

# INDIGO SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 4 MARCH 2008 COMMENCING AT 7.00 PM.**

## **PRESENT**

### **Councillors**

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

### **Officers**

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

## **1.0 WELCOME**

Cr Issell welcomed those in attendance.

## **2.0 OPENING PRAYER**

Cr Dale read the Opening Prayer.

### **3.0 APOLOGIES AND LEAVE OF ABSENCE**

Cr Issell requested Leave of Absence from 24 – 28 March 2008.

Cr Graham requested Leave of Absence from 10 May – 3 June 2008.

Cr Banks requested Leave of Absence from 21 – 30 March 2008.

**Moved Cr Dale  
Seconded Cr Walsh**

**That Leave of Absence be granted to Councillors Issell, Graham and Banks as requested.**

**CARRIED**

### **4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**

4.1 Cr Hotson declared a Conflict of Interest in Item 13.3 in that he is a member of the Rutherglen Rotary Club.

4.2 Cr Walsh declared a Conflict of Interest in Item 17.8 in that she is seeking administrative support to attend the VLGA Conference in Dili in June 2008.

### **5.0 OPEN FORUM**

Nil

### **6.0 CONDOLENCES**

Nil

### **7.0 CONFIRMATION OF MINUTES**

**Moved Cr Banks  
Seconded Cr Murdoch**

**That the Minutes of the Council meeting held Tuesday 5 February 2008 be adopted.**

**CARRIED**

### **8.0 BUSINESS ARISING (PREVIOUS MINUTES)**

Nil

## **9.0 DEPUTATIONS AND PETITIONS**

Nil

## **10.0 ENVIRONMENT AND DEVELOPMENT**

### **10.1 PLANNING APPLICATION PP-074038 PETER VASEY & ASSOCIATES, 7 FLETCHER ROAD BEECHWORTH (STP)**

#### **For Decision**

#### **SUMMARY**

|                        |   |
|------------------------|---|
| <b>Application No:</b> | PP07-4038   |
| <b>Applicant:</b>      | Peter Vasey and Associates  |
| <b>Subject Land:</b>   | Lot 1 on Plan of Subdivision 518066G  |
| <b>Proposal:</b>       | To subdivide the subject property into two lots (Lot1 approximately 802m <sup>2</sup> and Lot 2 approximately 503m <sup>2</sup> ) and to use and developed a unit on each of the proposed lots. |
| <b>Recommandation:</b> | Grant permission.   |

#### **RECOMMENDATION**

#### **SUBDIVISION & DEVELOPMENT (HOUSES)**

#### **THIS PERMIT ALLOWS:**

**The land to be subdivided in accordance with the endorsed plan(s) and developed and used for the purpose of one house on each lot(s) in accordance with the endorsed plans.**

#### **1. APPROVED USE/DEVELOPMENT**

**Before a plan of subdivision can be certified, plans prepared by a licensed surveyor to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application, drawn to scale showing all bearings, distances, levels, street names, lot numbers, lot sizes, and easements.**

**The development hereby approved shall be carried out generally in accordance with the plans endorsed pursuant to this Condition and shall not be modified or altered without the written consent of the Responsible Authority.**

#### **2. LAYOUT NOT ALTERED**

The layout *and/or development* as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

### **3. FUTURE WORKS**

This Planning Permit shall have no force or effect until the landowner enters into an agreement under Section 173 of the Act with the Responsible Authority, to provide notification to future landowners of Lots 1 & 2 by way of an endorsement on the title, of the need to make a cash contribution to any future Special Charge Scheme prepared by Council to improve specific road infrastructure in Fletcher Road.

### **4. STATUTORY CONDITIONS**

**4.1** The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewer facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

**4.2** All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.

**4.3** The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

### **5. SATISFACTORY CONTINUATION / DEVELOPMENT**

The use and development hereby permitted shall after it is commenced be continued to the satisfaction of the Responsible Authority.

### **6. COMPLETION BEFORE COMMENCEMENT**

Prior to the commencement of the use hereby permitted, all works required for or associated with the development shall be completed to the satisfaction of the Responsible Authority.

### **7. LANDSCAPING BEFORE COMMENCEMENT OF USE**

Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

### **8. VISUAL SCREEN**

A permanent screen of trees and shrubs (*or other type of screen as specified*) must be planted in accordance with the endorsed plans to provide an effective visual screen,

**and must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.**

## **9. VEGETATION RETENTION**

**All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.**

## **10. EXTERNAL FABRIC**

**10.1 The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of non-reflective, neutral “earthy” colours to blend with the landscape and preserve the visual amenity of the area.**

**10.2 Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:**  
**(a) galvanised or natural colour bonded metal cladding; and/or**  
**(b) treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved, to the satisfaction of the Responsible Authority.**

## **11. POINT OF ACCESS**

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

## **12. VEHICLE CROSSING**

**12.1 Prior to the issuing of the statement of compliance the applicant shall construct the vehicle crossing(s) to lots 1 & 2 in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.**

**12.2 Prior to the issuing of the statement of compliance any other existing accesses not complying with current standards, including gateways and/or driveway crossings, must be removed and fenced across to prevent further vehicle access. The road reserve and road formation must be left in a neat and tidy manner.**

## **13. ENVIRONMENTAL MANAGEMENT**

**Works shall be prepared and undertaken in accordance with EPA Publication 275 “*Construction Techniques for Sediment Pollution Control*”.**

## **14. STORMWATER DRAINAGE**

**14.1 Prior to consent to certification all design plans relating to proposed and existing stormwater must be submitted to and approved by the responsible authority. Prior to the issuing of the statement of compliance all works must be completed in accordance with approved plans.**

**14.2 The applicant shall provide a stormwater drainage discharge point to each allotment including the construction of stormwater reticulation drains to a 1**

in 5 Year ARI. The design shall take into account any flows from upstream properties. All works to be constructed in accordance with approved plans.

14.3 The applicant shall ensure that all proposed and existing reticulation and outfall drains are contained within easements accessible by Council.

15. **STREET TREES**

15.1 Prior to the issuing of the statement of compliance the applicant shall provide street trees at a rate of one tree for each lot created, This requirement can be met by planting trees greater than 2 metres in height, with a species as listed in Council's Street Tree Plan and in accordance with Council's Street Tree Planting Policy.

15.2 The applicant shall maintain these trees for a period of 12 months from the date of issue of the Statement of Compliance. Any trees that die or are deemed by Council to need replacement due to lack of maintenance and watering during dry climatic conditions shall be replaced at the developers cost and maintained for an additional 12 month period.

15.3 Subject to the approval of the responsible authority the applicant may make a payment in lieu in accordance with Councils policy at the time. The current rate for payment in Lieu is \$90 (GST inclusive) per tree.

16. **EXPIRY DATE**

This permit will expire if one of the following circumstances applies:

(i) The Plan of Subdivision is not certified within two years of the date of this permit.

(ii) The dwelling hereby approved has not started within two years of the date of certification of the plan of subdivision.

(ii) The dwelling hereby approved is not completed within two years of the date of commencement

The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

Moved Cr Banks  
Seconded Cr Dale

That the Recommendation be adopted.

**CARRIED**

## **BACKGROUND**

Date application lodged: 27 July 2007

Purpose: The applicant seeks approval to construct two separate three Bedroom dwellings as shown in the plans and to subdivide the block to provide separate free hold title for each dwelling.

Lot 1 Area 802.4m<sup>2</sup>

Lot 2 Area 502.7m<sup>2</sup>

Subject site land area: 1305.1m<sup>2</sup>

Current use of subject site: The subject site is currently vacant.

### **Site description:**

The subject site, 7 Fletcher Road, being Lot 1 on Plan of Subdivision 518066 as shown in the plans is a vacant residential block triangular in shape of some 1306m<sup>2</sup>. The subject site is zoned "Residential 1" and is currently covered by a "Heritage Overlay" due to its former association with the adjacent heritage property, Fletcher house and stables. The land slopes quite steeply to the northwest and has sewerage and drainage easements along the north and southeast boundaries.

### **All services are available to the site:**

The site is mostly cleared, but there is a large oak in the northeast corner. There is also a stand of mature gums on the road reserve in the centre of the Fletcher Road frontage. These gums together with a cut bank along the edge of the road, limit access to the site to the north and south ends of the frontage.

