

## ORDINARY COUNCIL MEETING MINUTES – 24.09.10

***Mission Statement:***

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

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**HELD:** Tuesday 14 September 2010 at 3pm

**LOCATION:** The Supper Room, Beechworth

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**ATTENDEES:**

| Councillors:               | Senior Management/Officers |
|----------------------------|----------------------------|
| Bernard Gaffney – Mayor    | Brendan McGrath – CEO      |
| Ali Pockley – Deputy Mayor | Andre M Kompler            |
| Peter Croucher             | Mark Crouch                |
| Larry Goldsworthy          | Mark Florence              |
| Vic Issell                 | David Koren                |
| Barbara Murdoch            | Jo Riley                   |
| Peter Graham               | Ron Sneddon                |
|                            | Mark Greene                |
|                            | Roberta Baker              |

**APOLOGIES:** Nil.

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***Vision Statement:***

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

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**1.0 WELCOME**

The Mayor welcomed all those in attendance.

**2.0 OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

Cr Pockley read the opening prayer and acknowledgement of the traditional owners of the land.

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**4.0 DECLARATION OF CONFLICT OF INTEREST**

Cr Issell declared an indirect interest because of a conflicting duty as the chairperson of Border Trust.

Cr Graham declared an indirect interest by close association as his wife is the president of the Rutherglen RSL and also an indirect interest because of a conflicting duty as the welfare officer.

Frank Bonacci declared a direct conflict of interest - reasonably likely that his benefits, obligations, opportunities or circumstances will be directly altered - in regard to item 11.1 "Indigo Planning Scheme Request For Rezoning of Commercial Properties from Residential 1 Zone to Mixed Use Zone".

**5.0 OPEN FORUM**

Cr Croucher introduced Junior Councillor Jude Kennedy who is in grade 5 at Beechworth Primary School. Jude gave Councillors a brief update on their last Junior Council Meeting.

Joy Lee, who is a resident of Chiltern, thanked Council for their efforts in preventing flooding of Chiltern after the recent flooding in North East Victoria.

**6.0 CONDOLENCES**

Nil.

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 10 AUGUST 2010**

**Moved: Cr Pockley  
Seconded: Cr Croucher**

**That the minutes from August Council Meeting be confirmed.**

**Unanimously Carried**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.



9.0 DEPUTATIONS AND PETITIONS

Nil.

**10.0 CORPORATE SERVICES**

**10.1 RATE RELIEF - PROPERTIES DESTROYED BY FIRE**

**File No.: 10/1092 - Graeme Pool - Senior Revenue Officer**

For Decision

**RECOMMENDATION**

**That Council provides rate relief on residential properties destroyed by fire by applying the Residential Rate Differential of 100 per cent to such properties, until the dwelling is rebuilt within a maximum of a two year period.**

**Moved: Cr Pockley  
Seconded: Cr Murdoch**

**That Council provides rate relief on residential properties destroyed by house fires and natural disasters by applying the Residential Rate Differential of 100 per cent to such properties, until the dwelling is rebuilt within a maximum of a two year period.**

**Unanimously Carried**

**INTRODUCTION**

We have an anomaly within our rating system when a fire destroys a dwelling. Whilst this is not an every day occurrence in our Shire, this report seeks to address this anomaly.

While attempting to provide relief to ratepayers, who are in the unfortunate position of having their home destroyed by fire, the current rating policy means that the property is assessed as Vacant Land rates. While the Capital Improved Value (CIV) decreases, the rate differential doubles to 200 per cent and the end result is often little to no decrease in rates payable.

**BACKGROUND**

By way of example, we recently had an elderly gentleman in Rutherglen whose house was destroyed by fire. Once notified, Council requested a supplementary valuation from our Valuer that would reflect property as vacant land. The CIV of the property was \$200,000 with a rates charge of \$577-60 {rate in dollars of 0.2888 per cent}. Once supplementary valuation was returned, the property had a reduced CIV of \$100,000 with a rates charge of \$577-60 {rate in dollar of 0.5776 per cent}. The effect was a nil change in the rates due.

The reason for the nil difference is that Residential Vacant properties attract a rating differential of 200 per cent of the residential rate.

**KEY IMPLICATIONS**

Ratepayers who have the unfortunate fate of fire destroying their dwelling are paying a similar amount of rates for the vacant block as they were paying on the house and land.

### FINANCIAL IMPLICATIONS

Over the past two years, we have had three occurrences of houses destroyed by fire and a supplementary valuation applied. If Council was to have applied residential rate differential to these three properties pending the rebuilding of dwelling as per the recommendation in this report, it would have resulted in lost rating revenue of \$1,350 in 2008/2009 and \$1,380 in 2009/2010.

Two of these properties have been rebuilt and are rated as residential for 2010/2011.

### POLICY IMPLICATIONS

This recommendation seeks to create a new policy that deals with the rating position of dwellings destroyed by fire.

In circumstances where a house is destroyed, owners will generally contact the Council for support. It is important therefore that this policy is communicated to key staff in the Community Services areas, who receive these calls.

### CONCLUSION

Any person who suffers through the disaster of fire destroying their residential dwelling has enough issues to deal with other than to be told that they will receive little, if any, reduction in rates from Council.

Whilst the overall dollars are a small amount compared to Council's total rate revenue, the gesture and compassion would be a significant for affected ratepayers.

Capping the relief to a maximum two years would match with Council building permits that also have a two year life span. It would also be considered by most to be an adequate time for a ratepayer to decide if they were going to rebuild or continue their lives in an alternative dwelling.

**10.2 AUDIT COMMITTEE CHARTER**

**File No.: 09/636 - Jo Riley - Manager Governance & Risk**

**For Decision**

**RECOMMENDATION**

**That Council adopts the Audit Committee Charter.**

**Moved: Cr Murdoch  
Seconded: Cr Croucher**

**That Council adopts the Audit Committee Charter.**

**Unanimously Carried**

**INTRODUCTION**

In accordance with Section 139 of the Local Government Act 1989, Council must establish an audit committee ("the committee"). To date, the committee has discharged its powers, duties and functions relating to its operation by way of an Instrument of Delegation dated 30 October 2007.

**BACKGROUND**

The committee's Instrument of Delegation has not been reviewed since its establishment in 2007. After review and discussion by the committee, it has been decided that an audit Committee Charter would be a more effective and relevant document to enable the committee to discharge its responsibilities other than the current Instrument of Delegation. All items previously covered in the delegation have been incorporated into the charter. As it is necessary under the Local Government Act to have an audit committee, a formal Instrument of Delegation document is not compulsory.

The Audit Committee Charter document supports the foundation of the committee's functions and how they go about doing them. Without this, the committee lacks a clear point of reference, particularly for any new members joining.

The committee has undertaken a review of the existing Instrument of Delegation and has developed the new charter. The review process has allowed the opportunity for discussion and formal development of the committee's purpose and objectives, role and responsibilities and created a clear understanding for all involved in the committee what is to be achieved.

Most importantly, the charter can now be used as a basis to ensure that the committee discharges its responsibilities in conjunction with the Annual Plan.

The charter should be reviewed by the committee on an annual basis.

IMPLICATIONS

There are no key, financial or policy implications, other than creating a clear framework to support good governance with this important committee.

CONCLUSION

That Council support and adopt the Audit Committee Charter as recommended.

Attachments:  
Audit Committee Charter  
Indigo Shire Audit Committee Instrument of Delegation

**10.3 ADOPTION IN PRINCIPLE OF FINANCIAL AND STANDARD STATEMENTS AND PERFORMANCE STATEMENT – YEAR ENDED JUNE 30 2010**

**File No.: 09/695 – Frank Bonacci – Manager Finance**

**For Decision**

**RECOMMENDATION**

**That:**

**Council resolves under Section 131(7) of the Local Government Act 1989, giving its approval “in principle” to the 2009/2010 Standard Statements and the Financial Statements.**

- 1. Council, under Section 132(6) of the Local Government Act 1989, gives its approval “in principle” to the 2009/2010 Performance Statement.**
- 2. Council nominates 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 2009/2010 Standard Statements and Financial Statements in their final form after any changes recommended, or agreed to, by the auditor have been made.**
- 3. Council, nominates 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 2009/2010 Performance Statement, in its final form after any changes recommended, or agreed to, by the auditor have been made.**

**Moved: Cr Pockley  
Seconded: Cr Murdoch**

**That:**

**Council resolves under Section 131(7) of the Local Government Act 1989, giving its approval “in principle” to the 2009/2010 Standard Statements and the Financial Statements.**

- 1. Council, under Section 132(6) of the Local Government Act 1989, gives its approval “in principle” to the 2009/2010 Performance Statement.**
- 2. Council nominates under Section 131(8) of the Local Government Act 1989, three Councillors being Mayor Cr Gaffney, Cr Goldsworthy and Cr Murdoch as signatories with authorisation given for any two of the three nominated Councillors to certify the 2009/2010 Standard Statements and Financial Statements in their final form after any changes recommended, or agreed to, by the auditor have been made.**
- 3. Council, nominates under Section 132(7) of the Local Government Act 1989, three Councillors being Mayor Cr Gaffney, Cr Goldsworthy and Cr Murdoch as signatories with authorisation given for any two of the three nominated Councillors to certify the 2009/2010 Performance Statement, in its final form after any changes recommended, or agreed to, by the auditor have been made.**

**Unanimously Carried**

**INTRODUCTION**

The report is seeking:

1. A resolution giving Council's “in principle” approval to the Annual 2009/2010 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.

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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 per cent 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 with any change 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 implications if applicable that include:

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

#### FINANCIAL IMPLICATIONS

There are no financial or policy implications.

#### CONCLUSION

Not applicable.

## 10.4 2010 COUNCIL REVALUATION

File: 09/1092 - 2010 Council Revaluation - Graeme Pool - Senior Revenue Officer

### For Information

#### INTRODUCTION

The Valuation of Land Act 1960 (VLA) requires that all Victorian councils must complete a full property valuation every two years. Valuation must be completed by a registered independent Valuer who may be either employed by Council or appointed via a tender process.

Indigo Shire Council appointed L G Valuation Services of Kyabram to complete 2010 revaluation with an option for 2012.

#### BACKGROUND

L G Valuation Services have completed Council revaluations for 2004, 2006, 2008 and now 2010. Council is required to appoint an independent Valuer by October of each even year, in this case 2008. The Valuer is then required during the odd year (2009) to inspect, analyse property sales and provide final property valuations as at 1 January 2010. These valuations need to be submitted to the Valuer General by 30 April 2010 for confirmation and come into effect from 1 July 2010. The 2010 valuations are used for the 2010/2011 and 2011/2012 rating periods.

Preliminary valuations are to be submitted to the Valuer General throughout the process and any comments or changes requested by the Valuer General are to be taken into consideration prior to final valuations in April 2010.

All stage submissions have been made within timelines set out in Valuation Best Practice - 2010 Specifications Guidelines.

#### KEY IMPLICATIONS

The VLA requires Council to obtain revaluations on all properties within its municipality every two years. The valuations returned must be Site Value {land only}, Capital Improved Value {land and improvements} and Nett Annual Value {rental value}.

#### FINANCIAL IMPLICATIONS

Council raises rates based on Capital Improved Values returned by an independent valuer. Whilst any increase in the overall rate revenue raised by Council is not determined by changes to property valuations, it is still paramount that valuations are as accurate as possible as any subsequent successful objection to a valuation will result in a reduction of rates charged that cannot be collected from other ratepayers at a later date.

#### POLICY IMPLICATIONS

Not applicable.

## CONCLUSION

Stage 5 {Final Valuations} were submitted to the Valuer General by L G Valuation Services on 28 April 2010. Council received confirmation of these valuations from the Valuer General on 22 June 2010 and ministerial signoff was dated 28 June 2010.

2010 valuations indicated an average increase of 3 per cent {Residential}, 5 per cent {Commercial} and 9 per cent {Rural}. L G Valuation Services met with councillors in April 2010 to discuss 2010 valuations as part of the 2010/2011 budgeting process. Within the above categories, there have been property valuation movements either side of the average movement, with these movements detailed in the attachment appended to this report.

Council's Senior Revenue Officer has been particularly pleased with the 2010 revaluation process as all stages have been returned prior to the due date and final authorisation from the Valuer General and Minister were received prior to 30 June 2010.

This has not been the case in previous revaluation years and can be attributed to the fact that this is the fifth revaluation completed by L G Valuation Services.

Rate and valuation notices for 2010/2011 have been printed and distributed as of 16 August 2010 including the new 2010 valuations.

Attachments:  
Valuers Summary of 2010 Valuation changes  
Valuer General's Confirmation of 2010 Valuations

**10.5 VICTORIAN ESSENTIAL SERVICES COMMISSION (ESC) FINAL REPORT –  
PERFORMANCE MONITORING FRAMEWORK FOR LOCAL GOVERNMENT****File No.: 09/288 - Mark Crouch - General Manager Corporate Services****For Information****Moved: Cr Issell  
Seconded: Cr Goldsworthy****That Indigo Shire Council write to the Victorian State Government requesting they provide an allocation to each LGA to help meet the costs of moving to, and ensuring, compliance with the Victorian Government's Performance Monitoring Framework for Local Government.****That Indigo Shire Council write to and inform MAV of this action.****Unanimously Carried****INTRODUCTION**

Council will recall that this matter was reported to Council at its May 2010 meeting.

The Essential Services Commission (ESC) is Victoria's independent economic regulator. It regulates a number of industries, including water utilities, energy retail services, ports and rail infrastructure, and administers the Victorian energy targets schemes. It also advises the Victorian Government on any matter that the government refers to it. Additionally, it produces performance monitoring reports in the water, energy retail and ports sectors. The ESC objective is to promote the long-term interests of Victorian consumers.

On 12 August 2009, the Victorian State Premier referred to the ESC the task of developing a local government performance assessment and benchmarking framework. This task was formalised in the terms of reference that the Minister for Finance (in consultation with the Minister for Local Government) issued on 15 October 2009.

**BACKGROUND**

After a significant consultation process, the ESC has completed and submitted to the ministers for Finance and Local Government the final report on the development and implementation of a state-wide performance monitoring framework for local government service delivery. The final report is titled - Establishing a Victorian Local Government Services Report.

