advising people that Council was seeking comment from the public on the draft policy. The draft policy was placed on the council's website and it was emailed to all Council staff. A handful of responses has been received, all of them positive. One suggestion was made of including communications methods such as Chambers of Commerce newsletters, Rotary and Lions Clubs newsletters to disseminate Council information. This is covered in the checklist to the policy.

BACKGROUND

The draft Communications Policy has been presented to the Corporate Management Group, Senior Management Group and to the August Council meeting. It has been warmly received.

KEY IMPLICATIONS

The Communications Policy will impact on all staff and Councillors. It is about fostering cultural change to provide better customer service through improved communication processes and better community engagement. The policy will work 'hand-in-hand' with the new Council Plan and will therefore help to guide everything we do.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

See Key Implications.

CONCLUSION

The Council has shown through the community consultation process for the Council Plan a willingness to work closely with residents on issues of concern. This Communications Policy builds on that willingness. It is a dynamic document in that it is short, in plain English and sets out the principles that form the foundation for how we deliver services to our residents. The implementation of this policy will help create a solid, working partnership between the Council and the wider Indigo Community. It is recommended that Council adopt the policy.

Appendix
Communications Policy

13.3 INDIGO INFORMER

File No: 09/80 - Nell Showers - Media and Communications Officer

RECOMMENDATION

That Council:

1. Agree to publish an additional two editions of the Indigo Informer; and
2. Refer \$18,000 to the mid year budget review.

Moved Cr Croucher
Seconded Cr Murdoch

That Council agree to publish an additional two editions of the Indigo Informer; and refer \$18,000 to the mid year budget review.

CARRIED

INTRODUCTION

The Indigo Informer is an eight page newsletter the Shire distributes with the rates notices four times a year. As the primary communication tool for the Shire it is requested that distribution is increased to six times a year.

BACKGROUND

The recent improvements to the Indigo Informer have been well received by the community. Over 7,000 ratepayers receive the Informer with rates notices and the newsletter is inserted into the Ovens and Murray Advertiser four times a year. This newspaper recently increased its circulation to 3,000 by doing letterbox drops in Rutherglen, Chiltern and Yackandandah. This means over 10,000 copies of the Informer are sent out, ensuring more residents than just ratepayers receive a copy. The Informer is the most effective publication the Shire has to communicate with the community.

KEY IMPLICATIONS

The newsletter format has proven to be accessible to residents and information will be available six times a year.

The Informer will not be associated with residents having to pay their rates if it is distributed independently as well as with the rates.

The increased distribution will provide an increased opportunity to inform residents about how the Shire is spending their rates by profiling projects the Shire is busy with.

FINANCIAL IMPLICATIONS

The current cost to print and distribute the Indigo Informer four times a year is \$15,700. The cost to print and distribute an extra 22,000 Indigo Informers for the two additional mail-outs is \$11,000. This cost includes a distribution charge of \$3,300 and printing charge of \$7,600.

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In order for the Informer to be distributed six times a year the Media and Communications Officer would need to be employed half a day a week so the total cost of distributing the Informer six times a year would be \$33,811.52, an additional cost to the Council of \$18,111.52.

POLICY IMPLICATIONS

Increasing the distribution of the Informer contributes towards Objective 1.3 in the 2009-2012 Council Plan: Enhance our communications, and the strategy underpinning this is to create a stronger presence across the municipality.

As stated in the draft Communications Policy: In an online survey and at the five roundtable "dinner conversations" in the major towns residents told us:

- they want to know what the Council is doing, and why
- we need to improve the way we communicate and engage with them.

As stated in the PURPOSE of the draft Communications Policy:

- raise awareness of community issues and Council's role in them
- boost public confidence in the Council
- increase awareness of Council's procedures and responsibilities.

As stated in the IMPLEMENTATION of the draft Communications Policy:

- demonstrate a transparent willingness to work in partnership with people and organisations for example by:
- improving content and frequency of the Indigo Informer.