### **Neighbourhood description:**

The subject site as shown in the Neighbourhood Context Plan is located in a residential area towards the southern edge of Beechworth some 1000m from the centre of town. The surrounding development is almost all residential and one house per block, although there are some multi residential development towards the centre of town and near the former Ovens Murray Hospital 350m to the East. Existing residential development has no dominant character but has a variety of designs from many periods from the adjacent Fletcher House, a large residence of the Victorian era to modern styles in the recently subdivided land to the east.

Roofs are generally corrugated iron, but wall finishes vary widely face brick to colour bound steel.

The only building immediate adjacent to the subject site are the Fletcher Road stables near the northern boundary. Other boundaries adjoin either vacant land or the extensive garden of Fletcher House.

Blocks sizes also vary widely with larger blocks of greater than 1000m<sup>2</sup> for the older

development to blocks of around 700m<sup>2</sup> in the more recent subdivision.

Garden styles vary as for the building styles, but, where establish, consist of exotic shrubs with some larger specimen trees.

Access to facilities is reasonably good as most of these located near the centre of town within walking distance some 1000m away. Some sporting facilities such as the tennis courts, swimming pool and lawn bowls are somewhat closer.

Zoning of surrounding land: Residential 1 Zone

### **PROPOSAL**

The applicant seeks approval to construct two separate three bedroom dwellings as shown on the submitted plans and to subdivide the block to provide separate free hold title for each dwelling (see plans attached).

Lot 1 Area 802.4m<sup>2</sup>

Lot 2 Area 502.7m<sup>2</sup>

### **ZONING AND PLANNING CONTROLS**

Zoning: Residential 1 Zone

Overlay/s: Heritage Overlay (300)

Permit Trigger: A permit is triggered in this case under the provisions of the Residential 1 Zone (Clause 32.01-2) for the subdivision of the subject site as well as for the use and development of the newly created lots for two separate three-bedroom dwellings.

### **STATE PLANNING POLICY**

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

#### **Settlement**

14.01 Planning for Urban Settlement

#### **Environment**

15.09 Conservation of native flora and fauna.

15.11 Heritage

15.12 Energy efficiency

### **Housing**

16.02 Medium density housing

### **Infrastructure**

18.02 Car parking and public transport access to development

18.09 Water supply, sewerage and drainage

### **Particular Uses and Development**

19.01 Subdivision

19.03 **Design and build form**

### **LOCAL PLANNING POLICY FRAMEWORK**

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

#### **Municipal Strategic Statement**

Settlement & Infrastructure

Economy

Environment

21.01-3 Settlement and infrastructure

21.03-1 Vision and strategic framework

21.03-2 Corporate Plan

21.04-1-1 Beechworth

21.04-3-2 Heritage

#### **Local Planning Policies**

22.01-3 Residential Subdivision and development

22.03-9 Heritage Policy

### **Particular Provisions**

Clause 55 and 56

### **REFERRAL AUTHORITIES**

The application was referred to the following referral authorities in accordance with Section 55 of the Planning and Environment Act 1987 and/or advice was sought from the

following:

Heritage Advisor

Assets

Responses received are recommended subject to conditions.

### **PUBLIC NOTICE**

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

[1] submission was received in response.

The objection are summarised as including:

- A previous subdivision application for Fletcher Hill estate was refused why now considered this application.
- The proposed subdivision will create a lot of 502.7m<sup>2</sup> which is substantially smaller than the surrounding freeholds in the area.
- The subject site is covered by a heritage overlay due to its proximity to Fletcher house.
- The proposed dwellings (double storey with garage underneath and aluminium windows) do not respect the heritage character of the area.
- Dwellings overlook into private open space of abutting property and therefore loss of privacy.
- Existing road infrastructure insufficient to handle increase traffic.

A Focus meeting was held on the 9 November 2007. At this meeting all the issues were raised and discussed. At this meeting it was agreed that the applicant will prepare amended plans to address some of the concerns raised by the objector.

The applicant subsequently submitted amended plans with the following changes:

- 1 Dwelling 1 moved 1.5m forward to Fletcher Road,
- 2 Dwelling one floor level lowered by .5m, and
- 3 Screen planting 3.0m high provided along the NW boundary opposite Dwelling one.

The amended plans were circulated to the surrounding property owners and one objection was received from the same objector as previous. The objector mainly raised the same issues as previously with a few variations which can be summarise as follows:

1 The objector did not again raise the issue of the previous subdivision that was refused and it can thus be assume that the explanation given in this regard at the Focus Meeting was satisfactory.

2 Living areas of proposed new dwellings overlook to a great extend into private open space.

**3** The need for a two storey dwelling is not justified giving the applicant proposed to establish a 3m high vegetation screen along the northern boundary.

**4** Why can't the applicant swap the designs over to have a two storey dwelling on proposed lot 2 and one story dwelling on proposed lot 1, and

**5** The landscaping proposed along the boundaries will take quite a while to establish and no guarantees can be given that landscaping will be maintained.

The issues raised have been extensively addressed in the officer's report.

### **Site inspection**

The Senior Statutory Planner inspected the site and neighbourhood on several occasions during the processing of the application.

### **Heritage Overlay**

The following comments were received from Council's Heritage Advisor in relation with this application.

1. The inclusion of this property in the Heritage Overlay is a mapping mistake.
2. The proposal does not reduce the cultural heritage significance of Fletcher House as it is considered that there is adequate curtilage within the site boundary.
3. The visual impact is not considered to impact on the significance of the house as it has maintained its dominant position on the hillside.
4. The development is considered to be sympathetic to the heritage of the town as it has observed an appropriate use of materials, form and scale as well as an appropriate set back. The design has also avoided reproduction of the heritage details and as such does not blur the distinction between real heritage and fake.

### **Response to Res-Code**

The proposal is assessed in detail against Clause 55 and 56 (Residential subdivision). Copies of both the res-code assessments are contained on file. The application does meet all objectives and standards set out under clause 55 and 56.

The objections relate primarily to a sense that "units" are inappropriate on the site because of the low density character of the neighbourhood. However, there are no planning controls to prohibit "units" on the site and indeed this would be contrary to state government and local government policy, which encourages a diversity of housing in established residential areas.

The site has a Residential 1 Zoning. The purpose of this zone includes:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood*

*character.*

In part because the surrounding development is of a low density, in terms of the zoning of the land, it is appropriate to encourage residential development that differs in density from that which predominates in the area. This provides choice in housing, recognising that a significant proportion of households (such as single people, smaller families or the elderly) do not require, cannot afford or have maintenance problems with, traditional low density living. Given that, as a proportion of all houses, the number of such households is increasing, there is a necessity to provide housing to accommodate these “non-traditional” households, including within country towns. Since there is no designated area of higher or medium residential densities in Beechworth, (nor is it necessarily desirable to create one), it is appropriate to provide such medium density development in a dispersed manner within already established areas close to the town centre. The proviso is that such development must respect the character of its neighbourhood.

The key word in this case is for development to “respect”, not “replicate”, the neighbourhood character. If all new development were simply to replicate existing conditions, the “range of densities” encouraged by the zone could never occur nor would there be visual interest in the locality.

Respect for neighbourhood character is achieved through an identification of the key features of a neighbourhood. This proposal seeks to construct two houses on a lot within an area where there is usually only one house on a lot. The proposed houses will be small houses on what would be small lots, but, nevertheless, like the rest of the neighbourhood, they will be detached, one double storey house surrounded by gardens and one single storey house surrounded by gardens are proposed and both dwellings will directly face the street. Given this, the proposed houses cannot properly be described as “units”.

The Scheme encourages the consolidation of existing township areas where services/infrastructure exist, in particular at Clauses 14.01 Planning for urban settlement, 16.02 Medium density housing, 21 Municipal Strategic Statement, 22.01-3 Residential subdivision and development and 32.01 Residential 1 Zone.

The Indigo Shire’s Planning Scheme encourages medium density housing in locations proximate to community facilities, and consequentially, proximity to such facilities is often a factor which favours the approval of medium density development in such locations. In this case the proposed development is located walking distance to most facilities.