Having considered the recommendations and proposals contained within the report, the Victorian Minister for Local Government publicly released the final report and announced that the government would be accepting the majority of the recommendations, but reserved its judgement regarding the inclusion of financial indicators.

The final report addresses the features of the Victorian Local Government Services Report, its integration with council plans, implementation timelines and enabling legislations. The Minister for Local Government also announced that the government has directed the ESC to provide advice on reducing the state reporting requirements imposed on local government. The aim of this streamlining review is to reduce the overall administrative burden placed on councils, and improve the efficiency of intra governmental reporting processes. The ESC will shortly release a paper outlining the scope of this review, with a final report due by 31 March 2011.

Recommendations overview:

- That a state-wide Victorian Local Government Services Report (Services Report) be published each February by the commission and cover the previous financial year. Prior to publication of the services report each year, councils will have the opportunity to provide the commission with commentary on their individual service delivery outcomes.
- That the services report will cover eight service areas using 17 or 18 service indicators and between 17 and 20 supporting indicators, subject to applicability. The ESC will also collect contextual information about each council. The ESC will collect information directly from government departments wherever possible and conduct a random audit or a rotational audit of un-audited data provided directly by councils.
- That councils be required to include in their council plans their individual objectives and desired outcomes for the services reported in the services report.
- That a three year staged implementation program be adopted commencing with a pilot of the services report be submitted to the Minister for Finance and Minister for Local Government in January 2011. Full implementation of the framework will be by February 2013.
- That the services report be given effect through amendments to the Local Government Act 1989 (Vic) and the Essential Services Commission Act 2001 (Vic) as soon as possible.
- That the government consider initiating as soon as possible a streamlining review of current reporting requirements imposed on councils by state government agencies.

### KEY IMPLICATIONS

There are a number of implications to local government of the proposed local government performance-monitoring framework.

The ramifications from this initiative constitute a potential cost shift onto local government.

Despite the initiative creating opportunities for councils to make improved and informed analysis of their business against other councils and providing a framework for this to occur, the fact remains that should legislation be created that enshrines the structure contained in the ESC draft report, there will be costs to local government.

### FINANCIAL IMPLICATIONS

There will be costs associated with Council gathering the information and data on which the performance monitoring framework will be based.

A number of the 'internal' data sourced indicators will involve Council having or establishing systems and processes to capture this information. There is no mention of the state government allocating funding to councils to defray any additional costs to Council to administer this state government initiative.

Council administration will consider system changes to prepare for the capture of this information. Some of the data will be readily available – other data capture systems may need to be established.

### POLICY IMPLICATIONS

This matter is not about Council policy but potentially responding to a state government mandated reporting regime.

There are not considered to be any actions, relating to Council's Communications Policy required as a result of this report.

### CONCLUSION

Council was represented at the ESC workshop session on 16 August 2010.

It is proposed that the process from here be staged. Stage 1 will involve a pilot of 20-25 councils with the pilot report to go to the Minister January 2011. Stage 2 will involve most councils reporting with a services report to be published February 2012. Stage 3 will involve full implementation with report published February 2013.

All the above is premised on enabling legislation to the Local Government Act 1989 and the Essential Services Act 2001.

**10.6 FINANCE REPORT FOR PERIOD ENDING 30 JUNE 2010**

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

**For Information**

|   |                    |
|---|--------------------|
| <p><b>Moved: Cr Goldsworthy</b><br/> <b>Seconded: Cr Pockley</b></p> <p><b>That the CEO continues to work towards matching actual expenditure to the forecast budget.</b></p> |                    |
| <b>Lost</b>   |                    |
| <b>For:</b>   | <b>Against:</b>    |
| <b>Cr Goldsworthy</b>   | <b>Cr Gaffney</b>  |
|   | <b>Cr Pockley</b>  |
|   | <b>Cr Croucher</b> |
|   | <b>Cr Graham</b>   |
|   | <b>Cr Murdoch</b>  |
|   | <b>Cr Issell</b>   |

At the March quarterly forecast review, all business unit managers forecast their projected income and expense for the remainder of the year with the result projecting a management reporting underlying deficit of \$2.42 million.

The actual management reporting result as at the end of June 2010 is an underlying deficit of \$1.36 million – an improvement of \$1.06 million over the March year end quarter. The main driver for this improved position is \$1.02 million in 2010/2011 Victorian Grants Commission (VGC) funding received in June 2010.

While there has been some variation within expense categories (all of which are explained in the attached June Exception Report), overall, expenses are \$81,600 unfavourable to the March year-end forecast and income is \$1.14 million favourable to the March year-end forecast.

The main drivers for the variation within expense categories are contract payments, depreciation and employee costs being higher than forecast and these are offset by lower than forecast other expenses. As explained above, the main driver behind the income favourability is the early receipt of some VGC funding plus several other smaller grants. These variances are explained at Notes 1 to 11 in the attached Exception Report.

More information by income and expense category is available in the attached Management Profit and Loss Report and more information on performance by business unit versus the March year end forecast is available within the attached Department By Business Unit Report.

Also accompanying this Finance Report is the Exception Report for 30 June 2010 which contains a variance explanation for each income and expense category and each business unit where the variance to the March year end forecast exceeds +/- \$10,000.

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Cash and investments held by Council at 30 June 2010 are still strong at \$5.9 million and details on the breakdown of how that cash is held at balance date are contained within the Cash and Investment Report as at 30 June 2010.

These financial management reports presented to Council will vary from the statutory audited accounts that Council will consider separately at the September and October meetings. These variations are due to the removal of internal transactions such as allocations of internal income and costs between cost centres / departments (internal plant hire, allocated fleet costs, business unit surcharges to external contracts) and transfers to / from reserves, etc from the statutory accounts.

Attachments:  
Department By Business Unit Report for June 2010  
Profit and Loss Report to June 2010  
Balance Sheet as at 30 June 2010  
Exception Report June 30 2010  
Cash & Investment Report as at 30 June 2010

**11.0 SUSTAINABLE COMMUNITIES**

**11.1 INDIGO PLANNING SCHEME REQUEST FOR REZONING OF COMMERCIAL PROPERTIES FROM RESIDENTIAL 1 ZONE TO MIXED USE ZONE**

**File No.: 10/2513 - Katie Rizzuto - Manager Planning & Sustainable Development**

Frank Bonacci declared a direct conflict of interest - reasonably likely that his benefits, obligations, opportunities or circumstances will be directly altered - in regard to item 11.1 “Indigo Planning Scheme Request For Rezoning of Commercial Properties from Residential 1 Zone to Mixed Use Zone”.

*Frank Bonacci departed the meeting at 4.45pm.*

**For Decision**

**RECOMMENDATION**

**That Council consider the contents of the report and information provided in other forums and decide if it wishes to proceed with the Planning Scheme amendment process and accept the resource allocation required.**

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That Council proceed with the Planning Scheme Amendment process to rezone the properties previously mentioned on the 9 February 2010 Council Agenda at Item 10.6.**

**Carried**

|                       |                   |
|-----------------------|-------------------|
| <b>For:</b>           | <b>Against:</b>   |
| <b>Cr Pockley</b>     | <b>Cr Gaffney</b> |
| <b>Cr Croucher</b>    | <b>Cr Graham</b>  |
| <b>Cr Issell</b>      | <b>Cr Murdoch</b> |
| <b>Cr Goldsworthy</b> |                   |

**INTRODUCTION**

At its meeting of the 8 June 2010, Council resolved to request authorisation from the Minister for Planning to commence the preparation and exhibition of Planning Scheme Amendment C52.

Following this meeting and preparation of relevant material, the Department of Planning & Community Development (DPCD) has advised that it is unable to proceed with the amendment request until further information (strategic justification) is provided to support the request (Attachment A).

Specifically, DPCD requires strategic justification to support the rezoning of those lots that were not previously included in the Historic Commercial Zone under the Beechworth Planning Scheme.

Direction is sought from Council as to the way in which this amendment is progressed given the need to prepare the level and details of strategic justification required by the DPCD.

### BACKGROUND

This matter was first reported to Council in December 2009 after a request was received to rezone 8 Albert Rd Beechworth (Beechworth Gallery) to a Business Zone. In this instance, the recommendation to Council was not to support the request to rezone the property. *Councillors deferred that decision pending the preparation of a report prepared on:*

“The feasibility and impact of rezoning to a mixed use zone all properties in the Beechworth Township that are:

- i) Currently operating as commercial businesses and are situated in residential zones; and*
- ii) Those locations that have been rezoned from historic commercial zone to residential zone since 1998.”*

*(Attachment B)*

On completion of the report, the matter was reported to Council in February 2010 with a recommendation not to proceed with the rezoning of commercial businesses operating in the Residential 1 Zone (R1Z) to Mixed Use Zone (MUZ). Councillors resolved to proceed in rezoning six properties from R1Z to MUZ (Attachment C).

Subsequently, the amendment was forwarded to the Minister for Planning with a request for authorisation to commence preparation and exhibition of C52.

The regional office of DPCD has since responded requesting further information, specifically regarding strategic justification to support the proposed rezoning. (Attachment A)

### DISCUSSION

Under the Planning and Environment Act 1987, a Responsible (Planning) Authority is required to evaluate and discuss how an amendment addresses a number of strategic considerations, set out by the Minister for Planning in Ministerial Direction No.11 ‘Strategic Assessment of Amendments’. This matter was discussed with Councillors at the briefing session held on the 31 August 2010.

To gain the support of the Minister for Planning, a proposal to amend a planning scheme requires planning strategic justification based on comprehensive investigation of a wide range of matters. Specifically, the Responsible Authority is required to discuss how the following strategic considerations are addressed:

- Why is an amendment required?
- How does the amendment implement the objectives of planning in Victoria?
- How does the amendment address any environmental effects?
- How does the amendment address any relevant social and economic effects?
- Does the amendment comply with the requirements of any other Minister’s

Direction applicable to the amendment?

- How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?
- How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?
- Does the amendment make proper use of the Victoria Planning Provisions?
- Consideration of the above also takes into account:
  - The level and need for such an amendment
  - The amenity impacts of the proposed changes of the surrounding owners / occupiers and the broader community; and
  - The current directions provided for in the Planning Scheme, i.e. is there currently any strategic justification around the proposed changes

At its core, any planning scheme amendment should result in net community benefit and represent a good and orderly planning outcome for the entire community, as part of an overall area.

As no strategic direction or justification currently exists in the Indigo Planning Scheme, it is difficult for further justification to be provided. Given the above, the Minister for Planning is not likely to grant authorisation to prepare and exhibit the amendment in its current form, and as such, should Council wish to pursue this matter, additional works are required to respond to the requests of the DPCD.

As part of this process it is important to note that the outcome is not guaranteed, may take in the order of 6 – 12 months, will be exhibited, and if any objections are received be considered by an Independent Planning Panel, which, if successful will ultimately inform changes to the Indigo Planning Scheme.

#### FINANCIAL IMPLICATIONS

Financial implications associated with this request relate to the amount of money required to engage a planning consultant to prepare the relevant level of strategic information required to support this rezoning request and subsequently facilitate the process. An external planning consultant would be required as at the present time, Indigo Shire does not have a Strategic Planner, and would not be able to undertake the work required. Enquiries with an experienced planning consultant indicate that the cost to support the complete process would be approximately \$12,000.

Additional funds associated with this process relate to statutory fees associated with the Planning Scheme Amendment process which is dictated by the Planning and Environment Act 1987 and apply to all amendments across Victoria.

### POLICY IMPLICATIONS

The process associated with this Planning Scheme Amendment request is dictated by the Planning and Environment Act 1987.

If successful, policy implications associated with this amendment request may result in the introduction of new planning policies into the Local Planning Policy Framework and the Municipal Strategic Statement and mapping changes to the Indigo Planning Scheme.

### CONCLUSION

The regional office of DPCD has requested further strategic justification regarding the proposal to change the zoning of six properties from R1Z to MUZ, prior to any exhibition and / or further processing of the amendment by the DPCD.

Council is now asked to make a decision as to whether it supports the planning scheme amendment process proceeding and accept the resource allocation involved.

*Attachments:*

Request for further information from DPCD  
Council report, 18.12.2009  
Council report, 09.02.2010

**11.2 VICTORIAN BUSHFIRES ROYAL COMMISSION – EFFECT ON LOCAL GOVERNMENT**

**File No.: 09/524 - Mark Florence - General Manager Sustainable Communities**

*Cr Croucher departed the meeting at 4.07pm and returned at 4.10pm.*

**For Decision**

**RECOMMENDATION**

**That Council acknowledges the recommendations from the Royal Commission, the response from the state government, and the work of local municipalities through the MAV, and commits to working with all agencies and Indigo Shire communities, to ensure that the appropriate actions required to improve community safety from bushfire risk and events are completed in a timely manner.**

**Moved: Cr Goldsworthy  
Seconded: Cr Graham**

**That Council acknowledges the recommendations from the Royal Commission, the response from the state government, and the work of local municipalities through the MAV, and commits to working with all agencies and Indigo Shire communities, to ensure that the appropriate actions required to improve community safety from bushfire risk and events are completed in a timely manner.**

**Unanimously Carried**

**Moved: Cr Issell  
Seconded: Cr Murdoch**

**That the Mayor Cr Gaffney write to State Government requesting Indigo Shire Council be added to list of 25 high risk Victorian Shires.**

**Unanimously Carried**

**INTRODUCTION**

The Victorian Bushfires Royal Commission was charged with the responsibility to inquire into and report on the causes and circumstances of the fires that burned in January – February 2009, the preparation and planning before fires, all aspects of the response to the fires, measures taken in relation to utilities, and any matters it considered appropriate. The commission was asked to make recommendations it saw fit on preparation and planning for future fire threats and risks, land use planning and management, fireproofing of structures, emergency response, communication, training, infrastructure and overall resourcing.