Residents may complain about the Shire's increased spend on the newsletter.

CONCLUSION

Communication to the residents will improve along with the Shire's image if distribution of the Informer is increased. Indigo Shire should increase the distribution of the Informer from a quarterly to residents receiving the publication six times a year. The cost implication is an extra \$18,111.52 to print and distribute the extra 22,000 Informers an additional two times a year. The cost will be amended in the 2009/10 budget review.

14.0 NOTICES OF MOTION

NOTE: This item was dealt with prior to Item 12.8.

14.1 NOTICE OF MOTION FOR SEPTEMBER COUNCIL MEETING: CR B GAFFNEY

At the Indigo Shire Council meeting of August 11, under item 12-1 Councillor Goldsworthy moved the following motion in regard to Local Law 3 ;

“That Section 4.8 item 2 the Opening Prayer be removed and replaced with an acknowledgement of the traditional owners of the land.”

An amended motion that this original motion be held over to the September meeting of Council was carried.

I MOVE THE FOLLOWING MOTION

The joining of the opening prayer and the acknowledgement of the traditional owners does not meet the “adjustem generis” rule. These issues are separate and should be treated as individual motions.

Signed Bernard Gaffney

Officer Comments

For the purpose of clarity, Cr Gaffney was asked to define the meaning of “adjustem generis”, and advised that it is a commonly used legal term with a basic definition “of the same kind or nature”.

15.0 COMMITTEE AND DELEGATES REPORTS

15.1 NORTH EAST LOCAL GOVERNMENT NETWORK MEETING

File No: M220 CR PETER GRAHAM OAM

For Information

With the CEO I attended this meeting in Benalla on 6 August 2009 when the following items were discussed:

Meeting between NELGN and Edu reps [Mr. Stephen Brown and others] to discuss issues relating to cooperation between Schools and LG areas for mutual advantage – meeting to be organised in near future

Communication Satisfaction Survey – review being conducted by State Government. Considerations of future involvement by LG or adopt another method – actions dependants on review outcomes

Regional Tourism Boards – Tourism Vic interested in Regional Tourism Boards. On going discussions between Alpine, Indigo, Towong and Wangaratta on this use. Further advice to be provided after additional meetings.

Continuation of Drought Subsidy to Farmers. The on again/off again attitude of the State Government to financial assistance to farmers in effected areas is not providing surety. NELGN is seeking more and earlier confirmation of continuance of these measures.

Responsibilities of Referral Authorities to Planning Permits. NELGN seeking referral authorities to participate and pay for their own representation at VCAT hearings – currently LG picks up their representation.

There was general agreement that after the Royal Commission report into the February Bushfires that all LG need to review their operations and evaluate their procedures in dealing with Emergency situations. Unanimous agreement on this.

Confirmation that Mark Henderson, CEO of Murrindindi will leave on 11 September to take up his new role CEO of the City of Mildura.

Towong is continuing its valuable work on IT provision throughout the rural areas of its Shire. I believe we need to keep an eye on how they are doing and evaluate their outcome for use by other rural shires.

15.2 REPORT – HIGH COUNTY COUNCILS COALITION MEETING – 25 AUGUST 2009

File No M220 - Cr Peter Graham OAM

For Decision

RECOMMENDATION

It is recommended that Council consider allocating \$2,000 from the Councillors Discretionary Fund for this initiative.

**Moved Cr Pockley
Seconded Cr Croucher**

That Council consider allocating \$2,000 from the Councillors Discretionary Fund for this initiative.

CARRIED

BACKGROUND

With Cr Ali Pockley I attended the above meeting in the Council Chambers of Wellington Shire Council in Sale on the evening of 25th August.

Indigo Shire is one of the original members of this coalition which also includes Alpine, Baw Baw, East Gippsland, Mansfield, Towong and Wellington Shires in its membership.