**The proposal’s respect for the character of the neighbourhood is discussed below.**

The proposal has been assessed against Clause 55. The key findings are:

- The proposal is a good response to the character of the neighbourhood, including the double storey and detached nature of the dwellings and the general “openness” of the development and its landscaping. Although all houses in the immediate surroundings of the proposed development are single storey, the one double storey unit proposed on proposed lot 1 is so designed and located to have the minimum impact on the adjacent property (Fletcher house). Vegetation screening is proposed along the northern boundary of proposed Lot 1 to reduce overlooking into the private space of

Fletcher House, vegetation screening are also proposed along the southern boundary of proposed Lot 1 to reduce overlooking into proposed Lot 2. Vegetation screening is further proposed on the eastern boundary of both proposed Lot 1 and 2 to reduce possible future overlooking issues. Although the dwelling on lot one can be define as a double storey it is only the garage area that strictly speaking can be define as a double storey with an height of 5.5m at its highest point measured from natural ground level. The bulk of the dwelling on lot 1 therefore is largely reduced due to slope of the site, the height of the dwelling and the design of the dwelling. Both units are detached which to a certain degree creates a character of individualism, which is consistent with the surrounding area and integrate well with the streetscape character conforming to the scale and form of the surrounding area. Existing large trees on the site are to be retained, and extensive landscaping is proposed which will contribute to the amenity of the site and the area.

The following additional points are of relevance:

- The level of integration with Fletcher Road will be high, because of the modest front setbacks, the front windows, doors and no front fencing.
- The front setbacks of development generally meets the relevant standard.
- The site coverage is to be low and the permeable proportion of the site, high; both of which easily meet their standards and respect the low density character of the neighbourhood.
- The proposed landscaping is an appropriate response to the character of the area. The proposed landscaping will also provide a good separation between the development and surrounding properties. Proposed vegetation will also to a certain degree provide screening to units within the proposed development.
- Adequate parking is to be provided, with each dwelling to have two spaces.
- Side and rear setbacks are in accordance with the relevant standard.
- The earthy materials, colours and the design detail reflect those of other houses in the neighbourhood.
- An 1.8m high colour bond steel clad fence is proposed along the northern and southern boundary of proposed Lot 1. The proposed fence will contribute to reduce overlooking while vegetation screening is establishing.
- The standard of amenity for future residents of the dwellings will be good, with:
  - Relatively large floor areas and bedroom numbers.
  - A mixture of semi-private and secluded private opens spaces.
  - Good northern solar access for both internal and external spaces.
  - Good landscaping throughout the site.
  - A lack of internal or external excessive noise sources.

Overall, the development is a good response to the site's opportunities (relatively large size, two frontages) and constraints (a neighbourhood with a low density character including detached dwellings and informal landscaping and fencing).

## **CONCLUSION**

The proposal is considered generally consistent with the provision of the zone, overlay and other applicable clauses in the Indigo Planning Scheme. Therefore this application is

supported.

*Attachments  
Locality plan and proposed  
development plans.*

**10.2 DRAFT DEVELOPMENT PLAN IN RESPECT OF A  
PROPOSED 42 LOT SUBDIVISION – NASHS ROAD  
RUTHERGLEN PP07-4083 (HABITAT PLANNING) (EDSM)**

**For Decision**

**SUMMARY**

**Application No:** PP07-4083

**Applicant:** Habitat Planning

**Subject Land:** Crown Allotments 21, 21A, 22, 24, Part 25A, 25D, 26, 26A, 30, and Part 32, Section 45, Nashs Road, Rutherglen

**Proposal:** Draft Development Plan in respect of a proposed 42 lot subdivision

**Recommendation:** Approval

**RECOMMENDATION**

**That the draft Development Plan and subdivision layout submitted by Habitat Planning and as amended by Indigo Shire Council be endorsed as an approved Development Plan for the purposes of Section 43.04 of the Indigo Planning Scheme.**

**Moved Cr Graham  
Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

**BACKGROUND**

At the meeting of 13 December 2005 Council considered a report in relation to the proposed rezoning of 20 hectares of land located on the eastern side of Nashs Road Rutherglen from Farming Zone to Low Density Residential Zone. In relation to that particular report Council resolved to request authority to commence preparation of amendment C27 from the Minister for Planning. This authorisation was received on 26 May 2006. On 4 July 2006 Council resolved to prepare the documentation for Amendment C27, and it was subsequently exhibited in July and August 2006.

A number of submissions were received in response to the exhibited amendment and at its meeting of 14 November 2006, Council resolved to refer the matter to an independent panel.

The Panel hearing was held on 15 and 16 March 2007. The final report of the Panel was

received on 30 April 2007. The Panel considered all submissions. One of the main issues considered was related to future lot sizes. The Panel Report makes the following relevant comment in this regard:

“The Panel considers the observable market size has been largely determined by the level of servicing of existing low density residential areas. All existing areas do not have reticulated sewerage, therefore a larger lot size is required to treat effluent onsite. The type of low density residential proposed in this amendment can be differentiated from the existing product as full servicing will occur which will provide the opportunity to create smaller lots (closer to the zone minimum of 4000m<sup>2</sup>). This therefore has the potential to impact the supply levels for LDR.”  
“Therefore the Panel finds further consideration of this amendment should be based the likelihood of smaller lots than the observable market size.”

The Panel Report further recommends that Council adopt the proposed Amendment (C27). The findings of this Panel Report was reported to Council in June 2007 and Council resolved to adopt Indigo Planning Scheme Amendment C27 as recommended by the Panel Report. The Minister for Planning subsequently approved this Amendment and notice of the approval was published in the Government Gazette of 23 August 2007 rezoning the subject land to Low Density Residential Zone and introducing a Development Plan Overlay.

An application has now been received by Council for approval of a draft Development Plan which outlines a proposal for a 42 lot subdivision off Nashs Road, Rutherglen (see attached plan). The land is approximately 20 ha in area and is currently within the Low Density Residential Zone. The land is also affected by the Development Plan Overlay which requires the preparation of a Development Plan prior to any application for subdivision being approved.

### **WHAT ARE DEVELOPMENT PLANS?**

Development Plans are seen as most useful in areas where there needs to be a strategic coordination between different developments or landowners or across a development corridor or region.

The Development Plan has the apparent advantage that it is relatively straight forward and does not embody a great deal of bureaucratic or legalistic process around its approval or subsequent change. Its apparent simplicity is however also a potential source of confusion and generates misapprehension in some members of the community from time to time. That is, not only are there no statutory processes for dealing with public input into the adoption of Development Plans but there is also the situation that when such Plans are adopted they remove third party appeal rights from subsequent planning applications which are in accordance with an approved Development Plan.

Unfortunately the fact that there is no set procedure for the preparation and subsequent adoption of development plans either within VPP documentation or within Department of Sustainability and Environment Practice Notes makes the situation even more potentially confusing both for Council planners and members of the community.

Notwithstanding the above Council has adopted a procedure, (following a Victorian Civil and Administrative Tribunal hearing in respect of a Development Plan prepared for

land in the Wooragee area) to give public notice of any submitted Development Plan to adjoining landowners. Submissions received are then duly considered and where appropriate the development Plan amended prior to a final decision being made on the merits or otherwise of the Development Plan.

### **DRAFT DEVELOPMENT PLAN – NASHS ROAD**

The subdivision outlined in the draft Development Plan relating to the subject land proposes to create 42 lots in sizes from 4,000m<sup>2</sup> to ~5,000m<sup>2</sup>. Consistent with Council procedure public notice of the submitted Draft Development Plan was given to adjoining landowners. In response 4 submissions/objections have been received (see attachment separately provided to Council).

The concerns raised covered a wide range of issues and highlighted a number of valid considerations to the proposed development plan and can be summarised as follows:

- Inaccuracies in the submitted Development Plan;
- Lot sizes do not represent a variety of lot sizes (range needs to be greater);
- That drainage and road infrastructure is not adequately addressed by the Development Plan;
- Lack of detail in the Development Plan such as building envelopes and vehicle access points for each lot in the proposed subdivision;
- Lack of detail regarding services in the Development Plan;
- Staging of works and development;
- Proposal is out of character with what exists around the site;
- The proposal represents poor design with irregular shaped and battleaxe lots in an attempt to maximise lot yield;
- Lack of buffer zones between the proposed subdivision and existing LDRZ development to the west of Nashes Road;
- That the proposed Development Plan does not reflect the rezoning application;
- Loss of amenity to existing LDRZ properties due to the scale of the development and change to the character of the area.

As a result of the above submissions a Planning Focus Meeting was held on the 20th February 2008, attended by all persons that had made a submission. The issues raised in submission were discussed and are addressed in a separate Planning officer's report in respect of the draft Development Plan (see attached "Development Plan Overlay Assessment").