The commission in its report viewed the protection of human life and the safety of communities as the highest priority for bush fire policy and directed its efforts accordingly. This priority guided the commission in its analysis, the collection of evidence, its reports and the formulation of its recommendations. The recommendations further reflect the commission's recognition that individuals, fire agencies, and commonwealth, state and local governments share responsibility for preparing for fire and improving people's safety. Whilst placing the preservation of human life at the heart of its deliberations, the commission also sought to ensure that due consideration was given to Victoria's environmental sustainability.

In its final report, the commission made 67 recommendations, many of which are directed at local government authorities. The recommendations pose many opportunities and challenges for local government authorities in relation to preparation, planning and management, particularly for municipalities located in high fire risk areas. Due to the broad nature of the commission's report and far reaching recommendations which affect local government across the state, the Municipal Association of Victoria (MAV) co-ordinated and facilitated a comprehensive local government response to the state government based on the commission's report. Indigo Shire Council participated in the development of the MAV response and provided commentary and advice on issues considered relevant to Indigo's efforts to inform and protect communities.

This Council report will provide details of the commission's recommendations as they relate to local government, what the collective local government response has been through the MAV process, and also what measures Indigo Shire will undertake as part of preparations for the forthcoming fire season.

In addition, the state government response to the Royal Commission's report and recommendations will be canvassed and any impacts on Indigo Shire considered.

## BACKGROUND

The MAV response to the recommendations focus on five key areas. These being:

- bushfire safety policy
- electricity caused fire
- planning and building
- land and fuel management
- organisational structure.

The following section details the Royal Commission recommendations within these areas and the MAV/local government collective response recommendations. The full MAV response to the Royal Commission report can be found as an attachment to this report.

Bushfire Safety Policy:

### **2.1.1 Royal Commission Recommendation 1**

The state revises its bushfire safety policy. While adopting the national Prepare. Act. Survive. framework in Victoria, the policy should do the following:

- enhance the role of warnings—including providing for timely and informative advice about the predicted passage of a fire and the actions to be taken by people in areas potentially in its path

- emphasise that all fires are different in ways that require an awareness of fire conditions, local circumstances and personal capacity
- recognise that the heightened risk on the worst days demands a different response
- retain those elements of the existing bushfire policy that have proved effective
- strengthen the range of options available in the face of fire, including community refuges, bushfire shelters and evacuation
- ensure that local solutions are tailored and known to communities through local bushfire planning
- improve advice on the nature of fire and house defendability, taking account of broader landscape risks.

**MAV recommendations:**

The MAV recommends that:

- The state addresses the funding and resource shortfall of councils in emergency management before the coming fire season.
- Increased Council responsibilities should be proportional to relative levels of risk and any funding assistance should be commensurate with risk levels.
- Legislation be reviewed and amended to enable the successful implementation of integrated fire management planning, with accountability shared between all agencies responsible for fire management at the municipal and local level.
- Emergency communications coverage, such as radio and television services, to be extended to black spots as a priority initiative.

**2.1.2 Royal Commission Recommendation 2**

The state revises the approach to community bushfire safety education in order to:

- Ensure that its publications and educational materials reflect the revised bushfire safety policy.
- Equip all fire agency personnel with the information needed to effectively communicate the policy to the public as required.
- Ensure that in content and delivery the program is flexible enough to engage individuals, households and communities and to accommodate their needs and circumstances.
- Regularly evaluate the effectiveness of community education programs and amend them as necessary.

**MAV recommendations**

The MAV recommends that:

- The state develops and makes available to local government publications and community education materials that deliver consistent information about responsibilities of each agency, as well as community and individual responsibilities.
- Local government plays a supportive role in disseminating community education materials and supplement this with tailored local content where appropriate.

**2.1.3 Royal Commission Recommendation 3**

The state establishes mechanisms for helping municipal councils to undertake local planning that tailors bushfire safety options to the needs of individual communities. In doing this planning, councils should:

- Urgently develop for communities at risk of bushfire local plans that contain contingency options such as evacuation and shelter.
- Document in municipal emergency management plans and other relevant plans facilities where vulnerable people are likely to be situated—for example, aged care facilities, hospitals, schools and child care centres.
- Compile and maintain a list of vulnerable residents who need tailored advice of a recommendation to evacuate and provide this list to local police and anyone else with pre-arranged responsibility for helping vulnerable residents evacuate.

#### **MAV recommendations**

The MAV recommends that:

- Councils commit to continuing to train program workers (eg HACC), in partnership with the CFA and the Department of Health, that operate in high bushfire risk areas that support identified individuals with no other support options.
- Councils write to their next-of-kin HACC client database annually to check clients have a personal plan in high bushfire prone areas.
- The state funds auditing of existing registers and databases at the local level.
- The state undertakes an audit of the existing community registers and undertakes a state-wide communication campaign to ensure users understand the purpose, use, benefits and limitations of each register.

#### **2.1.4 Royal Commission Recommendation 4**

The state introduces a comprehensive approach to shelter options that includes the following:

- developing standards for community refuges as a matter of priority and replacing the 2005 Fire Refuges in Victoria: Policy and Practice
- designating community refuges—particularly in areas of very high risk—where other bushfire safety options are limited
- working with municipal councils to ensure that appropriate criteria are used for bushfire shelters, so that people are not discouraged from using a bushfire shelter if there is no better option available
- acknowledging personal shelters around their homes as a fallback option for individuals.

#### **MAV recommendations**

The MAV recommends that:

- The state government continues the current review of the Fire Refuges Policy, ensuring that councils are provided with an opportunity to comment on the draft policy.
- The state government reviews legislation and council liability in relation to NSPs.
- The state government commits adequate funding to establish and maintain NSPs and fire refuges identified as necessary for high risk communities.
- The state government considers creation of a subsidy scheme for residents in high risk areas without alternative shelter options to support installation of personal bunkers.

### **2.1.5 Royal Commission Recommendation 5**

The state introduces a comprehensive approach to evacuation, so that this option is planned, considered and implemented when it is likely to offer a higher level of protection than other contingency options. The approach should:

- Encourage individuals—especially vulnerable people—to relocate early.
- Include consideration of plans for assisted evacuation of vulnerable people.
- Recommend ‘emergency evacuation’.

#### **MAV recommendations**

The MAV recommends that:

- It is critical that the MAV and councils are, as a matter of priority, consulted on the draft evacuation principles being developed by Victoria Police.
- Councils become directly involved in the development of these plans.
- The involvement of councils, and council workers, must be clearly identified and defined, including respective accountabilities of each agency.
- As council officers and other ‘workers’ are a key element of the proposed model being developed by Victoria Police, WorkSafe Victoria should also be directly involved in the development of these plans.
- The state examines appropriate pre-planned options in partnership with relevant agencies for:
  - accommodating vulnerable people who have no other viable options
  - partnering with community support/aid organisations to provide for the health needs of vulnerable people
  - providing advice to vulnerable tourists and transient populations through state-wide community education materials and campaigns.

Electricity-caused Fire

### **2.2.1 Royal Commission Recommendation 31**

Municipal councils include in their municipal fire prevention plans for areas of high bushfire risk provision for the identification of hazard trees and for notifying the responsible entities with a view to having the situation redressed.

#### **MAV recommendation**

The MAV recommends that:

- The state government urgently consults with the MAV and councils on the implementation of this recommendation and must address or clarify all of the concerns raised.
- The state government must now develop guidelines, in consultation with the MAV, to assist councils fulfil their new responsibilities to identify hazard trees and notify responsible entities in high bushfire risk areas.
- The state government must provide commensurate funding so councils can employ suitably qualified staff to fund new local government responsibilities imposed through amendments to the Electricity Safety Act.

Planning and Building

**2.3.1 Royal Commission Recommendation 37**

The state identify a central point of responsibility for and expertise in mapping bushfire risk to:

- Review urgently the mapping criteria at present used by the Country Fire Authority (CFA) to map the Wildfire Management Overlay, to ensure that the mapping used to determine building and planning controls is based on the best available science and takes account of all relevant aspects of bushfire risk.
- Map and designate bushfire-prone areas for the purposes of planning and building controls, in consultation with municipal councils and fire agencies.
- Finalise the alignment of site-assessment methods for planning and building purposes, taking into account bushfire risk to human safety as well as to property.

**MAV recommendations**

The MAV recommends that:

- Local government be consulted in the development of a work program to apply the updated mapping of bushfire risk areas in an efficient and effective way, perhaps through a state-wide amendment.
- Councils and the CFA be fully engaged so that current experience in the operation of the WMO (including CFA referrals) and BPA informs the future regime.
- The role of the CFA (strategic, and as referral authority) and building regulations in this process be fully considered to ensure agreed criteria is consistently used; that efficient and effective use of planning and building instruments occurs and that resources constraints are understood and addressed.

**2.3.2 Royal Commission Recommendation 38**

The state implements a regional settlement policy that:

- Takes account of the management of bushfire risk, including that associated with small, undeveloped rural lots.
- Includes a process for responding to bushfire risk at the planning stage for new urban developments in regional cities, the process being similar to that used for new developments in Melbourne’s Urban Growth Zone.

**MAV recommendations**

The MAV recommends that:

- Both the MAV and councils are consulted through the implementation of this recommendation.
- The regional planning initiative be utilised to assist councils to undertake strategic assessment of fire risk when planning for settlement growth.
- A state-wide response to small and undeveloped lots in high risk areas be developed with the MAV and those councils most affected.

### **2.3.3 Royal Commission Recommendation 39**

The state amends the Victoria Planning Provisions relating to bushfire to ensure that the provisions give priority to the protection of human life, adopt a clear objective of substantially restricting development in the areas of highest bushfire risk—giving due consideration to biodiversity conservation—and provide clear guidance for decision makers. The amendments should take account of the conclusions reached by the commission and do the following:

- outline the state’s objectives for managing bushfire risk through land-use planning in an amended state planning policy for bushfire, as set out in clause 15.07 of the Victoria Planning Provisions
- allow municipal councils to include a minimum lot size for use of land for a dwelling, both with and without a permit, in a schedule to each of the Rural Living Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone and Rural Activity Zone
- amend clause 44.06 of the Victoria Planning Provisions to provide a comprehensive Bushfire-prone Overlay provision.

#### **MAV recommendations**

The MAV recommends that:

- Councils be consulted in the development of any new VPP instruments, particularly the new Bushfire-prone Overlay and minimum lot sizes.
- Minimum lot sizes be prescribed and introduced at a state-wide level in consultation with councils.
- The new Bushfire-prone Overlay resolve, in-so-far as is practicable, the tensions between fire protection and vegetation removal and provide clear provisions within which an application may be ‘code assessed’ and for those matters referral to the CFA is not required.

### **2.3.4 Royal Commission Recommendation 40**

The CFA amends its guidelines for assessing permit applications for dwellings, non-dwellings and subdivisions in the Bushfire-prone Overlay in order to accommodate the amendments to the Wildfire Management Overlay that are implemented as a result of recommendation 39 and make the guidelines available to municipal councils and the public. The revised guidelines should do the following:

- substantially restrict new developments and subdivisions in those areas of highest risk in the Bushfire-prone Overlay
- set out the CFA’s guidelines for assessing permit applications for dwellings, non-dwellings and subdivisions—including the minimum defendable space requirements for different risk levels
- clarify that the CFA will approve new developments and subdivisions only if the recommended bushfire protection measures—including the minimum defendable space—can be created and maintained on a continuing basis
- emphasise the need for enduring permit conditions—in particular, conditions for the creation and maintenance of minimum defendable space to be maintained for the life of the development.

**MAV recommendations**

The MAV recommends that:

- Unless resourced, that the cost of complying with CFA or other WMO conditions not fall solely to councils.
- As enforcement under the Planning and Environment Act can be costly, uncertain and is ultimately pursued through VCAT, that complementary roles of the CFA, and Municipal Fire Prevention Officer be explored.

**2.3.5 Royal Commission Recommendation 41**

The state:

- Amends the Victoria Planning Provisions to require that, when assessing a permit to remove native vegetation around an existing dwelling, the responsible authority and the Department of Sustainability and Environment, as referral authority, take into account fire hazard and give weight to fire protection purposes.
- Develops guidelines for determining the maximum level of native vegetation removal for bushfire risk mitigation, beyond which level the application would be rejected.

**MAV recommendations**

The MAV recommends that:

- The provisions of the new Bushfire-prone Overlay resolve, insofar as is possible, the extent of vegetation that may be removed, subject to vegetation type and significance without referral to DSE.
- DSE, in having regard to fire hazard, should work with the CFA, so that a single and authoritative set of guidelines is developed.
- Local government be consulted in the preparation of guidelines.

**2.3.6 Royal Commission Recommendation 42**

The Department of Sustainability and Environment develops and administers a collective offset solution for individual landholders who are permitted to remove native vegetation for the purpose of fire protection.

**2.3.7 Royal Commission Recommendation 43**

The Department of Sustainability and Environment conducts biodiversity mapping identifying flora, fauna and any threatened species throughout Victoria and makes the results publicly available. The format used should be compatible with that used for Bushfire-prone Area mapping.

**MAV recommendations**

The MAV recommends that councils as significant landholders be consulted in the development of a collective offset scheme.

**2.3.8 Royal Commission Recommendation 44**

The CFA produces for community guidance material on fire-resistant landscape and garden design, including a list of fire-resistant species.

**MAV recommendations**

The MAV recommends that councils in environmentally sensitive areas be consulted on the development of the guidance material.

**2.3.9 Royal Commission Recommendation 45**

The state press municipal councils—in particular, Murrindindi Shire Council—to urgently adopt a bushfire policy in their Local Planning Policy Framework and incorporate bushfire risk management in their planning policies and strategies for rebuilding communities such as Marysville, Kinglake and others affected by the January–February 2009 fires.

**MAV recommendations**

The MAV recommends that:

- The Department of Planning and Community Development, jointly with the MAV and councils, develops a work program to:
- agree on a ‘model local policy’ that complements the amended state planning provisions foreshadowed in other Royal Commission recommendations
- agree on the areas that would benefit from such a local policy as a priority
- provide funding support to councils to introduce local policies where required.

**2.3.10 Royal Commission Recommendation 46**

The state develops and implements a retreat and resettlement strategy for existing developments in areas of unacceptably high bushfire risk, including a scheme for non-compulsory acquisition by the state of land in these areas.