One of the agenda items was the need to update a report completed several years ago which is aimed as supporting the coalition's push to improve the presence of technology for communication throughout the region and also improve and build new roads to allow for better flexibility in remote areas during times of emergency.

With the impending Federal Election it is felt that this report needs to reflect current technical advances and reinforce the need for such spending. The report would provide a common basis for each council to pursue the Government and the Opposition in order to provide for a way forward during the next government.

Tabled is the Agenda, and some supporting documents, from this meeting. The minutes from the meeting, if received prior to the 8th September, will also be tabled at that council meeting.

It was estimated that support from each council of \$2,000 be obtained to allow the production of this important document. Confirmation of that financial support is requested to be advised to East Gippsland Shire, CEO Steve KOZLOWSKI, by mid September to allow the actions to commence and be completed in time for the run up to the Federal Election process.

The briefing paper and the tabled documents are to alert councillors to the late item which I have asked the CEO to include regarding this issue on the agenda for the council meeting on 8th September.

I support this allocation of funding to the High Country Council Coalition.

15.3 AUGUST DIARY - CR PETER GRAHAM OAM

File No: M220

For Information

Date	Time	Function /Event
1	2.00 pm	[unholy mischief] art exhibition and afternoon tea, Beechworth
2	11.00 am	Kerferd Oration by Rev Tim Costello AO, La Trobe, Beechworth
3	9.30 am	Meeting with constituent, Beechworth
	2.00 pm	Meeting with PS Shorten, Melbourne
4	2.00 pm	Meeting with CEO, Yackandandah
	3.00 pm	Auditors Address to Councillors, Yackandandah
	4.00 pm	Council Briefing Meeting, Yackandandah
5	9.00 am	NevRWaste Executive and General Meetings, Wangaratta
	7.30 pm	Barnawartha Development Association AGM
6	9.30 am	Funding Announcement for Beechworth RSL, Beechworth
	12.30 pm	Launch Albury/Wodonga Hospital Service, Wodonga
	5.00 pm	North East Local Government Network Meeting, Benalla
8	12.30 pm	Ned Kelly Re-enactment, Beechworth
9	9.00 am	Farmers' Market, Rutherglen
	2.00 pm	Rutherglen Senior Citizens AGM
10	9.00 am	Weekly meeting with CEO, Beechworth
11	2.00 pm	Council Briefing Meeting, Tangambalanga
	3.00 pm	Ordinary Meeting of Council, Tangambalanga
	7.00 pm	Wahgunyah Progress Association AGM
12	1.30 pm	NevRWaste Administration, Wangaratta
	7.30 pm	Beechworth Memorial Hall CoM, AGM
13	9.30 am	Open Half Yearly Conference of NE Group CWA, Beechworth
	12 noon	NevRWaste Administration, Wangaratta
	2.00 pm	Beechworth Red Cross AGM, Beechworth
15	6.30 pm	Choir of Hope and Inspiration Performance, Albury
16	11.00 am	Highland Games, Amulet, Beechworth
17	9.00 am	Weekly Meeting with CEO, Beechworth
	1.30 pm	Disability Advisory Committee Meeting, Rutherglen
	3.00 pm	La Trobe Vice Chancellor Meeting and Reception, Wodonga
18	1.30 pm	Kerferd Committee Meeting, La Trobe, Beechworth
	3.00 pm	Meet with Tourism Manager, Chiltern
	5.30 pm	Vietnam Veterans Association Murray Border Branch Memorial Day Service, Albury
	7.00 pm	Community Forum, Wahgunyah
19	12 noon	Victorian Adult Community Education Awards, Melbourne
	6.30 pm	Dinner with Regional Councils, Beechworth
20	10.00 am	Understanding Access Provision and Human Rights Workshop, Melbourne
21	10.00 am	MAV Community Planning Forum, Melbourne
24	9.30 am	Sustainability Victoria re Regional Waste Management Groups,