Bearing in mind that the land is zoned for residential development and that the only additional control imposed by the planning scheme is the Development Plan Overlay, it

is considered that with regard to the proposed lot size, shape and orientation, the development plan represents an acceptable design response.

The report also notes that the Draft Development Plan submitted is conceptual in nature and despite lot layouts being indicated in accordance with Schedule 3 to the Development Plan Overlay, the lot layout, yield and dimensions may be subject to change following further detailed design in relation to stormwater treatment and in particular conveyance and detention.

As a plan of this scale has the potential to “lock in” the detailed form of development without the benefit of the permit process however, the attached officer’s report recommends that should the Development Plan be endorsed as being prepared to the satisfaction of the Responsible Authority, it be subject to the following notes being included on Attachments A and B of the plan:

1. This Plan together with the attached report titled “Indigo Shire Council, Development Plan, Nashs Road, Rutherglen, February 2008” forms the Development Plan for Crown Allotments 21, 21A, 22, 24, Part 25A, 25D, 26, 26A, 30, and Part 32, Section 45, Nashs Road, Rutherglen.
2. This Plan is conceptual. Lot layout, yield and dimensions may be subject to change following further detailed design in relation to stormwater treatment and in particular conveyance and detention.
3. Soil and water reports including detailed engineering design and conceptual stormwater quality modelling (MUSIC or STORM or equivalent) of stormwater treatment to be provided as part of any Planning Permit application for subdivision.
4. A landscape plan is to be provided as part of any Planning Permit application for subdivision. The design aim will be to incorporate, where possible, the landscaping into the WSUD systems with all effort made to avoid ‘regimented’ streetscape planting.
5. Lot 21D and the proposed detention basin are to be sized to accommodate stormwater management for the whole catchment area. The retention basin is to be protected by stormwater easement and contained within one lot.
6. No direct vehicular access to be provided to the road reserve to the east of lots 21D, 33D, 34D, 35D and 36D.
7. All buildings must be setback a minimum:
  - (i) 5m from boundaries;
  - (ii) 15m from the Nashs Road road reserve.
8. Fencing along the road reserve to the east of lots 21D, 33D, 34D, 35D and 36D must be rural open style post and wire or post and netting only.

*Attachment A – Draft Development Plan  
Attachment B – Officer’s Report “Development Plan Overlay Assessment”*

**10.3 SECTION 173 AGREEMENTS - 04/014, 06/253, 07/4035, 07/4141 - (EDSM)**

**For Decision**

**RECOMMENDATION**

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

- A) Cooper**
- B) Imperial Property Australia Pty Ltd**
- C) Lazarus**
- D) Watkins**

**Moved Cr Dale  
Seconded Cr Murdoch**

**That the Recommendation be adopted.**

**CARRIED**

**INTRODUCTION**

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

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

**COMMENT**

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

**BACKGROUND**

**A) Planning Permit 04/014 relates to a restructure of land at Gooramadda Road, Prentice North. The proposal consolidates 15 Crown Allotments into 3 lots and approves**

a dwelling on each lot created. The permit issued on the 16<sup>th</sup> November 2004 was amended on the 6<sup>th</sup> December 2007 to require an Agreement under Section 173 of the Act to be entered into with the Responsible Authority which:

- (i) provides notification to future landholders that whilst ever the “unmade road” is utilised for access to a single dwelling house, Council views the “unmade road” similar to a private driveway and as a consequence the laneway is not subject to regular maintenance under Council’s Road Maintenance Contract. On this basis the construction and maintenance of the “unmade road” from the point of access to Lot 1 to the access point of Lot 3 is the responsibility of the landholder, and;
- (ii) ensures that in the event that future development occurs that requires the use of the “unmade road” for access, the owner of the land must contribute to the construction of the road in accordance with the requirements of the Indigo Shire Council “Road Management Plan”. Works on the “unmade road” shall be focused on improvement to a public road standard, to the satisfaction of the Responsible Authority.

**B)** Planning Permit 06/253 relates to a proposed 19 Lot subdivision of land with frontage to High Street, Beechworth. The permit was issued pursuant to VCAT Order dated 6<sup>th</sup> March 2006 which requires a Section 173 Agreement to be entered into with the Responsible Authority which ensures:

- (i) All dwellings are to be sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
  - (a) Each dwelling must incorporate a minimum 10,000 litre rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures using AAA rated fixtures and a pressure reduction valve.
  - (b) Stormwater is to be retained on site where practicable through use of such measures as permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 75% of the area of each Lot.
  - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction of a dwelling or other building.
- (ii) Where incorporated at the rear or side of each allotment infiltration trenches with overflows to the formal drainage system shall be maintained so as to ensure design stormwater flows do not impact on downslope properties.
- (iii) The vegetated buffer strip along the rear of lots 9, 10, 11, 12,13 and 14 shall be maintained and protected by the owner or owners for the time being of the land of the owner's land adjacent to such strip to provide an effective visual screen

between the respective lots and the land adjoining to the east.

- (iv) An owner from time to time of any of Lots 3, 7, 8, 9, 14, 15, 16 & 17 on the Plan of Subdivision shall not break granite rock by impact nor permit such breaking by impact on the owner's lot within 15 metres of an occupied dwelling.

C) Planning Permit 07/4035 relates to a proposed 10 Lot subdivision of land with frontage to Malakoff Road, Beechworth. The land is developed with an existing dwelling and five tourist accommodation units. It is proposed to subdivide the land so that the existing dwelling and each unit are contained within separate allotments and create four additional Residential 1 Zoned lots ranging in size from 496m<sup>2</sup> to 679m<sup>2</sup>. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:

- that the subsequent development of proposed lots 5, 6, 7, and 8 is in accordance with the endorsed plans.

D) Planning Permit 07/4141 relates to a restructure of land at Lockharts Gap Road, Charleroi. The proposal consolidates 3 lots into 2 lots and excises the existing dwelling. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure that:

- (a) The two lots created by this subdivision Lot 1 (2 ha) and Lot 2 (37 ha) shall not be further subdivided.
- (b) No further dwelling will be allowed to be constructed on Lot 2.

ATTACHMENTS

Attachment A: Locality/Site Plan – PP04/014 Gooramadda Road, Prentice North.  
Attachment B: Locality/Site Plan – PP06/253 High Street, Beechworth.  
Attachment C: Locality/Site Plan – PP07/4035 Malakoff Road, Beechworth.  
Attachment D: Locality/Site Plan – PP07/4141 Lockharts Gap Road, Charleroi.

**10.4 PLANNING APPLICATION 07/014 (LIVING STREETS DESIGNS PTY LTD - ATP)**

**For Decision**

**SUMMARY**

**Application No:** PP07/014

**Applicant:** Living Streets Designs Pty Ltd

**Subject Land:** Lot 1 TP832854N formerly known as Part Crown Allotment 3 Section N1 Parish of Beechworth, Malakoff Road, Beechworth

**Proposal:** 4 Lot subdivision and construction of a dwelling on 3 of the proposed lots.

**Recommendation:** Approval

**RECOMMENDATION**

**A) That Council issue a Notice of Decision to approve Planning Application PP07/014 to allow the subdivision of Lot 1 TP832854N (formerly known as Part Crown Allotment 3 Section N1 Parish of Beechworth), Malakoff Road, Beechworth into 4 lots and the development of the site by the construction of a dwelling on each of the lots created subject to the following conditions:**

**1. APPROVED USE/DEVELOPMENT**

**The layout of the site, dimensions and elevations of the proposed building/s and works as shown on the plans endorsed pursuant to this condition shall not be modified or altered without the written consent of the Responsible Authority.**

**2. PLANS TO BE SUBMITTED**

**Before a plan of subdivision can be certified, plans prepared by a licensed surveyor to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application, drawn to scale showing all bearings, distances, levels, street names, lot numbers, lot sizes, and easements.**

**3. RESTRICTION ON SUBSEQUENT DEVELOPMENT**

**Prior to the issue of the Statement of Compliance under the Subdivision Act 1988 for the Plan of Subdivision, the additional three dwellings hereby approved must be constructed to the satisfaction of the Responsible Authority, or;**

- (i) the Plan of Subdivision submitted for Certification pursuant to Condition 2 must include building envelopes that reflect the approved development, or;**
- (ii) the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act. The Agreement must ensure that the subsequent development of proposed lots 2, 3, and 4 is in accordance with the endorsed plans. The owner must pay the reasonable costs of preparation, execution and registration of the agreement.**

**4. SECTION 173 AGREEMENT**

**Prior to the issue of the Statement of Compliance, the landowner must enter into an agreement with the Responsible Authority under Section 173 of the Act, which ensures:**

- (i) That all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:**
  - (a) All dwellings must incorporate a rain water tank on site sized in accordance with stormwater designs. The water tank must be**

plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).