**MAV recommendations**

The MAV recommends that:

- This recommendation be progressed in concert with the settlement planning outlined in recommendation 38.
- The prevention of new dwellings in inappropriate areas be the priority.
- The State government actively supports councils to participate in the development of a State-coordinated retreat and resettlement strategy and in particular for community engagement.
- Given that compulsory or non-compulsory acquisition is not critical to implementing a retreat and resettlement strategy, alternative instruments be identified, promoted and funded.

**2.3.11 Royal Commission Recommendation 51**

The Victorian Building Commission, in conjunction with the CFA, develops, publishes and provides to the community and industry information about ways in which existing buildings in bushfire-prone areas can be modified to incorporate bushfire safety measures.

**MAV recommendations**

The MAV recommends that support be provided to councils to assist them to upgrade council buildings in high fire risk areas, where this is identified as part of the MEMP.

### 2.3.12 Royal Commission Recommendation 52

The state develops and implements, in consultation with local government, a mechanism for sign-off by municipal councils of any permit conditions imposed under the Bushfire-prone Overlay and the regular assessment of landowners' compliance with conditions.

#### MAV recommendations

The MAV recommends that:

- A working group be established with the MAV and councils to explore:
- practical responses across various compliance and enforcement regimes to minimise the burden on councils and ensure an effective approach is established
- consideration of legislative changes to avoid reliance on enforcement action through VCAT
- role of individual landowner in compliance regime.

**2.3.13 Royal Commission Recommendation 53**

The state amends s.32 of the Sale of Land Act 1962 to require that a vendor’s statement include whether the land is in a designated Bushfire-prone Area, a statement about the standard (if any) to which the dwelling was constructed, the bushfire attack level assessment at the time of construction (where relevant) and a current bushfire attack level assessment of the site of the dwelling.

**MAV recommendations**

The MAV recommends that:

- The vendor’s statement could simply include a planning permit property report which would indicate if the land is in a designated Bushfire-prone Overlay, although this would not indicate whether that overlay existed at the time of construction.
- Appropriate cost recovery fees be established for the statement regarding the standard to which the dwelling was constructed.
- Some quality assurance for a current BAL assessment be considered.

Land and Fuel Management

**2.4.1 Royal Commission Recommendation 60**

The state amends the exemptions in clause 52.17-6 of the Victoria Planning Provisions to ensure that the provisions allow for a broad range of roadside works capable of reducing fire risk and provide specifically for a new exemption where the purpose of the works is to reduce bushfire risk.

**MAV recommendations**

The MAV recommends that:

- The exemption under clause 52.17-6 ‘stand alone’ without the need for individual agreements to be entered into with DSE.
- Further exemptions from other overlay permit requirements be considered to give effect to a Municipal Fire Prevention Plan.

**2.4.2 Royal Commission Recommendation 61**

The state and commonwealth governments provide for municipal councils adequate guidance on resolving the competing tensions arising from the legislation affecting roadside clearing and, where necessary, amend environment protection legislation to facilitate annual bushfire-prevention activities by the appropriate agencies.

**MAV recommendations**

The MAV recommends that:

- Any guidance provided to councils clearly articulate councils obligations taking into account both state and federal legislation.
- A cooperative process be initiated for councils to directly articulate to relevant state and federal government representatives current challenges to inform any legislative review.
- Some protection from litigation and penalties be explored for councils making reasonable efforts and acting in good faith regarding roadside clearing.

### 2.4.3 Royal Commission Recommendation 62

VicRoads implements a systematic state-wide program of bushfire risk assessment for all roads for which it is responsible, to ensure conformity with the obligations in s.43 of the Country Fire Authority Act 1958 and with the objectives expressed in the VicRoads 1985 Code of Practice.

#### MAV recommendations

The MAV recommends that:

- VicRoads share relevant data with local councils to inform councils work on local roads.

Organisational Structure

### 2.5.1 Royal Commission Recommendation 64

The state replaces the fire services levy with a property-based levy and introduce concessions for low-income earners.

#### MAV recommendation

The MAV has made a submission to the Department of Treasury and Finance *Fire Services Levy Green Paper* and would support the state continuing its current review process, giving consideration to the issues raised by councils in response to Recommendation 64.

#### STATE GOVERNMENT RESPONSE TO ROYAL COMMISSION

The state government's response to the Royal Commission was important to many communities, individuals, agencies, and local government. Any action as a result of the Royal Commission recommendations was heavily dependent on the response from the state government and the resources applied to the many issues raised by the Royal Commission.

The government's response includes \$867.3 million of new funding commitments over four years, including significant funding to assist the MAV and local government.

The following reforms and investments will be made which will be a partnership support to local government and the MAV.

#### BUSHFIRE SAFETY POLICY

- **\$19.1 million** to extend the Community Safety Emergency Support Fund which has been successful in providing grants to local volunteer emergency services groups such as the CFA and VICSES for new equipment, and expanding the Valuing Volunteers Program to retain, recognise and recruit more volunteers to emergency services.
- **\$13.7 million** will be invested in community information and education programs and enhanced fire safety messages, including new signage.
- **\$11.5 million** in capital grants to fund the rectification for and establishment of further Neighbourhood Safer Places and establish standards to progress the development of other shelter options. Grants will be made available to councils, business and community groups to develop last-resort options that meet stringent CFA criteria.;
- **\$11.3 million** to local government to employ five staff members through the MAV and one staff member in each of 25 councils in high fire risk areas, and a further \$500,000 for the MAV to allocate to councils with additional needs.

- **\$6.1 million** over two years through the CFA to support the Township Protection Program to develop localised fire preparation and plans for communities in the event of a bushfire threat. This funding will support exercises to be conducted enacting individual Township Protection Plans in high bushfire risk communities.
- **\$3.4 million** to increase the level of support the CFA provides to local government in the area of fire prevention planning.
- **\$5.5 million** over two years for the CFA to further drive and assist in the development of municipal fire management plans for high risk bushfire risk communities.
- **\$800,000** to provide training on the revised bushfire safety policy to all CFA members to ensure their communities are receiving accurate, up-to-date information and education.
- **\$250,000** to audit databases to ensure vulnerable people in high bushfire risk areas are given help and assistance to prepare and enact their own bushfire survival plans on days of fire danger, by receiving information and advice and being better connected with existing community registers, service providers, and local networks.

PLANNING AND BUILDING

- **\$19 million** for an integrated building and planning hazard mapping and risk response framework, including native vegetation and hazard mapping, land use mapping, a new education, compliance and enforcement system and support for integrated fire management planning in communities. It will include an analysis of lot patterns and other factors in each region in conjunction with the new hazard mapping to produce regional policy responses and inform how relevant statutory controls should be applied. Guidelines for assessing risk and promoting fire response design for regional cities and towns will be developed by the Department of Planning and Community Development, together with appropriate mechanisms to consider the guidelines of relevant planning decisions.
- **\$6.8 million** to boost the DSE's role in developing vegetation policies, preparing planning scheme amendments and managing implementation issues in response to any significant changes in native vegetation controls and associated programs including roadside vegetation management.
- **\$2.7 million** for a scheme to improve training and education for planning and building practitioners.
- A review and update of planning provisions that relate to bushfire including revising the state's planning policy on bushfire, the Wildfire Management Overlay and regional and local policy responses.
- The 10/30 rule will be extended for another 18 months while the government implements new planning provisions for bushfire and vegetation removal in response to the recommendations of the Royal Commission.
- The government will implement a range of locally designed bushfire mitigation measures to reduce bushfire risk and improve safety for communities in high risk bushfire areas.
- The government will revise the Sale of Land Act to require that a vendor's statement include information about whether the land is in a designated bushfire-prone area. If a Bushfire Attack Assessment level has been made for that property then the BAL assessment information will be included on the S.32 statement with pre-purchase property inspections to be promoted in areas of high bushfire risk which will provide information on the current bushfire safety of the property.

LAND AND FUEL MANAGEMENT

- **\$382.4 million** to the DSE to contribute to the staged increase in the amount of planned burning to 275,000 hectares by 2013-2014 with is five per cent of treatable public land. Following a review of the effectiveness of this program, the government will grow the program to achieve 385,000 hectares by 2015-2016. This will include employing 170 new permanent DSE fire fighting staff and 231 seasonal fire-fighters to assist in the fire preparation and fire suppression effort.
- **\$13 million** for the development of a strategic, co-ordinated roadside management framework and program of works to reduce the bushfire risk imposed by roadside vegetation on Victoria’s arterial road network to be led by VicRoads. VicRoads will conduct a statewide roadside bushfire risk assessment and carry out a program of works to reduce the bushfire risk of roadside vegetation.
- **\$6.1 million** to the DSE to further examine impacts of planned burning on biodiversity including long-term data collection, research, monitoring and modelling of the effects of planned burning programs and bushfires on the state’s biodiversity.
- **\$2.3 million** to the CFA to undertake research on fire ecology, behaviour, biodiversity, roadside safety and risk management, develop training to manage roadsides, participate in legislation reviews concerning roadside management.

Of the 67 Royal Commission final report recommendations the government has:

- Supported 60 recommendations in full.
- Supported 5 in part (Recommendations 27, 32, 48, 49, 53).
- Supported 1 in principle (Recommendation 64 – introducing a progressive property-based fire services funding model with a 50% concession for low income earners).
- Rejected 1 (Recommendation 46 – Retreat and Resettlement Strategy).

In relation to the fire services funding model, the government will continue to develop the model and principles through its Treasury White Paper, with a new model expected to be introduced from 2012.

The response supports a number of the recommendations from the MAV/ local government submission to the government in response to the final report.

The government has committed to the preparation of a full implementation plan for the reforms in coming weeks and will be guided by emergency services agencies and departments about what steps could practically be taken ahead of the next bushfire season.

The MAV is awaiting details of the package relating to the MAV and local government and will provide further details in coming weeks.

IMPLICATIONS FOR COUNCILS

Councils overwhelmingly agree that they have a key role to play in local emergency management planning and have expressed a genuine commitment to many of the proposed tasks, provided that there is a sustainable funding model and an integrated state-local partnership approach.

Given the limited financial and resource capacity of many municipalities, and the broad number of new roles and responsibilities proposed in the Royal Commission findings, state government financial support is essential.

Some activities and responsibilities will be able to be absorbed into existing council arrangements and there is willingness by municipalities to do whatever is necessary to ensure the safety of their communities.

However, new initiatives such as community sheltering options (Neighbourhood Safer places (NSP) and fire refuges), local planning for evacuation and vulnerable people, identification of hazard trees, expanded roadside clearance duties and land use planning compliance and policy development require state government funding.

If new or expanded roles are required of councils without the commensurate funding and access to additional staff, councils fear community safety and financial viability of some municipalities could be compromised. Councils acknowledge that people choosing to live in higher risk areas may incur additional costs (building, insurance, fire preparation etc) but it must be recognised that the capacity of councils to raise funds through rate increases varies markedly and is not a sustainable option for some rural councils.

Some of the nation's highest bushfire risk areas cover small rural shires that don't have the capacity to meet the new obligations on their own. Many have low populations and few options to raise additional revenue. These municipalities would have to impose unsustainable rate increases of up to 10 per cent on their communities, which couldn't be introduced until the 2011-2012 financial year.

#### INDIGO SHIRE ACTIONS

Indigo Shire Council will be governed by many of the legislative and policy reforms emanating from the Royal Commission and state government response. Many of the reforms and policy developments will take time to be fully prepared, analysed and implemented in a manner which provides clarity, flexibility and certainty. It will be imperative for Indigo Council officers to maintain a strong presence and role in the local government sector delivery of the commission recommendations, and to participate fully in working with the state government and MAV to ensure adequate funding and resources are allocated to Indigo Shire.

Whilst much of the important work as a result of the Royal Commission's recommendations will not be prominent to communities, there are many actions that Indigo Shire can take in preparation for the forthcoming fire season that will provide tangible support to the increased safety of communities and individuals. Many of the following actions have been enacted or are planned and scheduled:

- Facilitating the review of previously designated Neighbourhood Safer Places (NSP) to ensure compliance for the new fire season **(CFA assessment imminent)**.
- Facilitating and finalising the assessment of new NSP locations for Rutherglen, Barnawartha, Tangambalanga, and Sandy Creek by the CFA and Municipal Emergency Management Committee **(Assessments completed on 23 August)**.
- Continue to work with the CFA in the development of Township Protection Plans for specific towns within the shire.
- Co-ordinating the roll out of community information packages for all residents similar to the 2009/10 fire season preparation **(Scheduled for Fire Awareness Week in October)**.
- Finalising the development of the Risk Register Project for HACC clients and developing a strong implementation program **(Framework established. Implementation stage to commence)**.
- Working with appropriate agencies to establish register process for non – HACC residents considered to be vulnerable.

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- Supporting CFA led community fire season preparation meetings.
- Conducting regular opportunities for residents to dispose of green waste material as part of fire safety preparations.
- Advocating to governments and agencies on behalf of communities for improved safety and response measures (**e.g. Stanley communications tower, regional Vicroads**).
- Accessing resources as they become available to move forward with implementation of commission recommendations.

### CONCLUSION

Implementation of the commission's recommendations calls for effort on the part of all levels of government. Whilst this might prove particularly challenging for municipal councils, the commission envisages that councils will take a greater role in local planning and preparation for bushfire and in implementing existing planning and building laws within a framework that takes better account of bushfire risk, while continuing with their existing role in bushfire relief and recovery.

The commission report and recommendations, along with the broad response by the state government, and the strong input by councils through the MAV process, have established a positive basis for all levels of government, agencies, communities and individuals, to improve the planning, preparation, and management of bushfire risk and events into the future. The challenge now is to ensure that the implementation of the recommendations is conducted in a co-ordinated, integrated, and timely manner to ensure the safety of communities and individuals.

**11.3 UPPER MURRAY REGIONAL LIBRARY (UMRL)**

**File No.: 09/152 - Mark Florence - General Manager Sustainable Communities**

*Mark Crouch departed the meeting at 4.22pm and returned at 4.32pm.*

**For Decision**

**RECOMMENDATION**

That based on the report content, Council considers and assesses the merits to support or not support, the request from the UMRL board for an additional contribution of \$27,627 towards operating and structural change costs, and that Council commits to continuing to participate in a process to develop a sustainable model of library service operations and structures.