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		Melbourne
	6.00 pm	Rutherglen Wine Experience Meeting, Rutherglen
25	6.30 pm	High Country Councils Coalition Meeting and Dinner, Sale
26 & 27	Full Days	Small Towns Summit, Maffra
28	8.30 am	Administration, Beechworth
	10.00 am	NevRWaste Administration, Wangaratta
	11.00 am	Tour of Rutherglen District with Media Advisor
	6.00 pm	Official Opening of Chiltern Antique Fair, Memorial Hall

15.4 UPPER MURRAY REGIONAL LIBRARY - CR PETER CROUCHER

For Information

At the last General Meeting held on 25 August the Board of Directors resolved to undertake an external review as soon as possible. The aim is to restructure the UMRL so that it may continue as its own entity particularly after the departure of Albury. The Board selected a committee consisting of the Chairman, Vice Chairman, and Director for Wodonga and the CEO to determine the brief for the consultancy based on the terms of reference for what is to be reviewed. The Committee will also oversee the consultancy including evaluating the consultant application, managing the project and reviewing the draft report.

**15.5 ADVISORY GROUP LAKE HUME TO YARRAWONGA WATERWAY MANAGEMENT -
CR PETER CROUCHER**

For Information

On Wednesday 26 August the Advisory Group met at the Light House Function Centre in Howlong. The Group discussed its Terms of Reference making minor changes.

This Group monitors the management of the condition of the Murray, its ana branches and associated flood plains between Lake Hume and Lake Mulwala.

The Group is an Advisory Group and is made up of members from the Murray Darling Basin Authority, River Murray Action Groups, North East Catchment Management Authority, Department of Primary Industry, Department of Water & Environment, consultants and Councillors from Wodonga, Albury, Indigo and Corowa. An update of current conditions and projections for the year ahead and a progress report on River Management Plan Implementation Works was discussed.

15.6 LAKE HUME COMMUNITY REFERENCE GROUP - CR PETER CROUCHER**For Information**

This Group met at the Three Monkeys Tavern in Wodonga on Friday 28 August to select five community representatives to become part of the Reference Group to provide advice on all issues association with the Lake Hume Land and On Water Management Plan. Ten submissions were received.

15.7 AUGUST DIARY - CR PETER CROUCHER

For Information

Date	Time	Function / Event
3 August	12.30 pm	Chiltern Red Cross AGM
4	9.00 am	Meeting with Bruarong residents
	3.00 pm	Council Briefing Meeting, Yackandandah
5	10.30 am	Upper Murray Regional Library Board Meeting, Wodonga
6	10.00 am	Yackandandah Office, various staff meetings
10	7.00 pm	Yackandandah Early Years Meeting
11	2.00 pm	Council Briefing Meeting, Tangambalanga
	3.00 pm	Ordinary Meeting of Council, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
14	10.00 am	Meet with constituent, Tangambalanga
	3.00 pm	Yackandandah Office, Bruarong issues
17	4.00 pm	Meeting with Winemakers of Rutherglen, Rutherglen
18	7.00 pm	Community Forum, Wahgunyah
19	6.00 pm	Regional Councils Dinner, Beechworth
20	12.30 pm	Rostrum, Albury
21	10.30 am	E.L.F. Reading Group, Rutherglen
24	6.00 pm	Meeting with RWRT, Wahgunyah
25	10.00 am	Upper Murray Regional Library Meeting
	4.00 pm	Council Briefing Meeting, Yackandandah
26	9.30 am	Advisory Group Hume Yarrowonga Waterway Management Meeting, Howlong
27	9.00 am	Meeting with Community Development Staff, Yackandandah
	11.00 am	Beechworth Office, Stanley Primary School re Junior Council Meeting
28	3.00 pm	Lake Hume Reference Group Meeting, Wodonga
31	9.00 am	Meeting with Planners, Yackandandah