- (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed the design capacity of the stormwater system.
  - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That any drainage structures such as culverts, pipes and retention or infiltration structures, rainwater tanks, and detention systems are maintained, repaired or otherwise kept in good order so as to ensure design stormwater flows do not impact on downslope properties.

## **5. INTERNAL ROAD CONSTRUCTION**

Prior to the issue of the Statement of Compliance, or the development commencing whichever shall occur first, the owner of the land shall construct the internal roadway to an all weather sealed or paved road construction all in accordance with plans and specifications prepared by a suitably qualified engineer, to be submitted to and approved by the Responsible Authority and in accordance with Standard C20 of Clause 56.06-7 of the Indigo Planning Scheme. Specifically the applicant must ensure that:

- (i) streets are of sufficient strength to enable the carriage of vehicles and avoid damage by construction vehicles and equipment;
- (ii) street pavements are of sufficient quality and durability for the safe passage of pedestrians, cyclists and vehicles, discharge of urban run-off and preservation of all-weather access and maintenance of a reasonable, comfortable riding quality, and;
- (iii) carriageways are constructed with a minimum 20 year design life.

All works carried out in accordance with the plans approved pursuant to this condition must be supervised by a suitably qualified engineer. Prior to the issue of the Statement of Compliance, or the development commencing, whichever shall occur first, a written statement must be supplied by the supervising engineer that all works have been carried out in accordance with the approved plans. Road construction works will not be supervised by Council and as such these assets do not become the property or responsibility of Council.

## **6. OPEN SPACE CONTRIBUTION**

**The owner must pay to the Council a sum equivalent to five per cent (5%) of the site value of proposed lots 2 to 4 in the subdivision towards public open space. This payment must be made before a Statement of Compliance is issued and may be varied under Section 19 of the Subdivision Act 1988. The site value shall be the site value at the date the plan is submitted for certification.**

#### **7. EXCAVATION IN ROCK**

**Prior to the commencement of any construction activity the applicant/owner must undertake an assessment of the depth of reef rock on the site and identify those lots on which rock excavation may practicably be required to enable the construction of works associated with the subdivision of the land or the construction of a dwelling. The assessment must identify measures to mitigate potentially damaging vibration and its impact on adjoining property both on the development site and abutting properties to the satisfaction of the Responsible Authority. Development of the lots identified must be undertaken and managed in accordance with the mitigating measures identified by the assessment.**

#### **ASSETS & INFRASTRUCTURE REQUIREMENTS**

#### **8. WORKS WITHIN THE ROAD RESERVE**

**Prior to the commencement of any works in the Malakoff Road road reserve, an application for consent for “Works within Road Reserves” (formerly known as a road opening permit) is to be obtained by the works manager, in accordance with the Road Management Act 2004.**

#### **9. POINT OF ACCESS**

**The point(s) of access must be in accordance with the location nominated upon the endorsed plan, in this case the northern portion of the Malakoff Road boundary, unless otherwise varied as a further condition of this permit.**

#### **10. VEHICLE CROSSINGS**

**Prior to the issue of the statement of compliance or commencement of any on-site works the applicant must construct the vehicle crossing to the private road accessing Lots 2, 3 and 4, in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.**

#### **11. STORMWATER DRAINAGE**

- (i) Prior to consent to certification all design plans relating to proposed and existing stormwater must be submitted to and approved by the responsible authority. Prior to the issue of the statement of compliance all works must be completed in accordance with the approved plans.**
- (ii) The applicant must provide a stormwater drainage discharge point to each allotment.**
- (iii) The applicant must model the 1 in 100 year ARI storm based upon a whole**

of catchment design and ensure that the design takes into consideration the need to convey this storm to the approved outfall with no property damage. All works to be constructed in accordance with approved plans.

- (iv) Stormwater drainage design must take into account the principles of Water Sensitive Urban Design and the requirements of the Indigo Shire Council Stormwater Management Plan and the CSIRO publication Urban Stormwater - Best Practice Environmental Guidelines. All works to be constructed in accordance with approved plans.
- (v) The development must be designed to ensure that flows downstream of the development are restricted to pre-development levels. This may be accomplished by retention of stormwater onsite by water tank and subsequent stormwater re-use, or by the provision of basins, ponds or underground pits or chambers.
- (vi) All stormwater emanating from hard surfaces within the property, including Lot driveways, must be collected and piped to an approved discharge point. All works to be constructed in accordance with approved plans.
- (vii) The discharge of concentrated stormwater into the road reserve will not be permitted.
- (viii) The natural gullies traversing lots 2, 3 and 4 appear to have the propensity to carry significant peak overland stormwater flows. Any works related to the subdivision or development of dwellings must make adequate provision for the conveyance of flood flows and prevention of soil erosion. Any culverts or works within these gullies must make provision for a 100 year ARI storm. All works to be constructed in accordance with approved plans.

## **12. FEES**

Prior to the issue of the statement of compliance the applicant must pay to Council, Plan Checking Fees of 0.75% of the value of roads and drainage works. The value of works must be the final actual cost of works (GST Inclusive).

## **13. PLANS SUBMITTED**

Prior to the consent to certification or commencement of any on-site works associated with the development, detailed construction plans and specifications for roads, pathways and drains must be prepared and submitted for approval to the satisfaction of the Responsible Authority. All designs must be to GDA94 and the Australian Height Datum. All works constructed or carried out must be in accordance with the approved plans or any subsequent approved variations to these plans.

Prior to the Statement of Compliance being issued, as built documents of roads pathways and drainage works must be submitted to Council in the following format:

- **Plans: Electronic:- .dwg format – 1:1 scale**

**Hard Copy:- A1 Paper**

- **Schedule & Specification: Electronic: - MS Word  
Hard Copy:- A4 Paper**

**14. EXTERNAL FABRIC**

**Any metal cladding proposed to be used in the construction of the buildings hereby approved, must be:**

- (i) **galvanised or natural colour bonded metal cladding (not zincalume); and/or**
- (ii) **treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of the building,**

**to the satisfaction of the Responsible Authority.**

**15. SEDIMENT CONTROL & SOIL AND WATER MANAGEMENT**

- (i) **Prior to the commencement of any buildings or works, plans for the management of sediment pollution shall be prepared and submitted to the Responsible Authority for approval.**
- (ii) **All site works are to be carried out in accordance with the approved Site Management Plan.**
- (iii) **Approved runoff and erosion controls must be installed before clearing of site vegetation, other than the clearing associated with the construction of the controls.**
- (iv) **Where unforeseen circumstances arise during construction, Council may require erosion and sediment control measures/works to be carried out beyond, or instead of, works specified.**
- (v) **To minimise soil erosion during construction, the landowner and builder must ensure that any clearing or construction associated with development is conducted in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" (Environment Protection Authority 1991). Specifically, the landowner and builder must ensure:**
  - **Grading, excavation and construction does not proceed during periods of heavy rainfall;**
  - **Sediment traps are designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;**
  - **Vegetation is cleared from that stage of the development under construction only, other areas must remain undisturbed;**

- **Vegetation to be retained on-site and street trees within the road reserve must be protected by a suitable barrier during construction. The applicant/owner must ensure that site works within the drip line of trees to be retained is minimised and in particular, that no storage or compaction occurs within these areas;**
- **Top soil from the construction site or builders sand is stockpiled in a location where it will not be eroded from the site;**
- **All erosion control measures are maintained after rainfall and are retained until the site has fully revegetated, and;**
- **Disturbed areas are stabilised and revegetated following the completion of works.**

#### **16. WATER SUPPLY**

**A reticulated water supply shall be provided to the requirements of the North East Region Water Authority.**

#### **17. RETICULATED SEWERAGE**

**Reticulated sewerage shall be provided to the requirements of the North East Region Water Authority.**

#### **18. SP AUSNET REQUIREMENTS**

**Prior to the issue of the Statement of Compliance, the owner must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision as required by SPI Electricity Pty Ltd. A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required.**