**Moved: Cr Croucher  
Seconded: Cr Goldsworthy**

**That Council supports the request from the UMRL board for an additional contribution of \$27,627 towards operating and structural change costs, and that Council commits to continuing to participate in a process to develop a sustainable model of library service operations and structures.**

**Carried**

| <b>For:</b>           | <b>Against:</b>   |
|-----------------------|-------------------|
| <b>Cr Pockley</b>     | <b>Cr Gaffney</b> |
| <b>Cr Croucher</b>    |                   |
| <b>Cr Graham</b>      |                   |
| <b>Cr Murdoch</b>     |                   |
| <b>Cr Issell</b>      |                   |
| <b>Cr Goldsworthy</b> |                   |

**BACKGROUND**

At the July Council meeting, Council was informed of issues and concerns relating to the operations of the Upper Murray Regional Library (UMRL). These issues and concerns centred on UMRL’s capacity to manage financial pressures and structural implications resulting from staffing and service changes. The future viability and performance of UMRL had been brought into question and member councils, including Indigo Shire Council, had been asked to contribute additional funds to ensure UMRL’s viability.

Council resolved to defer any decision relating to the requested funds of \$27,627 until such time that the UMRL board could demonstrate to Council and its officers, that appropriate actions and processes had been put in place to strengthen and secure the UMRL future operations.

This report provides an update on activities and actions undertaken by the UMRL board.

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- The board has reviewed the UMRL 2010/2011 budget and made adjustments to ensure viability including changes to staffing structures and hours.
- The current CEO has resigned effective from 1 October 2010. The board is currently assessing the position requirements to determine future needs and skills and the future EFT requirement.
- The board has instituted a special sub-committee of member council officers, to conduct a two stage review process.
- Stage 1 will review the existing UMRL model and explore opportunities for changes, and identify and analyse other models of library services to ensure any future model complies with Victorian and NSW legislative requirements.
- Stage 2 will consider and make recommendations to the board based on the recently conducted JL Management Services Report into UMRL governance, structures and funding arrangements.
- Stages 1 and 2 will be conducted concurrently with the sub-committee work to be completed by June 2011.

Stages 1 and 2 will be supported by a one day facilitated workshop involving the UMRL board, the special sub-committee and representatives from the NSW and Victorian governments.

The UMRL board is still seeking the payment of the requested Council additional funding contribution of \$27,627. The board believes that the member councils' contributions will provide confidence and surety whilst the review process and change actions are implemented. Indigo Shire and Wodonga Council are the only member councils that have not made the additional payment.

As a result of the actions described above, it can be argued that the UMRL board has met the Council requirements to demonstrate a willingness and determination to improve the fundamental operations of the UMRL services, and to ensure that a sustainable model be assured.

Council will need to consider the funding request against the actions undertaken by the UMRL board, and assess its level of comfort and confidence. Council could consider two options as a response.

Support the payment of the requested additional funding of \$27,627.

Defer a decision until the two stage review process provides some clearer indication of future service models and operating structures

Regardless of what decision Council ultimately makes in relation to the funding request, it is appropriate that Indigo Council continue to participate strongly in the work that is required to ensure that UMRL is structured and operates in a manner that is sustainable and relevant to the needs of communities.

### KEY IMPLICATIONS

The actions as listed above creates a more stable environment from which further work on the structures and operations of UMRL can be assessed and developed. Member councils now have the opportunity and motivation to participate in a process to determine appropriate levels of library services for each area, and how that service best meets community need.

### FINANCIAL IMPLICATIONS

Indigo Council is not impacted by an unbudgeted funding contribution by a decision to not support the UMRL board request. Should Council support the request, then an unbudgeted payment of \$27,627 will be required.

Indigo Council's other annual financial contribution will be maintained to that set out in the service agreement held with UMRL under current funding formulas, and included in the 2010/2011 budget.

The commitment to participate in work on a new model of UMRL, will reduce the prospect of member councils facing significant future costs associated with the provision of any alternative library service.

### POLICY IMPLICATIONS

The provision of a relevant and contemporary library service is a challenge for councils, particularly smaller rural shires made up of a number of communities spread across a large geographic area. Indigo Shire has supported the provision of library services for many years, through its agreements and participation in the UMRL model. This service has met Council's long held position to ensure its residents have access to good services and opportunities for knowledge and participation.

It is important that Council continue to participate strongly in the work that ensures sustainable delivery of library services through an improved UMRL model.

### CONCLUSION

Based on the above information, Indigo Council should now consider and assess the merits to support, or not support, the request from the UMRL board for a contribution of \$27,627. It is also considered important that Indigo Council continues to maintain a strong level of participation in the work to ensure a sustainable and relevant UMRL library service is developed.

**11.4 INSTALLATION OF LEOPARD TANK AT RUTHERGLEN MEMORIAL PARK**

**File No.: 09/103 - David Koren - Manager Community Planning**

Cr Graham declared an indirect interest by close association as his wife is the president of the Rutherglen RSL and also an indirect interest because of a conflicting duty as the welfare officer.

*Cr Graham departed the meeting at 4.36pm and returned at 4.40pm.*

**For Decision**

**RECOMMENDATION**

**That Council authorises the installation of a decommissioned Leopard Tank at Rutherglen Memorial Park in partnership with the Rutherglen Sub-Branch RSL subject to the following conditions:**

**A community consultation process takes place to ensure community support for the project.**

**If the Rutherglen community supports the installation of the tank, it is installed with the appropriate safety measures as detailed in the body of this report.**

**Moved: Cr Goldsworthy  
Seconded: Cr Murdoch**

**That Council authorises the installation of a decommissioned Leopard Tank at Rutherglen Memorial Park in partnership with the Rutherglen Sub-Branch RSL subject to the following conditions:**

**A community consultation process takes place to ensure community support for the project.**

**If the Rutherglen community supports the installation of the tank, it is installed with the appropriate safety measures as detailed in the body of this report.**

**Unanimously Carried**

**INTRODUCTION**

The Rutherglen Sub-Branch RSL has approached Council to support the installation of a decommissioned Leopard Tank at Rutherglen Memorial Park. This report outlines the appropriate process for the project and recommends the installation of the tank subject to consultation and risk management measures.

**BACKGROUND**

In September 2007, the Rutherglen Sub-Branch RSL received advice from the Department of Defence that decommissioned army tanks were being made available for communities around Australia. Rutherglen indicated their interest in one of the tanks and the process was commenced. In March 2008, the federal government put the project on hold.

In March 2010, the Department of Defence once again commenced negotiations with the Rutherglen RSL around the project initiating the RSL to approach Council for its support to install the tank.

The proposed site for the installation of the tank is the Rutherglen Memorial Park. The park is located on crown land and Indigo Shire Council is the delegated committee of management responsible for the management and maintenance of the park. As such, approval from Council and the land owner are required before the project can proceed. The Department of Sustainability & Environment (DSE), representing the land owner, has indicated their support for the installation of the tank subject to “all apertures being welded closed”.

The park is a passive but popular area of open space which currently contains the Vietnam Memorial Wall and associated rose garden and Vietnam Cross. The park also contains other pieces of army machinery including a cannon and large calibre guns.

The proposed site for the Leopard Tank will not detract from the visual amenity of the park and will enhance a site which commemorates the efforts of Australian service personnel who participated in past conflicts.

The Department of Defence is committed to contributing substantially to the project by being responsible for the following:

- Ensuring that the tank is fully decommissioned and is made safe by removing or engineering any apertures, entrapment points, sharp edges or other potential safety hazards.
- Delivering and unloading the tank to the designated site.

The Rutherglen RSL is committed to constructing an appropriate pad, which must be a minimum 4.5m x 3.5m, for the tank and adhering to any other risk management measures required to ensure the tank will not be a hazard for the community.

### KEY IMPLICATIONS

*The Rutherglen RSL is very keen for the project to proceed, however, it is important for several issues to be addressed before any approval is given.*

- Community consultation – The Rutherglen community is largely unaware of the project and it is considered appropriate that a community consultation process is completed prior to the project proceeding to gauge the support for the installation of the tank.
- Risk management – Although the tank is not play equipment, it can be reasonably assumed that members of the community, particularly children, may be tempted to touch or climb on the tank. To minimise the risk, it is appropriate that the following measures be put in place prior to the installation of the tank:
  - the Department of Defence to fully decommission the tank and make it safe by minimising entrapment points, moving parts or sharp edges
  - a 1m post and single chain or rope ‘fence’ be erected around the tank to deter the community from climbing on the tank
  - signage to be placed on the ‘fence’ with wording along the lines of “Do not climb, not play equipment”.

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- Planning permit – Council, in conjunction with the Rutherglen RSL, will manage the project to ensure appropriate community consultation and risk management issues are addressed. As the land management authority and project manager, Council will not require a planning permit for this project.
- Future maintenance – The Rutherglen RSL will commit to the future maintenance of the tank, which is expected to be minimal. Council currently maintains the open space at the park. The installation of the tank is not expected to have any impact on the maintenance of the park.

Generally, the installation of the tank is considered to be an appropriate project for Memorial Park and will enhance the site as a commemoration of the contributions of Australian service personnel in past conflicts.

### FINANCIAL IMPLICATIONS

The full cost of the project will be the responsibility of the Department of Defence and the Rutherglen RSL. There will be no capital costs for Council as part of the delivery and installation of the tank.

The Rutherglen RSL has committed to the future maintenance of the actual tank. There will be minimal impact on the ongoing costs of maintenance of the grounds by Council as a result of the installation.

### POLICY IMPLICATIONS

The partnership with the Rutherglen Sub-Branch RSL to install the Leopard Tank is supported by the Council Plan 2010–2013 Objective 4.8 Empowering our Communities – “Council staff to engage with key community groups to support and promote activities as appropriate” and “provide resources to assist the community to implement their priorities”.

The community consultation process is an important step in the process for this proposed project. Council will communicate with the Rutherglen community to ensure there is strong support for the tank to be installed in the Park before it goes ahead. Information regarding the timing of the delivery and installation of the tank will be communicated to the Rutherglen community when known.

### CONCLUSION

The installation of a decommissioned army tank at the Rutherglen Memorial Park will continue the development of the park as a place of commemoration for the efforts of Australian service personnel who participated in past conflicts. Subject to conditions on appropriate community consultation and risk management measures for the tank, it is considered appropriate for Council to authorise the installation of the tank.

**12.0 MAJOR PROJECTS AND PROGRAMS**

**12.1 TENDERS - BAARMUTHA PARK MULTI-PURPOSE - CONSTRUCTION & ASSOCIATED WORKS STAGE 2A, & FOOTBALL CLUBROOMS STAGE 2B NO.629**

**File No.: Q10/2581 & Q10/2582 - Jamie Heritage - Manager Project Delivery**

For Decision

**RECOMMENDATION**

That:

1. Council accepts the tender from Barton Street Developments for the construction of the Baarmutha Park Multi-Purpose Facility Stage 2 and Football Club Rooms in the amount of \$956,176.00 excl GST.
2. Council authorises the Chief Executive Officer to sign and seal contract documents in relation to the works, contract Q10/2581 and Q10/2582 in accordance with recommendation above.

**Moved: Cr Goldsworthy  
Seconded: Cr Pockley**

**That this item be deferred to the last item on this Agenda.**

**Unanimously Carried**

**This motion was dealt with after item 14.1**

**Moved: Cr Graham  
Seconded: Cr Issell**

**That:**

1. Council accepts the tender from Barton Street Developments for the construction of the Baarmutha Park Multi-Purpose Facility Stage 2 and Football Club Rooms in the amount of \$956,176.00 excl GST.
2. Council authorises the Chief Executive Officer to sign and seal contract documents in relation to the works, contract Q10/2581 and Q10/2582 in accordance with recommendation above.

**Unanimously Carried**

INTRODUCTION

Tenders were called for the construction of the Baarmutha Park Multi-Purpose Facility Stage 2A on 21 July 2010 with Stage 2B Football Club Rooms following on Monday 2 August 2010. The works are proposed to be completed with the Community Infrastructure Program grant received in 2009 plus additional state funding grants and Council revenue.

This report provides an overview of the project’s background and the tender process for the construction contract works.

BACKGROUND

The Baarmutha Park project is located at Baarmutha Park, Balaclava Road Beechworth. A multi-purpose facility was proposed for the site with a minimal project scope forming part of a Regional and Local Community Infrastructure Program (RLCIP) strategic project submission in 2009.

Further to Council being successful in receiving a grant for the projects forming part of the strategic RLCIP submission, tenders were advertised for the design, consultancy and contract administration of these projects. Indi Architects was subsequently engaged for the Baarmutha Park Multi-Purpose Facility works on 31 July 2009.

Further to consultancy with the committee of management, Indi Architects presented final concept drawings for the facility at a public meeting. The concept drawings met with general acceptance from those present.

The proposed Baarmutha Park Stage 2 plans were finalised with the committee further to the public meeting. The overall design is aimed at providing the ground floor infill of the multi-purpose facility and new football clubrooms to meet the wide variety of local community needs and user group requirements.

Final tender design documentation was prepared by Indi Architects and distributed to four tenderers selected from the Expression of Interest process on 29 May 2010. A total of four tenders were received for contract 10/2582 and three received for contract 10/2581 at the close of tender on 24 August 2010.

The discounted combined lowest tender value received was \$1,037,659 inc GST from Barton Street Developments.

KEY IMPLICATIONS

- Tenders were called in accordance with Council’s Tendering Policy.
- The selected tenderer has undertaken similar projects in terms of construction, OH&S risk and has completed projects of similar scope.
- There are no indicated legislative, regulatory or environmental implications that will result from the scoped project being completed.

FINANCIAL IMPLICATIONS

The contract pricing for the tendered works falls within Council’s capital works budget for this project.

Federal Grant Money of \$268,000 has been freed up by obtaining an additional \$300,000 RDV Grant for the Yackandandah Hall project (subtracting \$32,000 for committed funds for stage 1).