15.8 AUGUST DIARY - CR BERNARD GAFFNEY

For Information

Date	Time	Function / Event
4 August	3.00 pm	Council Briefing Meeting, Yackandandah
5	10.00 am	Rutherglen Wine Centre Board Meeting
6	9.30 am	Beechworth RSL Grant Funding Announcement
	12.30 pm	Rostrum, Albury
	3.00 pm	Meeting with CEO, Beechworth
8	10.00 am	Ned Kelly Arrival Re-enactment, Beechworth
9	11.00 am	Ned Kelly Trial Re-enactment, Beechworth
11	2.00 pm	Council Briefing Meeting, Tangambalanga
	3.00 pm	Ordinary Meeting of Council, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
17	4.00 pm	Meet with Winemakers of Rutherglen, Rutherglen
18	5.30 pm	Councillors Meeting, Rutherglen
	7.00 pm	Community Forum, Wahgunyah
19	6.30 pm	Regional Mayors and Councillors Dinner, Beechworth
20	12.30 pm	Rostrum, Albury
24	6.00 pm	Rutherglen Wine Region Tourism Inc Meeting
25	4.00 pm	Council Briefing Meeting, Yackandandah
26	9.30 am	Indigo Tourism Advisory Committee Meeting
27	6.30 pm	Rutherglen Wine Region Tourism Inc AGM and Dinner
31	9.30 am	Yackandandah Cemetery Trust 150th Anniversary Meeting

15.9 AUGUST DIARY - CR LARRY GOLDSWORTHY

For Information

Date	Time	Function / Meeting details
06 August	10:00 am	MAV Training, Melbourne
07	9:00 am	MAV Training, Melbourne
11	2:00 pm	Council Briefing Meeting, Tangambalanga
	3:00 pm	Council Ordinary Meeting, Tangambalanga
	7:00 pm	Community Forum, Tangambalanga
13	4:00 pm	Finance Committee, Beechworth
18	5:30 pm	Councillor meeting, Rutherglen
20	11:00am	Meeting with Andre Kompler, Beechworth
25	4:00 pm	Council Briefing Meeting, Yackandandah
31	3:45 pm	Meeting with Susan Cheetham

15.10 AUGUST DIARY - CR BARBARA MURDOCH

For Information

Date	Time	Function
2 August	11:00 am	Kerferd Oration, Beechworth
4	4:00 pm	Briefing Meeting, Yackandandah
5	7:00 pm	Barnawartha Development Association AGM, Barnawartha
6	12:00 pm	MAV Environment Committee Meeting, Melbourne
7	2:00 pm	MAV Professional Development Committee Meeting, Melbourne
11	2:00 pm 3:00 pm 7:00 pm	Briefing Meeting, Tangambalanga Council Meeting, Tangambalanga Council Forum, Tangambalanga
13	4:00 pm	Finance Committee Meeting, Beechworth
14	10:00 am	MAV Consultation Meeting on the Environmental Green-Paper, Wangaratta
16	7:00 pm	Wahgunyah Community Forum, Wahgunyah
17	6:30 pm	Regional Mayors, Councillors Dinner, Beechworth
25-27	Full days	Face The Future, Small Towns Summit, Maffra
30		Antique Fair, Chiltern
31	12:00 pm	Anglicare and Community Meeting, Chiltern

15.11 FACE THE FUTURE CONFERENCE SMALL TOWNS SUMMIT, MAFFRA - CR BARBARA MURDOCH

For Information

The Mayor, Councillor Pockley and myself attended the Small Towns Summit at Maffra on the 26th and 27th of August. The Conference was well attended with rural and regional representation from all over Victoria. The Conference was broken into six segments Future Leaders, Future Technology, Future Directions, Future Thinking, Future Business and Future Challenges.