#### **19. NERWA REQUIREMENTS**

**Prior to the issue of a Statement of Compliance under the Subdivision Act 1988:**

- (i) Each lot must be independently serviced with water supply and metered to the satisfaction of North East Region Water Authority at the applicants cost.**
- (ii) The subdivision must be serviced with sewerage to the satisfaction of North East Region Water Authority at the applicants cost.**
- (iii) Water supply and sewerage system headworks charges must be paid as determined by North East Water's policy for development charges.**
- (iv) Easements must be provided over sewers to the satisfaction of North East Region Water Authority.**
- (v) Ensure that any private water services do not traverse external property**

**boundaries and are supplied independently from an approved point of supply.**

- (vi) Consent must be obtained from North East Region Water Authority.**

## **20. CFA REQUIREMENTS**

**Prior to the development commencing, amended plans to the satisfaction of the CFA must be submitted for approval by the CFA and the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must show how the following conditions are to be complied with:**

### **(i) Access**

- (a) A road shall be constructed within common property to provide emergency vehicle access to the safe work area required by Condition 20(i)(b). The trafficable width of this road must be at least 3.5m and it must be constructed to provide all weather access and be designed to accommodate a 15 tonne vehicle. If this road is longer than 60m from Malakoff Road to the safe work area, provision shall be made to turn a fire appliance at the end of the road to the satisfaction of the Responsible Authority (A three point turn is acceptable).**
- (b) A safe work area for a fire appliance must be provided within common property no further away than 70m from the most distant points of the building on lot 4.**
- (c) The safe work area referred to in Condition 20(i)(b) shall comprise of a hardstand area that is at least 3m wide and 10.3m long together with two areas adjacent to the long sides of this rectangle that are clear of any obstructions. These clear areas are to be suitable for fire-fighters to work in adjacent to the fire appliance and shall be at least 1.3m wide.**

### **(ii) Hydrants**

- (a) An operable hydrant, above or below ground must be provided to the satisfaction of CFA.**
- (b) The maximum distance between the hydrant and the safe work area required in Condition 20(i)(b) must be 50m. This distance is to be measured around lot boundaries.**
- (c) The hydrant must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).**

## **21. EXPIRY DATE**

**This permit will expire if one of the following circumstances applies:**

- (i) The Statement of Compliance pursuant to the provisions of the Subdivision Act 1988 is not issued within two (2) years of the date of this permit.**
- (ii) The development is not started within two years of the date of this permit.**

- (iii) The development is not completed within five years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

**END CONDITIONS –**

**Note:**

- (i) This Permit is not a permit under the Building Act 1993.
- (ii) SP AusNet advise that because there can only be one supply point into the property, it will be necessary to install Group Metering, a Mains control metering structure/pillar to supply the multiple unit/s from the existing SP AusNet supply pit.

It is recommended that, at an early date the applicant commences negotiations with SP AusNet for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact SP AusNet to determine the availability of a supply of electricity. Financial contributions may be required.

B) That Council as the relevant Responsible Authority, resolve to enter into the subject Section 173 Agreement with the landowners Miles and Showers and to sign and seal the appropriate documentation.

**Moved Cr Dale  
Seconded Cr Banks**

**That the Recommendation be adopted.**

**CARRIED**

**BACKGROUND**

Date application lodged: 25<sup>th</sup> January 2007

Purpose: Seek approval to develop the subject site by the subdivision of the land into 4 lots and construction of a dwelling on 3 of the lots created.

Subject site land area: ~7,560m<sup>2</sup>

Site Description:

The subject land is essentially rectangular in shape and is located on the south western side of Malakoff Road, Beechworth. The land generally slopes from the southeast to the northwest. The land is currently developed by a weatherboard cottage that is recognised within the Indigo Planning Scheme as being of heritage significance. The land contains scattered and clustered native and exotic vegetation, with the area to the front of the lot containing the existing dwelling being largely cleared of native vegetation and containing predominantly exotic trees and gardens. The rear of the land abuts land containing granite outcrops and has a small area of exposed ground level granite. An existing carriageway easement crosses the subject land along the northwest boundary between Malakoff Road and Albert Street.

Surrounding land use:

Land abutting to the north and west of the subject site is within the Low Density Residential Zone and the lot adjoining to the north is developed by a dwelling. Land to the south and opposite the subject site in Malakoff Road is within the Residential 1 Zone and developed for residential purposes.

**PROPOSAL**

The application proposes a four lot residential subdivision with the existing dwelling to be contained on one lot and the erection of a dwelling on each of the remaining three lots. The approximate (subject to final design and survey) lot sizes proposed are:

Lot 1 2,656m<sup>2</sup>

Lot 2 1,570m<sup>2</sup>

Lot 3 1,788m<sup>2</sup>

Lot 4 1,530m<sup>2</sup>

Proposed Lot 1 containing the existing weatherboard dwelling is designed to provide sufficient curtilage for and recognise the heritage values associated with the existing dwelling. Weatherboard dwellings consistent with the heritage and landscape character of the area are proposed to be constructed on each of the other three lots.

**ZONING AND PLANNING CONTROLS**

Zoning: Residential 1 Zone

Overlay/s: SLO2 (Rural Landscape)

Heritage Overlay

Permit Trigger:

The Residential 1 Zone and Heritage Overlay provide that a Permit is required to subdivide land. The Heritage Overlay and Significant Landscape Overlay provide that a permit is required to construct a building or construct or carry out works. The Residential 1 Zone provides that a permit is required to construct more than one dwelling on an

allotment.

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

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

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria which include at Section 4(1) to provide for the fair, orderly, economic and sustainable use, and development of land; ...to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and... to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

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

- (a) any significant social and economic effects of the use or development for which the application is made; and...
- (j) any other relevant matter.

### **STATE PLANNING POLICY**

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

#### **Settlement**

14.01 Planning for Urban Settlement

#### **Environment**

15.01 Protection of Catchments

15.09 Conservation of Native Flora & Fauna

15.10 Open Space

15.11 Heritage

#### **Housing**

16.01 Residential Development for Single Dwellings

#### **Infrastructure**

18.09 Water Supply, Sewerage & Drainage

## **Particular uses and development**

19.01 Subdivision

### **LOCAL PLANNING POLICY FRAMEWORK**

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

#### **Municipal Strategic Statement**

Relevant clauses of MSS include:

Settlement & Infrastructure

Environment

21.02 Key Issues

21.03-1 Vision & Strategic Framework

21.03-2 Corporate Plan

21.04-1 Settlement & Infrastructure

21.04-1-1 Beechworth

21.04-3-2 Heritage

#### **Local Planning Policies**

22.01-3 Residential Subdivision & Development

22.02-1 Landcare & Catchment Management

22.03-2 Fire Hazard

22.03-9 Heritage Policy

22.03-11 Stormwater Management Policy

### **PARTICULAR PROVISIONS**

52.01 Subdivision

52.17 Native Vegetation

55 Two or more dwellings on a lot and residential buildings

56 Residential Subdivision

## **GENERAL PROVISIONS**

### **65 Decision Guidelines**

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

#### 65.01 Approval of an application or plan

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

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

#### 65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **REFERRAL AUTHORITIES**

The application was referred to the following referral authorities in accordance with Section 55 of the Planning and Environment Act 1987 and/or advice was sought from the following:

NERWA

TXU Electricity Ltd

Telstra

Indigo Shire Council

Heritage Advisor

CFA

Responses received recommend approval subject to conditions.

### **PUBLIC NOTICE**

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

One objection has been received in response (see Attachment separately provided to Council).

Issues raised include:

- Impact on amenity
- Impact on environment
- Impact on property values
- Servicing and stormwater drainage
- Costs.

### **DISCUSSION**

Having regard to the points raised in objection, the subject land is covered by the provisions of the Residential 1 Zone under the Indigo Planning Scheme. Unlike the Rural Zone referred to in the objection, the Purpose of the Residential 1 Zone (R1Z) is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects the neighbourhood character.

Subdivision of land within the R1Z is required to meet the recently amended objectives

of Clause 56 of the Indigo Planning Scheme. Clause 56 is a Particular Provision and is standard across Victoria. Recent amendments to this Clause by the State Government support urban consolidation and encourage higher residential densities.