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The budget figure of \$1,150,000 (ex GST) for this project is the combined amount of this \$268,000 plus the 10/11 Budget amount of \$882,000.

### POLICY IMPLICATIONS

- This project is part of Council's adopted 2010-2011 Capital Works Program. It was proposed to be funded from the federal government's Community Infrastructure Program strategic grant funding plus additional funding (largely state) secured in the latter part of 2009/ early 2010 for Stage 2 of the project.
- The project is a result of extensive planning with a concentrated user and community groups consultation and concept design phase in 2009 and 2010 further to architect engagement at the end of July 2009.

### CONCLUSION

This facility's Stage 2 works will complement Stage 1 works in providing an expansion to the new community function centre and emergency relief centre as a hub for the Baarmutha Park recreational facility. After an Expression of Interest and tender process, the recommended contractor for the construction works is Barton Street Developments.

Attachment:  
Confidential

**12.2 BEECHWORTH ST PARKING**

**File No.: 09/1555 - Mark Greene - Civil Works/Waste Management Officer**

**For Decision**

**RECOMMENDATION**

1. That the current two hour parking limit in the Ford St/Camp St area of Beechworth be retained.
2. That four parking bays in front of the Visitor Information Centre be reduced from two hour to 30 minute maximum parking.
3. That the remaining parking bays from the Visitor Information Centre to Williams St and the parking bays from the Telegraph Station to Williams St be extended from two hour to four hour maximum.
4. That additional signage be installed to indicate the location of the carpark in High St. and the location of long vehicle parking in Williams St.
5. That Council Parking Officer enforcement of the two hour parking restrictions in Beechworth continues with particular emphasis to infringements in the vicinity of the Beechworth Pharmacy.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That this item be deferred pending public consultation in relation to the above recommendations.**

**Unanimously Carried**

**INTRODUCTION**

Concern has been raised regarding the provision of timed parking areas in the main Beechworth CBD more particularly in the Ford St/ Camp St areas. This report intends to review the existing timed parking areas and make recommendations to retain or vary the existing arrangements.

**BACKGROUND**

Some concern has been expressed regarding the length of time allocated to the timed parking bays available to residents and visitors in the Beechworth CBD. In the area of Ford St/Camp St bounded by Williams St, Loch St, Church St and High St, the parking limit is generally two hours. In this area, there are approximately 307 defined ie. line marked, bays including eight disabled bays.

Of these bays there are:

- 137 in Ford St between Church St and Williams St with a two hour limit.
- 64 in Camp St between Loch St and the Camp St bridge over Spring Ck with a two hour limit.
- 10 in Loch St adjacent to the supermarket with a two hour limit.
- 59 in Loch St between Camp St and Williams St with no time limit.
- 26 in Williams St between Ford St and Loch St with no time limit.

Of the 307 bays, there are three x 15 minute bays adjacent to the post office in Ford St and there is a 10 minute bus parking bay in front of the Telegraph Station building in Ford St. Signage here also directs buses to the long term bus parking available in Williams St and Loch St adjacent to the Town Hall Gardens. Two un-timed doctors' vehicle parking bays are available in Loch St adjacent to the medical centre. There are also 50 bays plus three disabled parking bays in the supermarket carpark with a two hour limit and an additional 32 bays in the public carpark located off High St with no time limit. There are many non-defined car parking spaces, on both sides of the street, available in Loch St. between the supermarket and Church St, in Church St between Loch St and High St, High St between Church St and Williams St and Williams St between High St and Ford St.

Council has recently been provided with the results of a survey into the current parking arrangements undertaken by the Beechworth Chamber of Commerce. Some 38 responses were received by the Chamber from a possible 200 businesses that are on its data base. The results of its survey indicated that nearly two thirds of those responding indicated that the timed parking areas should be more than two hours with suggestions that it be increased to three hours with the remaining one third happy with the current two hour limit. Ninety-five per cent of respondents indicated that there needed to be additional signage directing to longer-term parking.

Whilst this survey was undertaken by the Chamber of Commerce, the results are not necessarily the views of the Chamber of Commerce executive. Of the 200 businesses located in Beechworth, only 55 are actually members of the Chamber.

Some respondents indicated that there needed to be more all day parking and the Chamber of Commerce supported this. Also there was the need for clearer signage to direct caravans and busses to long vehicle parking areas.

Staff from the Visitor Information Centre (V.I.C.) have suggested the need to provide three to four short term, say 30 minute, parking bays in front of the V.I.C. and to provide for four hour parking from the V.I.C. to Williams St on both sides of Ford St. This would allow for visitors to park short term outside the V.I.C. whilst accessing V.I.C. facilities. Then they can be directed by V.I.C. staff to the longer term parking in Ford St which is right in the centre of the historic precinct. Additionally, they can be directed to the all day parking that is available on the north side of Williams St between Ford St and Loch St.

It is not possible to determine the number of visitors to the town that actually receives fines for exceeding the minimum two hour parking time limit. When an Infringement Notice is issued and placed onto the vehicle, only the registration number of the vehicle is recorded. It is only when a fine goes unpaid, and a Penalty Reminder Notice is issued, that names and addresses of the perpetrator are identified when a search of VicRoads records are undertaken. From the number of Penalty Reminder Notices issued, it is clear that the majority of these are issued to Beechworth residents. For example, during the period December 2009 to March 2010, a total of 23 reminder

notices were issued and of these 18 were to residents who have Beechworth as their address. A previous report was presented to Council at the meeting of 14 July 2009 regarding a proposal to provide a 10 minute parking bay out the front of the Beechworth Pharmacy in Ford St. This report outlined the number of options already available to pharmacy customers specifically the location of a disabled park 15 m from the shop, further disabled parks in Camp St 48m and 70m from the shop and three x 15 minute parking bays in Ford St adjacent to the post office approximately 82m from the pharmacy. Substantial two hour parking also exists in the vicinity of the shop and there is also an all day carpark available off High St that has laneway access from there to Ford St near the pharmacy.

KEY IMPLICATIONS

In assessing this parking review for Beechworth, it is recognised that the intent is to provide longer parking times so that tourists and visitors may take advantage of these times to allow for longer visits to the CBD. Whilst this may seem reasonable, it also allows for residents and business owners/operators and staff to park for longer periods in the CBD. By providing four hour parking bays in the vicinity of the V.I.C. it allows for the tourists and visitors to take advantage of extended parking in the historic precinct area that is of most interest to them in the CBD.

FINANCIAL IMPLICATIONS

A review of the existing signage in the Ford St/Camp St area has revealed that a number of signs are not to current standards and will need to be replaced along with additional signage to be installed to indicate the carpark in High St and long vehicle parking in Williams St. The cost to supply and install the appropriate signs would be in the vicinity of \$1,500 which could be funded from current budget allocations.

These changes will have an impact on our residents and visitors alike and in line with our Communications Policy will be communicated to our community via a media release and our weekly advertisement in the Ovens & Murray Advertiser. Depending on the timing of new signs being installed, an item could be placed in the in relevant Indigo Informer newsletter. This communications process should occur at least three weeks before the new signs are installed.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

The extension of the current two hour limited parking bays to a three hour limit may provide more convenience for visitors to the town and encourage them to stay longer but it may also provide the opportunity for business owners and residents to park in the CBD area for longer periods. Ample all day parking exists within the streets bounding the CBD for business owners, operators and staff to park without the need to park in the timed bays that are provided.

Attachment:  
Plan - Beechworth Street Parking

### 12.3 COBBLE STONE - DRIVEWAYS/CROSS OVERS BEECHWORTH

File No.: S040/012 - Ron Sneddon - Manager Civil Operations

*Cr Murdoch departed the meeting at 4.43pm and returned at 4.44pm*

For Decision

#### RECOMMENDATION

1. That at least one site is rebuilt in accordance with option 2 (re-lay and create a 1.8m wide path only) for the review of functionality by the disability and heritage group representatives. Assuming functionality is acceptable to all, the balance of the paths could be treated the same.
2. If option 2's approach does not prove to be trafficable as intended, the pursuit of option 3 (concrete path) would be proceeded with as the balance between heritage and disability access provision.

Moved: Cr Goldsworthy  
Seconded: Cr Issell

1. That at least one site is rebuilt in accordance with option 2 (re-lay and create a 1.8m wide path only) for the review of functionality by the disability and heritage group representatives. Assuming functionality is acceptable to all, the balance of the paths could be treated the same.
2. If option 2's approach does not prove to be trafficable as intended, the pursuit of option 3 (concrete path) would be proceeded with as the balance between heritage and disability access provision.

**Amended Motion:**

**Moved: Cr Pockley  
Seconded: Cr Croucher**

1. That at least one site is rebuilt in accordance with option 2 (re-lay and create a 1.8m wide path only) for the review of functionality by the disability and heritage group representatives. Assuming functionality is acceptable to all, the balance of the paths could be treated the same.
  
2. If functionality is not acceptable to all, then further community consultation involving the Heritage and Disability Advisory Committee's be carried out.

**Carried**

| <b>For:</b>           | <b>Against:</b>  |
|-----------------------|------------------|
| <b>Cr Gaffney</b>     | <b>Cr Graham</b> |
| <b>Cr Pockley</b>     |                  |
| <b>Cr Croucher</b>    |                  |
| <b>Cr Murdoch</b>     |                  |
| <b>Cr Issell</b>      |                  |
| <b>Cr Goldsworthy</b> |                  |

**The Amended Motion was then put as the motion:**

**Moved: Cr Pockley  
Seconded: Cr Croucher**

1. That at least one site is rebuilt in accordance with option 2 (re-lay and create a 1.8m wide path only) for the review of functionality by the disability and heritage group representatives. Assuming functionality is acceptable to all, the balance of the paths could be treated the same.
  
2. If functionality is not acceptable to all, then further community consultation involving the Heritage and Disability Advisory Committee's be carried out.

**Carried**

| <b>For:</b>           | <b>Against:</b>  |
|-----------------------|------------------|
| <b>Cr Gaffney</b>     | <b>Cr Graham</b> |
| <b>Cr Pockley</b>     |                  |
| <b>Cr Croucher</b>    |                  |
| <b>Cr Murdoch</b>     |                  |
| <b>Cr Issell</b>      |                  |
| <b>Cr Goldsworthy</b> |                  |

INTRODUCTION

At a meeting of the Indigo Shire Disability Advisory Committee held 18 May 2009, the concern relating to the uneven surface condition of the cobblestone crossovers in Camp St was raised. The surface causes problems for people with a mobility difficulty.

The uneven and irregular surface of the cobblestones, including the gaps between the stones, interfere with the small front mounted wheels of a wheelchair or similar aid.

A review of the history of this issue reveals that Indigo Shire Council received a report on this matter at its meeting held 11 November 2003.

An extract of the minutes of the resolution at that meeting is as follows:

RECOMMENDATION

*That Council:*

- *Lift and relay the two cut stone crossings in Camp St, Beechworth at the fire station and opposite.*
- *Lift and relay one of the rubble stone crossings and attempt to establish a reasonable surface by grinding.*
- *That if the relay and grinding work in 2 above are successful, that the other two crossings be similarly treated.*
- *That if the relaying and grinding work in 2 above are not successful, that the three rubble stone crossings be lifted, the stone stored for restoration work in other areas, and the driveway areas be replaced in concrete finished in a similar manner to the existing Beechworth concrete footpaths.*

Moved Cr Graham  
 Seconded Cr Bould

That the Recommendation be adopted.

CARRIED

BACKGROUND

Attachment 1 is a copy of the full report presented to Council in November 2003 which details various aspects of the issue.

From discussions with various Council staff and from what can be seen onsite today, the surfaces of each of the five cobblestone crossovers were only slightly altered following the 2003 report and therefore continue to pose a problem for wheel chair users and others who require the use of an aid for mobility.

The intention of this report is to openly discuss a proposal to modify the crossovers and create a path through the crossover to improve the surface for ease of use by those who use a mobility aid.

## CONSULTATION

Indigo Disability Advisory Committee supports action being taken to improve each of the five sites nominated as the irregularities and gaps between the cobblestones cause difficulties to those in wheelchairs or use walking frames.

The Heritage Committee has not been consulted at this point in time, however, Council's heritage advisor offers the following comments:

"All five sites located within the shopping precinct of Beechworth are controlled by a Heritage Overlay and any proposal to alter the fabric of these crossovers is likely to trigger the need for a planning permit.

The crossovers are representative of original infrastructure albeit some of these crossovers have been repaired and modified. There is little original infrastructure remaining in Beechworth or anywhere in the whole Shire. Apart from these crossovers, some gutters and archaeological remains i.e. semi buried drainage etc, there is no other extant significant fabric.

The survival of these crossovers is important as they illustrate a type of finish to the roads and paths that was common in most townships that had quarries or access to good stone. This is particularly relevant for Beechworth as the township is recognised for its quality granite stonework and the number of fine granite buildings that contribute to this aesthetic – in fact in the statement of significance for the state registered justice precinct the colour of the stone is noted as being of significant quality. Therefore the stone gutters and stone crossovers are important as they link the built fabric and provide a consistency of finish.

The removal of the stone crossovers and the replacement of the crossovers with a concrete or similar pathway will remove an important aspect of Beechworth's heritage and destroy an aspect that has a resonant character.

From an economic point of view, Beechworth relies on cultural heritage tourism and I believe that every attempt should be made to maintain and retain as much historic fabric as possible. Beechworth as well as the other historic towns in the Indigo Shire, are remarkably intact particularly when compared to other towns with a similar historic background. Many of the goldfields towns throughout Vic and NSW have in recent years capitalised on their heritage with varying degrees of success. What is becoming increasingly apparent is how fortunate we are at the Indigo Shire as we have retained a degree of intactness and integrity that is unparalleled."

In recognition of the heritage importance of the crossovers, a review of the crossovers was conducted by an independent specialist advisor. Attachment 2 is a report recently prepared by Eric Martin and Associates, consulting architects, specialist advisors on access and heritage conservation matters. This report supports the view that all five cobblestone crossovers could be re-laid to a standard that would meet the tolerances that are being proposed in a review of the Australia Standards that support and guide The Disability Discrimination Act 1992.