Under the Future Leaders Section we heard from speakers who stressed the importance of supporting our future leaders. Dr Paul Collits and Dr Kaye Scholfield spoke of the need to provide an environment where young people will want to stay or return to their local community post High School, by supporting such programs as a 'young entrepreneurs program' to mentor, train, and support young people to look for things in their communities that will keep them engaged with their communities. We also heard from Trevor Gordijn from WHK who talked about their program to attract young people to their business through the offer of casual and holiday jobs, scholarship money to put towards their books and mentoring which encouraged those young people to return and work in their business.

Wellington Shire involved their youth by supporting a Youth Council for the 12 to 25 year olds and encouraged them to represent and communicate with their peers, contribute to discussions and provide solutions as well as receiving mentoring and training in areas such as media , meetings etc. As well as supporting youth, other speakers presented on the success of engaging the whole community in future planning and the success of community or town plans that had practical outcomes.

In the Future Technology section speakers talked of the importance of new technology to improve water infrastructure particularly in improving the quality of wastewater that goes to the sea and the importance of keeping abreast of telecommunications technology with Towong Council giving an excellent presentation on their provision of internet services and their 'Photo Voltaic' project.

The Future Business section had speakers such as Ferial Zekiman of the Maffra Cheese Factory whose business is flourishing both here and overseas and Frances Ford who spoke of accessible tourism's growth and that catering for the older and the disabled was a growing market. Julie Nethercole gave a presentation on the "Open Day' at Yarram and its ongoing benefits. Whilst, Genevieve Barlow spoke about Newstead's 2021 planning and its bottom up approach.

The Future Challenges section highlighted the challenges of Climate Change and had spokespeople addressing topics such as 'Beyond Zero Emissions", the CSIRO helping to delivering local projects to address climate change, clean coal and the coming peak oil and gas challenges.

This was a very informative and practical conference with many of the projects and solutions put forward common and applicable to all small towns including those of Indigo Shire.

15.12 AUGUST DIARY - CR ALI POCKLEY

For Information

Date	Time	Function / Meeting details
4 August	9.00 am	NERWA Yackandandah Community Water meeting
	10.30 am	Anglicare – follow up meeting for identifying essential Yackandandah services
	3.00 pm 4.00 pm	Planning Dept Audit – presentation, Yackandandah Briefing meeting, Yackandandah
6	12.00 pm	MAV Environmental Advisory Group, Melbourne
11	2.00 pm	Council Briefing Meeting
	3.00 pm	Council Meeting, Tangambalanga
13	4.00 pm	Finance Committee Meeting, Beechworth
14	9.30 am	MAV Climate Change Green Paper discussion, Wangaratta
	3.00 pm	Bruarong Bushfire Response, Yackandandah Office
17	6.30 pm	Arts and Cultural Committee, Chiltern
18	5.30 pm	Councillors' discussion, Rutherglen
	7.00 pm	Community Forum, Wahgunyah
19	6.30 pm	Regional Majors, Councillors & CEO's dinner, Provenance, Beechworth
20	4.30 pm	Heritage Advisory Committee, Rutherglen
21	10.30 am	Transition Town Forum, MAV, Melbourne
22-23	All day	Transition Towns Workshop, Yackandandah
24	7.00 pm	Beechworth Neighbourhood Centre, Management Committee meeting
25	6.00 pm	High Country Councils Coalition, meeting and supper, Sale
26-27	All day	Small Towns Summit, Maffra

16.0 GENERAL BUSINESS

The CEO informed Councillors that Phil Shanahan has completed working with the Corporate Management Group and is now offering to provide this opportunity to Councillors should they wish to participate. The date proposed is Wednesday 11th November 2009 during the afternoon and Councillors were requested to inform the CEO if they do wish to participate.

17.0 CONFIDENTIAL

Moved Cr Murdoch
Seconded Cr Pockley

That the Confidential minutes dated 110809 be accepted.

CARRIED

The Mayor declared the Ordinary Council Meeting closed at 6.40pm.

Meeting Concluded: 6.40pm

Next Meeting: Tuesday 13th October, 2009

- Senior Citizens Rooms, Chiltern