It is acknowledged that developing the site at an urban density will change the ambiance of the site, however it is not the role of the planning system to maintain the status quo in terms of the existing levels of amenity rather, the planning system requires an assessment as to whether that change is acceptable within the regulatory framework provided by the Indigo Planning Scheme.

Bearing in mind the purpose of the Residential 1 Zone, the applicant has submitted that the proposed lot area and dimensions are a response to specific building designs and siting so as to minimise the impact on existing native vegetation. The applicant has also proposed to undertake planting of indigenous species on lots 2, 3, and 4 to enhance the understorey and ground level vegetation of the site.

With regard to the objection in relation to property devaluation, It is established that property devaluation is generally not a planning ground and its relevance must be made clear. In the case of *Heard v City of Doncaster and Templestowe (1986) 4 PABR 265* at 270 the board commented:

“Valuation reflects the perceived market demand for land which will be influenced by many factors including:

- (1) the use and development potential of the land (this will often be constrained by planning controls);
- (2) the market perception of the amenity of the locality.

Good valuation evidence may act as an indicator of potential amenity impacts. For such evidence to be of any use the nexus to the amenity considerations must be made clear. It must be sufficiently particularised to enable the board to identify the factors that have influenced the calculations. If there are other market forces which could or may influence the valuations then such factors would have to be identified. If some of the influencing factors are not relevant planning considerations, then they would have to be disregarded.

Mere figures are irrelevant. Bold opinions as to likely rises or falls in property values without the necessary explanations are also irrelevant. But what those figures and opinions can be shown to indicate may, in certain circumstances, be relevant. An unsubstantiated assertion that ‘my property will be devalued by this proposal’ is useless and must be rejected.”

Having regard to comments in relation to utilities or servicing of the proposal, all sewerage and sullage waters are required to be connected to the reticulated sewerage system to the satisfaction of North East Region Water Authority. Details on proposed stormwater treatment have since been submitted, and demonstrate that the proposed development will detain stormwater on-site so that discharges do not cause nuisance to adjoining or downstream properties and that they do not exceed predevelopment levels.

Comments in relation to the underlying rock strata are valid and noted. A similar issue

was recently raised in relation to a 19 lot subdivision in High Street, Beechworth. In that instance the proposal was approved subject to conditions to assess and mitigate potentially damaging activities and it is considered that similar conditions could be adopted for this proposal to ensure that construction activities do not adversely impact on adjoining properties.

### **CONCLUSION**

Having regard to the above, the provisions of the R1Z and Clause 56, as well as the merits of the proposal in this particular location it is considered that the proposal represents an acceptable and site responsive design response and that the application should be approved.

*Attachment A – Locality plan  
Attachment B – Proposal*

## **10.5 BUILDING STATISTICS - JANUARY 2008 (EDSM)**

### **For Information**

| <b>Property Locality</b> | <b>Description</b> | <b>Project Value</b> | <b>Approval Date</b> |
|--------------------------|--------------------|----------------------|----------------------|
| Rutherglen               | Swimming Pool      | \$25,000.00          | 14/12/07             |
| Rutherglen               | New Building       | \$11,158.00          | 02/01/08             |
| Tangambalanga            | Extension          | \$3,400.00           | 02/01/08             |
| Allans Flat              | New Building       | \$120,000.00         | 03/01/08             |
| Beechworth               | New Building       | \$8,996.00           | 03/01/08             |
| Beechworth               | New Building       | \$25,300.00          | 03/01/08             |
| Chiltern                 | New Building       | \$11,990.00          | 03/01/08             |
| Gundowring               | New Building       | \$9,000.00           | 03/01/08             |
| Yackandandah             | New Building       | \$3,470.00           | 03/01/08             |
| Beechworth               | Re-stump           | \$9,950.00           | 04/01/08             |
| Chiltern                 | Extension          | \$15,000.00          | 04/01/08             |
| Kiewa                    | New Building       | \$1,200.00           | 04/01/08             |
| Rutherglen               | Demolition         | \$1,000.00           | 04/01/08             |
| Beechworth               | New Building       | \$700,000.00         | 07/01/08             |
| Yackandandah             | Demolition         | \$7,500.00           | 07/01/08             |
| Beechworth               | Dwelling           | \$75,000.00          | 08/01/08             |
| Wahgunyah                | Swimming Pool      | \$11,700.00          | 08/01/08             |
| Barnawartha              | Swimming Pool      | \$5,500.00           | 09/01/08             |
| Tangambalanga            | Extension          | \$110,000.00         | 10/01/08             |
| Beechworth               | Alteration         | \$119,640.00         | 11/01/08             |
| Wooragee                 | Dwelling           | \$180,000.00         | 11/01/08             |
| Beechworth               | Extension          | \$23,000.00          | 14/01/08             |
| Yackandandah             | Extension          | \$242.00             | 14/01/08             |
| Rutherglen               | Alteration         | \$49,544.00          | 15/01/08             |

|               |               |                       |          |
|---------------|---------------|-----------------------|----------|
| Rutherglen    | Swimming Pool | \$8,000.00            | 15/01/08 |
| Yackandandah  | Swimming Pool | \$5,000.00            | 15/01/08 |
| Rutherglen    | New Building  | \$6,650.00            | 16/01/08 |
| Wooragee      | Extension     | \$46,880.00           | 17/01/08 |
| Falls Creek   | Extension     | \$708.35              | 21/01/08 |
| Beechworth    | Alteration    | \$15,000.00           | 22/01/08 |
| Beechworth    | New Building  | \$660,000.00          | 22/01/08 |
| Stanley       | Extension     | \$5,000.00            | 22/01/08 |
| Beechworth    | Extension     | \$4,500.00            | 25/01/08 |
| Rutherglen    | New Building  | \$10,860.00           | 25/01/08 |
| Rutherglen    | New Building  | \$14,000.00           | 25/01/08 |
| Barnawartha   | New Building  | \$7,680.00            | 29/01/08 |
| Beechworth    | Dwelling      | \$260,000.00          | 29/01/08 |
| Rutherglen    | Alteration    | \$150,000.00          | 29/01/08 |
| Beechworth    | Extension     | \$248,501.00          | 30/01/08 |
| Yackandandah  | Extension     | \$6,700.00            | 30/01/08 |
| Rutherglen    | Swimming Pool | \$29,000.00           | 06/02/08 |
| Osbornes Flat | Septic Tank   | \$300.00              | 07/02/08 |
| <b>Total</b>  |               | <b>\$3,006,369.35</b> |          |

## **10.6 PLANNING STATISTICS - JANUARY 2008 (EDSM)**

### **For Information**

| <b>Locality</b> | <b>Proposed Use</b>                                       | <b>Cost</b> | <b>Decision</b> |
|-----------------|---|-------------|-----------------|
| Yackandandah    | Amend building envelope - 2 lot subdivision and Dwelling. | \$          | Approved        |
| Beechworth      | Add Cafe, Conference room, craft studio, two shops        | \$350,000   | Approved        |
| Quarong         | Dwelling  | \$          | Refused         |

|             |   |          |         |
|-------------|---|----------|---------|
| Philtern    | Lot Subdivision   |          | Approv  |
| Beechworth  | Lot Subdivision   | \$2,50   | Approv  |
| Northerglen | amenities block, covered outdoor area<br>covered walkways                       | \$205,00 | Approv  |
| Alhambra    | demolish existing dwelling and<br>construct new dwelling                        | \$249,50 | Approv  |
| Blackandale | dwelling and shed with office   | \$400,00 | Approv  |
| Blackandale | dwelling  | \$190,00 | Approv  |
| Beechworth  | excavation earthworks, construct fence<br>and retaining wall, demolish hay shed | \$5,80   | Withdra |
| Beechworth  | certification Road  |          | Approv  |
| Northerglen | ter Dwelling  | \$1,50   | Approv  |
| Booragoo    | extend Dwelling   | \$46,80  | Approv  |
| Beechworth  | church Entry and toilet   | \$12,00  | Approv  |
| Total       |   | 1,469,   |         |

## 10.7 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – MARCH 2008 (EDSM)

### For Information

Projects underway are show in the following table.