Also, three local business operators have been approached to gain their views and whilst action to improve and maintain public safety is supported and expected of Council, the operators also expressed a view for keeping the cobblestone crossovers as they are an integral feature of the Beechworth retail precinct.

KEY IMPLICATIONS

Risk management:

Council's insurer Civic Mutual Plus is not able to offer comment on any relevant claims from accidents, trips or falls at sites similar to the Camp St cobblestone crossovers. Its view was that this issue is clearly a decision for Council to make.

**Legislative:**

Under the current Victorian state legislation, Road Management Act 2004, road authorities if they choose to develop and adopt a road management plan, are required to maintain their footpath assets in accordance with the plan. Council's current minimum intervention level for a footpath that could be deemed a hazard is a vertical displacement of 25mm. To date, regular inspections and monitoring of the Beechworth footpath network in the shopping precinct have not triggered any repairs to the cobblestone crossovers as a consequence from meeting this intervention level.

However, it is the gaps and irregularities of the cobblestones that cause the difficulties being experienced.

The Disability Discrimination Act 1992 (commonwealth legislation) provides people with a disability and/ or their carers the ability to make complaint against council, if they feel they have been discriminated against in regard to accessing public footpaths and buildings. They can take their complaints to Human Rights and Equal Opportunities Commission (HREOC) that may follow up the complaint under the Act.

**The relevant parts of the Act are:**

Definition of a disability which includes - b) total or partial loss of part of the body, and - h) that presently exists relating to Division 2 - Discrimination in other areas - Section 23 Access to premises - including footpaths and Section F- refers to services of the kind provided by a government , government authority or a local government body.

**Planning:**

All five sites affected by proposed works are located within a Heritage Overlay, however, on a technicality, a planning permit is not required for the proposed works to occur.

It is clear from discussions with Council's Heritage Advisor, Manager Planning and Sustainable Development and Team Leader Planning, that a community / stakeholder consultation process is required, irrespective of a planning permit not being required for the proposed works. This is required to:

- Notify affected properties owners about the proposed works.
- Explain the process and timeline associated with works.
- Honour the role that heritage and sensitive heritage issues play in the community.

COMMUNICATION STRATEGY

At each site, Council officers will contact all adjoining business operators who would be affected by the proposed alteration works and cooperatively develop a works program that minimises the impact on business and path users.

Following the completion of the proposed alterations to one of the sites, Council officers will coordinate a review of the completed works by the Indigo Disability Advisory Committee and Heritage Advisory Committee.

The wider community will need to be advised as well. As councillors will see from the content of this report, the historic nature of the cobblestone crossovers in Beechworth raises a number of concerns, which means the community consultation before, during and after any work is done, will need to be carefully managed. Our Communications Policy commits us to working to develop trust and positive relationships in our community and involving the community in our plans for improvement. A specific, targeted communications strategy will be developed by the Communications Adviser to include these points when a decision is made on what approach is being taken.

FINANCIAL IMPLICATIONS

There are no current applications for financial assistance with state government or Council's capital budget. Without a grant or designated project funding, any works associated with treating these cobblestone crossovers soon will need to be accommodated under Council's local roads operations budget.

A preliminary costing of some options is as follows:

Option 1 – is to engage a specialist stone mason with suitable experience to lift and relay the existing cobblestones to the tolerances set by the Australian Standard AS1428.1. A verbal quote for this type of work by a local operator is \$350 per square metre of treatment.

Total estimated cost to treat all five sites using this method is \$25,000.

Option 2 – using the same technique in option 1 and only create a path 1.8m wide. A similar affect would be achieved as can be seen in Ford St opposite Council offices at the property entrance to the Provenance.

Total cost to treat all five sites using this approach is \$10,000.

Option 3 – is to remove a portion of the crossover and reinstate a pathway using concrete. Using a contractor in conjunction with Council's operations staff, typically footpath reinstatement cost is approximately \$150 per square metre. The minimum path width suggested is 1.8m from the property line.

Total estimated cost to treat all five sites using this method is \$4,500.

Option 4 – similar to option 3 but to remove and replace the entire crossover area in concrete.

Total estimated cost to treat all five sites using this method is \$10,600.

POLICY IMPLICATIONS

There are several Council policy documents that give direction relating to this matter:

- Indigo Shire - Council Plan 2010-2013 - Strategic objective 2 - Managing our built environment: 2.1 Protect the Shire's Heritage Assets - "Continue to foster a strong culture of support for the historic assets in our communities".
- Draft Indigo Shire Council - Healthy Communities' Plan 2010 – 2014.
- Factor 1: Healthy spaces and places - Key Priority - Improve access-to and use-of public spaces.
- Council Footpath Strategy - Action: Maintain and renew footpaths.
- Communications Policy Updated 8 June 2010 – “commitment to timely, considered, open and honest communication”.

CONCLUSION

This issue highlights the challenge of maintaining heritage valued aspects of an historic town like Beechworth with the conflicting needs of the community to safely move in and around public space.

To treat these cobblestone crossovers and improve the surface for ease of use, there are a number of options that can be considered. These options range from grinding the existing surface as first thought of in 2003, to replacing a segment with cast in-situ or precast concrete. Total removal of the cobblestones and reinstating the crossovers with concrete or asphalt is also feasible. All options will however have an impact on local business operations during construction which will require careful planning and consultation with operators to minimise disruption to business and the public.

Given the importance Indigo Shire Council and the community of Beechworth places on heritage tourism, and considering an independent specialist advisor believes that the sites could be rebuilt to suitable Australian Standards thereby meeting DDA compliance, it is recommended that at least one site is rebuilt in accordance with option 2 (re-lay and create a 1.8m wide path only) for the review of functionality by the disability and heritage group representatives. Assuming functionality is acceptable to all, the balance of the paths could be treated the same. If option 2 approach did not prove to be trafficable as intended, the pursuit of option 3 would be proceeded with as the balance between heritage and disability access provision. Council officers will work on the details with business operators and choose a site that would cause the least disruption to the community. Cost to treat one site will be approximately \$2,500.

If successful, this contentious issue could transform into a very positive initiative for the community with Council being recognised as a capable manager of its precious heritage assets and at the same time seen as responsible in catering for all its visitors and community including those who use aids for mobility.

Attachment:  
Cobble Stone Driveway/cross over's Beechworth

**13.0 GOVERNANCE**

**13.1 COUNCIL ADVISORY COMMITTEES REPORT**

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

For Decision

**RECOMMENDATION**

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

| Committee   | Date of Meeting |
|---|-----------------|
| Indigo Tourism Advisory Committee                   | 26 July 2010    |
| Indigo Environmental Advisory Committee             | Nil             |
| Heritage Advisory Committee                         | Nil             |
| Arts & Cultural Advisory Committee                  | Nil             |
| Disability Advisory Committee                       | Nil             |
| Finance Committee                                   | 4 August 2010   |
| Audit Committee                                     | 19 July 2010    |
| Burke Museum & Historic Precinct Advisory Committee | 11 August 2010  |

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

| Committee                         | Resolution   | Moved              | Seconded           |
|-----------------------------------|--|--------------------|--------------------|
| Indigo Tourism Advisory Committee | Confirmation of minutes of previous meeting.   | Cr Bernard Gaffney | Greg Porter        |
|                                   | Indigo Festival and Event Sponsorship Program – recommendation to Council on distribution of \$20,000 budget.<br>(distribution adopted at Council’s August Meeting). | Peter Meade        | Bill Bell          |
|                                   |  |                    |                    |
| Audit Committee                   | Confirmation of minutes of previous meeting.   | Frank Burfitt      | Cr Barbara Murdoch |

**Moved: Cr Pockley**  
**Seconded: Cr Issell**

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

| <b>Committee</b>                                    | <b>Date of Meeting</b> |
|---|------------------------|
| Indigo Tourism Advisory Committee                   | 26 July 2010           |
| Indigo Environmental Advisory Committee             | Nil                    |
| Heritage Advisory Committee                         | Nil                    |
| Arts & Cultural Advisory Committee                  | Nil                    |
| Disability Advisory Committee                       | Nil                    |
| Finance Committee                                   | 4 August 2010          |
| Audit Committee                                     | 19 July 2010           |
| Burke Museum & Historic Precinct Advisory Committee | 11 August 2010         |

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

| <b>Committee</b>                  | <b>Resolution</b>  | <b>Moved</b>       | <b>Seconded</b>    |
|-----------------------------------|--|--------------------|--------------------|
| Indigo Tourism Advisory Committee | Confirmation of minutes of previous meeting.   | Cr Bernard Gaffney | Greg Porter        |
|                                   | Indigo Festival and Event Sponsorship Program – recommendation to Council on distribution of \$20,000 budget.<br><br>(distribution adopted at Council's August Meeting). | Peter Meade        | Bill Bell          |
|                                   |  |                    |                    |
| Audit Committee                   | Confirmation of minutes of previous meeting.   | Frank Burfitt      | Cr Barbara Murdoch |

**Unanimously Carried**

## ORDINARY COUNCIL MEETING MINUTES – 14.09.10

### INTRODUCTION

A copy of the Minutes from the abovementioned meetings is appended to this Agenda.

### BACKGROUND

Please refer to the appended Minutes.

### IMPLICATIONS

There are no key, financial or policy implications.

### CONCLUSION

Not applicable.

#### Attachments:

Minutes – Indigo Tourism Advisory Committee – 26 July 2010

Minutes - Finance Committee – 5 August 2010

Minutes and Chairpersons Report – Audit Committee – 19 July 2010

Minutes – Burke Museum & Historic Precinct Advisory Committee – 11 August 201

**13.2 BORDER TRUST - PROPOSAL**

**File No.: Brendan McGrath – Chief Executive Officer**

Cr Issell declared an indirect interest because of a conflicting duty as the chairperson of Border Trust.

*Cr Issell departed the meeting at 5pm and returned at 5.03pm.*

**For Decision**

**RECOMMENDATION**

**That Council support the Border Trust sponsorship request of \$1,000.00.**

**Moved: Cr Goldsworthy  
Seconded: Cr Graham**

**That Council support the Border Trust sponsorship request of \$1,000.00.**

**Unanimously Carried**

**INTRODUCTION**

The Border Trust Board of Directors have sent a request to eight Councils including; Albury, Wodonga, Greater Hume, Alpine, Corowa, Indigo, Towong and Tumbarumba, requesting support for their fund development strategy.

**BACKGROUND**

The Border Trust has been in operation for five years, their main functions include; fund raising, grant making and community development – where they provide opportunities for local people gaining benefit from “local acts of philanthropy”. See attached letter for specific details of the “Grant Making” and Board of Directors.

To date they have distributed \$200,000.00 toward a number of families and projects across the region.

### KEY IMPLICATIONS

There are no key implications in relation to this.

From a communication perspective it is considered important that the existence and purpose of the Trust could be communicated more broadly by Council as another funding source. A feature in the Indigo Informer would be a good way of promoting this avenue of funding for our communities.

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

If the recommendation to approve the funding request, of \$1000.00 is supported, then \$1,000.00 would need to be Budgeted as part of the Council mid-year Budget review, which should not pose any difficulty.

### CONCLUSION

Encouraging and participating in the opportunities available to all residents within Indigo Shire to be active, striving to achieve their goals, both professionally and personally, and providing an opportunity for them to succeed and to be the best they can be is considered a very worthy initiative for Council to be involved in.

*Attachment:  
Letter – received 19 August 2010*

14.0 NOTICES OF MOTION

14.1 CHILTERN INDUSTRIAL ESTATE – CR MURDOCH

**TAKE NOTICE** that at a meeting of Council to be held on Tuesday 14 September 2010, I intend to move the following motion:

That Council Officers investigate the availability of suitable land that can be re-zoned industrial /commercial in Chiltern.

Cr Barbara Murdoch      Signature:



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Date: 6 September 2010

Moved: Cr Murdoch  
Seconded: Cr Croucher

That Council Officers investigate the availability of suitable land that can be re-zoned industrial/commercial in Chiltern, and a report provided on the progress made to the November Council Meeting.

**Unanimously Carried**

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

**15.1 CR GAFFNEY - MAYOR**

| DATE | TIME    | FUNCTION/EVENT  | LOCATION     |
|------|---------|---|--------------|
| 1    | 2pm     | Rutherglen Senior Citizens AGM                        | Rutherglen   |
| 2    | 10am    | Weekly Meeting with CEO                               | Beechworth   |
|      | 6pm     | Community Grants Presentation Evening                 | Beechworth   |
|      | 7pm     | Stanley Residents Telstra Meeting                     | Stanley      |
| 3    | 9am     | Ned Kelly Committee Meeting                           | Beechworth   |
|      | 3pm     | Beechworth Correctional Facility Tour                 | Beechworth   |
|      | 4pm     | Council Briefing Meeting                              | Beechworth   |
| 4    | 12pm    | Smaller Shire Funding Meeting                         | Melbourne    |
|      | 4pm     | Bushfire Royal Commission Meeting                     | Melbourne    |
| 5    | 6.30pm  | Bushfire Royal Commission Recommendation Public Forum | Beechworth   |
| 6    | All Day | Ned Kelly Festival                                    | Beechworth   |
| 7    | All Day | Ned Kelly Festival                                    | Beechworth   |
| 8    | All Day | Ned Kelly Festival                                    | Beechworth   |
| 9    | 10am    | Weekly Meeting with CEO                               | Beechworth   |
|      | 11.30am | SP Ausnet Meeting                                     | Beechworth   |
|      | 1.30pm  | Rutherglen Bypass VicRoads Meeting                    | Beechworth   |
| 10   | 2pm     | Council Briefing Meeting                              | Yackandandah |
|      | 3pm     | Council Meeting                                       | Yackandandah |
|      | 6.30pm  | Community Forum                                       | Yackandandah |
| 11   | 3pm     | Wine Board Meeting                                    | Rutherglen   |
| 12   | 2pm     | Beechworth Red Cross AGM                              | Beechworth   |
| 13   | 12.30pm | Natalie Keaveney Farewell Luncheon                    | Yackandandah |
|      | 3pm     | Meeting with CEO Rural Housing Network                | Beechworth   |
| 16   | 10am    | Weekly Meeting with CEO                               | Beechworth   |
|      | 2pm     | Essential Services Commission Meeting                 | Wangaratta   |
| 17   | 6.30pm  | Community Forum                                       | Kergunyah    |
|      | 10.30am | Meeting with CEO and Beechworth Health CEO            | Beechworth   |
|      | 5.45pm  | Briefing re: Planning Issue                           | Kergunyah    |

## ORDINARY COUNCIL MEETING MINUTES – 14.09.10

|    |         |                                      |              |
|----|---------|--------------------------------------|--------------|
|    | 6.30pm  | Community Forum                      | Kergunyah    |
| 20 | 11am    | Launch Indigo Antique Fair           | Chiltern     |
| 23 | 12pm    | Indigo Shire Community Based Meal    | Chiltern     |
| 24 | 10am    | Weekly Meeting with CEO              | Beechworth   |
|    | 1.30pm  | Stanley Town Protection Plan Meeting | Beechworth   |
|    | 4pm     | Council Briefing Meeting             | Yackandandah |
|    | 6pm     | Beechworth Rotary Presentation       | Beechworth   |
| 25 | 12pm    | Yackandandah Sports Park Opening     | Yackandandah |
|    | 3pm     | Hume Strategy Launch                 | Wangaratta   |
| 26 | 9am     | Wine Board Meeting                   | Rutherglen   |
| 28 | 10am    | Sandy Creek Fire Station Opening     | Sandy Creek  |
| 29 | 10am    | Community Cancer Wing Rally          | Wodonga      |
|    | 11am    | Chiltern Antique Fair                | Chiltern     |
| 30 | 10.30am | Weekly Meeting with CEO              | Beechworth   |
| 31 | 4pm     | Council Briefing Meeting             | Yackandandah |

**15.2 CR POCKLEY - DEPUTY MAYOR**

| DATE  | TIME    | FUNCTION/EVENT   | LOCATION                  |
|-------|---------|--|---------------------------|
| 2     | 11.30am | Chiltern Red Cross AGM Luncheon                              | Chiltern                  |
|       | 6.15 pm | Beechworth Neighbourhood Centre Board Meeting                | Beechworth                |
| 3     | 10.30am | Barnawartha Playgroup Reading                                | Barnawartha               |
|       | 4pm     | Council Briefing Meeting                                     | Yackandandah              |
| 4     | 6pm     | Developing Women's Business dinner                           | Beechworth                |
| 5     | 10.30am | Welcome to new YCEN Manager                                  | Yackandandah              |
|       | 6pm     | Yackandandah Public Hall forum                               | Yackandandah              |
| 6     | 2pm     | Climate Change Presentation by MAV                           | Yackandandah              |
| 8     | 11.15am | Ned Kelly Festival   | Beechworth                |
| 9     | 7pm     | North East Multicultural Association Meeting                 | Beechworth                |
| 10    | 2pm     | Council Briefing Meeting                                     | Yackandandah              |
|       | 3pm     | Council Meeting  | Yackandandah              |
|       | 6.30pm  | Community Forum  | Yackandandah              |
| 11    | 7.30pm  | Burke Museum & Cultural Precinct Meeting                     | Beechworth                |
| 16    | 6pm     | Burke Museum & Cultural Precinct Marketing Sub Group Meeting | Beechworth                |
| 17    | 6.30pm  | Community Forum  | Kergunyah                 |
| 19    | 3pm     | Indigo Heritage Advisory Committee Meeting                   | Chiltern                  |
| 20    | 1-3pm   | LGPRO Emerging Leaders Tour                                  | Beechworth & Yackandandah |
| 24    | 8am     | Meeting with Constituent                                     | Yackandandah              |
|       | 4pm     | Council Briefing Meeting                                     | Yackandandah              |
| 25    | 11.30am | National Meals on Wheels Day                                 | Beechworth                |
|       | 3.15pm  | Hume Strategy Launch   | Wangaratta                |
| 26/27 | All Day | MAV Negotiations Workshop                                    | Melbourne                 |
| 30    | 11 am   | YCEN – mentoring pre-session                                 | Yackandandah              |
|       | 6 pm    | Beechworth Neighbourhood Centre Board Meeting                | Beechworth                |
| 31    | 4pm     | Council Briefing   |                           |

**15.3 CR GRAHAM**

| DATE  | TIME    | FUNCTION/EVENT  | LOCATION     |
|-------|---------|---|--------------|
| 1     | 2pm     | Rutherglen Senior Citizens AGM                                    | Rutherglen   |
| 2     | 6pm     | Community Grants Presentation Evening                             | Beechworth   |
| 3     | 4pm     | Council Briefing Meeting  | Yackandandah |
| 5     | 7pm     | Timor Leste Dinner  | Rutherglen   |
| 10    | 2pm     | Council Briefing Meeting  | Yackandandah |
|       | 3pm     | Council Meeting   | Yackandandah |
|       | 6.30pm  | Community Forum   | Yackandandah |
| 11    | All Day | Department of Veterans Affairs Meeting                            | Melbourne    |
| 16/17 | All Day | Association of Victoria Regional Waste Management Groups Meetings | Melbourne    |
| 18    | 9.30am  | North East Regional Waste Management Meeting                      | Wangaratta   |
| 19    | 11.30am | North East Road Safe Committee Meeting                            | Wangaratta   |
| 22    | 11.30am | Order of Australia Meeting  | Yarrowonga   |
| 23    | 10am    | North East Regional Waste Management Group                        | Wangaratta   |
| 27    | 7pm     | Rutherglen Primary School Production                              | Rutherglen   |

**15.4 CR CROUCHER**

| DATE | TIME    | FUNCTION/EVENT  | LOCATION      |
|------|---------|---|---------------|
| 2    | 9am     | Presentation of SRC Badges to Kiewa Valley Primary School | Kiewa Valley  |
|      | 10am    | Meeting with Kevin Mayhew                                 | Wodonga       |
|      | 6pm     | Community Grants Presentation Evening                     | Beechworth    |
| 3    | 4pm     | Council Briefing Meeting                                  | Yackandandah  |
| 4    | 12pm    | Indigo Shire Community Based Meal                         | Beechworth    |
| 6    | 2pm     | Climate Change Presentation                               | Yackandandah  |
| 7    | 7.30pm  | Ned Kelly Festival Outlaw Reunion                         | Beechworth    |
| 8    | 10am    | Ned Kelly Festival Harry Power & The Boy Bushranger       | Beechworth    |
| 9    | 10am    | Upper Murray Regional Library Meeting                     | Wodonga       |
| 10   | 2pm     | Council Briefing Meeting                                  | Yackandandah  |
|      | 3pm     | Council Meeting   | Yackandandah  |
|      | 6.30pm  | Community Forum   | Yackandandah  |
| 16   | All Day | Atauro Island Tour of Indigo Shire                        | Across Shire  |
| 17   | 6.30pm  | Community Forum   | Kergunyah     |
| 19   | 3pm     | Indigo Heritage Advisory Committee Meeting                | Chiltern      |
| 23   | 10am    | Meeting with Manager Murray Goulburn                      | Tangambalanga |
|      | 1pm     | Chiltern Primary School Beehive Launch                    | Chiltern      |
|      | 7pm     | School Council Meeting                                    | Kiewa Valley  |
| 24   | 9.30am  | Upper Murray Regional Library Meeting                     | Wodonga       |
|      | 4pm     | Council Briefing Meeting                                  | Yackandandah  |
| 25   | 9am     | Township Protection Plan Meeting                          | Allans Flat   |
|      | 12pm    | National Meals on Wheels Day                              | Yackandandah  |
| 27   | 7pm     | Rutherglen Primary School Production                      | Rutherglen    |
| 28   | 10am    | Sandy Creek Fire Station Opening                          | Sandy Creek   |
| 29   | 10am    | Chiltern Antique Fair                                     | Chiltern      |

**15.5 CR GOLDSWORTHY**

| DATE | TIME   | FUNCTION/EVENT                        |              |
|------|--------|---------------------------------------|--------------|
| 2    | 6pm    | Community Grants Presentation Evening | Beechworth   |
| 3    | 4pm    | Council Briefing Meeting              | Yackandandah |
| 4    | 4pm    | Finance Committee Meeting             | Beechworth   |
| 10   | 2pm    | Council Briefing Meeting              | Yackandandah |
|      | 3pm    | Council Meeting                       | Yackandandah |
|      | 6.30pm | Community Forum                       | Yackandandah |
| 24   | 4pm    | Council Briefing Meeting              | Yackandandah |
| 31   | 4pm    | Council Briefing Meeting              | Yackandandah |

**15.6 CR ISSELL**

| DATE | TIME    | FUNCTION/EVENT                         | LOCATION     |
|------|---------|--|--------------|
| 3    | 4pm     | Council Briefing Meeting               | Beechworth   |
| 5    | 4.15pm  | Finance Committee Meeting              | Beechworth   |
|      | 6pm     | Yack Hall Wall Public Meeting          | Yackandandah |
| 6    | 2pm     | Climate Change Presentation, MAV       | Yackandandah |
| 7    | various | Ned Kelly Festival                     | Beechworth   |
| 8    | various | Ned Kelly Festival                     | Beechworth   |
| 10   | 3pm     | Council Meeting                        | Yackandandah |
|      | 6.3pm   | Community Forum                        | Yackandandah |
| 11   | 4pm     | Presentation to EAC                    | Yackandandah |
| 11   | 6pm     | EAC Meeting                            | Yackandandah |
| 13   | 11.30am | Meeting with Mark Crouch               | Beechworth   |
| 17   | 5.45pm  | Council Briefing Meeting               | Kergunyah    |
| 17   | 6.30pm  | Community Forum                        | Kergunyah    |
| 19   | 6pm     | Future of Food Forum                   | Wodonga      |
| 20   | 10am    | Speech to LG Pro Emerging Leaders      | Beechworth   |
| 24   | 4pm     | Council Briefing Meeting               | Yackandandah |
| 26   | 3pm     | Murray to Mountains Rail Trail Meeting | Beechworth   |
| 27   | 12noon  | Meeting with CEO                       | Beechworth   |
| 31   | 4pm     | Council Briefing Meeting               | Yackandandah |

**15.7 CR MURDOCH**

| DATE | TIME   | FUNCTION/EVENT   |              |
|------|--------|--|--------------|
| 2    | 12pm   | Red Cross AGM Dinner                                   | Chiltern     |
| 3    | 4pm    | Council Briefing Meeting                               | Yackandandah |
| 4    | 4pm    | Finance Committee Meeting                              | Beechworth   |
| 6    | 1.30pm | MAV Professional Development Committee Meeting         | Bendigo      |
| 10   | 2pm    | Council Briefing Meeting                               | Yackandandah |
|      | 3pm    | Council Meeting  | Yackandandah |
| 11   | 8am    | Meeting with Chiltern Businesses                       | Chiltern     |
|      | 6.30pm | Community Forum  | Yackandandah |
| 17   | 6.30pm | Chiltern Tourism and Development Inc Inaugural Meeting | Chiltern     |
| 20   | 11am   | Launch of Indigo Antique Fair                          | Chiltern     |
| 24   | 4pm    | Council Briefing Meeting                               | Yackandandah |
| 25   | 6pm    | Meeting Chiltern Strengthening Committee               | Chiltern     |

**16.0 GENERAL BUSINESS**

| COUNCILLOR | ITEM   |
|------------|--|
| Gaffney    | Raised a request from the Chiltern Community Strengthening Committee in regard to supporting their “Open Day”. |

**Moved: Cr Murdoch  
Seconded: Cr Goldsworthy**

**That Council support the Chiltern Community Strengthening Committee by donating \$100 vouchers for building permit reductions for blocks of land sold on their open day on 24 October 2010.**

**Carried**

| For:           | Against:    |
|----------------|-------------|
| Cr Gaffney     | Cr Croucher |
| Cr Pockley     |             |
| Cr Graham      |             |
| Cr Murdoch     |             |
| Cr Issell      |             |
| Cr Goldsworthy |             |

**Moved: Cr Graham  
Seconded: Cr Issell**

**That Officers investigate incentive schemes to be offered to purchasers of land in Indigo Shire.**

**Unanimously Carried**

| COUNCILLOR | ITEM   |
|------------|--|
| Graham     | Acknowledged the organisational efforts of staff of the Rutherglen 150 <sup>th</sup> Discovery of Gold celebrations and Gold Battery recovery. |

**17.0 CONFIDENTIAL**

**17.1 PROPERTY RATES**

**File: Rates & Valuations - Graeme Pool - Senior Revenue Officer**

PURSUANT TO SECTION 89(2) (b) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO THE PERSONAL HARDSHIP OF ANY RESIDENT OR RATEPAYER.



.....  
**Brendan McGrath**  
**CHIEF EXECUTIVE OFFICER**  
**14 September 2010**

**Moved: Cr Croucher**  
**Seconded: Cr Pockley**

**That the open session of Council be moved to confidential session.**

**Unanimously Carried**

**Moved: Cr Graham**  
**Seconded: Cr Goldsworthy**

- 1. That Council approves the commencement of proceedings to sell property Under Section 181 of the Local Government Act.**
- 2. That Council approve sale to be by way of Public Auction by Registered Real Estate Agent.**

**Lost**

| <b>For:</b>           | <b>Against:</b>    |
|-----------------------|--------------------|
| <b>Cr Graham</b>      | <b>Cr Issell</b>   |
| <b>Cr Goldsworthy</b> | <b>Cr Murdoch</b>  |
|                       | <b>Cr Gaffney</b>  |
|                       | <b>Cr Pockley</b>  |
|                       | <b>Cr Croucher</b> |

## ORDINARY COUNCIL MEETING MINUTES – 14.09.10

**Moved: Cr Croucher  
Seconded: Cr Pockley**

**That the Council meeting be closed.**

**Unanimously Carried**

**Meeting Concluded: 6.01pm**  
**Next Meeting: Tuesday 12 October 2010**  
**Community Hall, Tangambalanga**