| <b>Project</b>   | <b>Current actions</b>  |
|--|---|
| <b>Amendment C10 – Heritage Overlay</b>  | Amendment to be submitted to DPCD for approval and gazettal, once mapping has been finalised by DPCD.   |
| <b>Amendment C21 - Kiewa-Tangambalanga</b>                                     | <ul style="list-style-type: none"> <li>• Structure Plan adopted by Council in May 2006.</li> <li>• Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence.</li> <li>• Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. Additional information requested in this regard by AAV. Proponents preparing required documentation to be submitted to AAV.</li> </ul> |
| <b>Amendment C34 – Wahgunyah Waste Water Treatment Facility</b>                | <ul style="list-style-type: none"> <li>• Amendment adopted by Council in September 2007 and submitted to the Minister for Planning for approval. Amendment approved in February 2008.</li> </ul>  |
| <b>Amendment C35 – Former Beechworth Hospital site</b>                         | Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently corresponding with submitters to resolve issues before reporting to Council.   |
| <b>Amendment C36 – Chiltern Flood study</b>                                    | Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment submitted to DPCD for authorisation to prepare.  |
| <b>Municipal Strategic Statement and Indigo Planning Scheme – major review</b> | <ul style="list-style-type: none"> <li>• Review report with Minister for Planning.</li> <li>• Planning Scheme amendment (C24) to implement initial matters submitted to DPCD for authorisation.</li> </ul>  |
| <b>Indigo Planning Scheme –environmental/biodiversity overlay</b>              | <ul style="list-style-type: none"> <li>• Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme.</li> </ul>   |

|                             |   |
|-----------------------------|---|
|                             | <ul style="list-style-type: none"> <li>• Final report received from Ecology Partners P/L and presented to Council January 2008. Awaiting GIS information from consultant to load onto Council's system.</li> <li>• Phase 2: Draft project brief for Phase 2 of project prepared and discussed at Steering Committee meeting on 18 February 2008. Project Brief to be finalised towards the end of March. Anticipated appointment of consultant by early April.</li> </ul>   |
| <b>VCAT Appeals</b>         | <ul style="list-style-type: none"> <li>• PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 &amp; 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land.</li> <li>• PP07-4055 Appeal by G. Barnes against Council's Failure to grant a permit for a 3 lot subdivision of land in Rogers Lane, Chiltern. Hearing date has not been set at this time. Council officers are corresponding with the applicant in an attempt to resolve the matter.</li> </ul> |
| <b>Administration staff</b> | <ul style="list-style-type: none"> <li>• A new Administration Assistant has been appointed. Di Townsend commenced in this role on 6 February 2008.</li> </ul>   |

## **11.0 OPERATIONS AND ASSETS**

### **11.1 VICTORIAN LOCAL SUSTAINABILITY ACCORD (FILE NO: E350-09 - NRM OFFICER)**

#### **For Decision**

#### **RECOMMENDATION**

**That Council formally adopts the enclosed Local Environmental Sustainability Priority Statement.**

**Moved Cr Graham  
Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

## **SUMMARY**

Indigo Shire Council resolved in May 2007 to commit to the principles and actions set out in the Victorian Sustainability Accord. The first step in this commitment is the development of a *Local Environmental Sustainability Priority Statement (LESPS)*, which aims to recognize local priorities and build on relationships with other local governments. The draft Statement was circulated for comment in January and significant feedback from Councillors and staff was received. This document has been finalised and is awaiting formal adoption.

## **BACKGROUND**

The Accord proposes a series of actions to enhance support for strategic projects, strengthen inter-governmental dialogue and build the capacity of local governments, individually and through regional arrangements, to deliver local and regional environmental sustainability outcomes. This includes the development of a *Local Environmental Sustainability Priority Statement* for the municipality.

Two workshops have been held to assist in the development of Statements. This process and the final document encourages identification of:

- Key Council plans, strategies and policies that relate to environmental sustainability;
- Major achievements by the Shire in regards to environmental sustainability;
- Main environmental sustainability issues;
- Prioritisation of environmental sustainability projects/programs;
- Key partnerships and networks; and
- Possible projects for Accord funding.

Priority issues for environmental sustainability that have been identified include:

- The need for higher level environmental planning;
- Roadside management;
- Water;
- Leadership;
- Waste; and
- Climate Change.

In turn, the outlines of three possible projects have been developed. Two of these will be discussed.

## 1. Higher level Planning

Development of an overarching environmental plan for Indigo Shire has been identified as a need for quite sometime, as highlighted in EDS then Operations departmental plans and NRM Officer position description. Development of this plan needs to be inclusive of the community, recognise existing programs and constraints, develop a clear vision as well as targets. Specific funding for this type of project is offered in Accord funding.

## 2. Roadside Management

Roadside management is a key program within the municipality, with the Plan requiring review. In addition, the technical information underlying this plan – ie the conservation values – also needs updating. A possible program could involve these two elements. Feedback on such a proposal at the second workshop, however, indicates that such a project would need to have regional benefit and might not be successful for funding. Discussions are being held with Rural City of Wangaratta to partner with this proposal.

### **CONSULTATION**

Internal consultation has occurred during development of the Statement. This has included feedback from technical staff prompted by specific questions, as well as from Councillors and Senior Managers prompted by the presentation at the December Council meeting. This feedback has been invaluable and as much as possible incorporated into the document.

### **POLICY IMPLICATIONS**

At this stage, development of the Statement provides a brief snapshot of environmental sustainability in relation to Council's operations and services. Once finalised it should also provide a platform for seeking funds for priority issues.

### **FINANCIAL & RESOURCE IMPLICATIONS**

Two *Expressions of Interest* to the Sustainability Fund have been submitted in relation to priorities identified in the Statement. Should either of these applications be successful, it is anticipated that the required finances and resources will be met through the existing budget coupled with that requested from the Sustainability Fund.

### **CONCLUSIONS**

Development of the Statement has provided a timely opportunity to articulate a statement that recognises existing and proposed environmental priorities. The document provides a brief outline of what plans are in place, what has been achieved and what issues are priorities.

*Attachment*

## **11.2 CAPITAL WORKS – PROGRESS REPORT – FEBRUARY 2008 (GMOA)**

### **For Information**

| <b>Project</b>                              | <b>Actions</b>  |
|---|---|
| <b>Subdivisional works by developers</b>    | <ul style="list-style-type: none"> <li>• Lawranna Estate-30 lots (off Fighting Gully Rd) 95% complete. Significant improvements by developer to Fighting Gully Rd has been undertaken in conjunction with subdivisional works.</li> <li>• Mt Flury Estate, High St Beechworth started 5% completed.</li> <li>• Red Hill Rd Estate, Havelock Rd Beechworth 10% completed.</li> <li>• Yackandandah Heights residential subdivision (off Racecourse Rd)- Stage 2 works 98% complete</li> </ul> |
| <b>Rural Road Development Contributions</b> | <ul style="list-style-type: none"> <li>• Sealing of various intersections in developing rural areas to commence</li> </ul>  |
| <b>Plant</b>                                | <ul style="list-style-type: none"> <li>• National Plant Hire plant maintenance agreement extension agreed and contracts signed for a further 2 years.</li> <li>• Replacement 5 tonne excavator, Komatsu selected and machine delivered in January. Still working out problems with new grab attachment, otherwise working very well.</li> </ul>   |
| <b>Rutherglen Wine Bottle</b>               | North East Water assessing options to make safe. Awaiting engineers report  |
| <b>Wooragee Hall</b>                        | Works complete. Committee have moved back in to the Hall. Grand opening 3 <sup>rd</sup> December 2007   |
| <b>Chiltern Floodplain Study</b>            | Works commenced, to be completed to the value of the available Council budget of \$100,000. Revised advice that Federal Government funding still possible. Works on hold pending advice.  |
| <b>Havelock Road area stormwater re-use</b> | Detail designs complete. Land purchase 90% complete, currently at land titles office for finalisation. Agreement obtained from land owners to commence works upon new road link first. Works on this commenced 2 weeks ago. Currently organising service relocations. Golf course sand scrapes relocated to   |

|   |  |
|---|--|
|   | accommodate construction. Elgin Rd pipe work stage completed by developer of 19 lot SD on high street. Stage 1 of 81 lot subdivision commenced.  |
| <b>Ready/Soles Street drainage</b>                                      | Tomkinson Engineers has completed draft designs. Detailed design to commence   |
| <b>Playgrounds upgrade</b>  | Isaac Park, Yackandandah and Martin Park Chiltern. Playground installed, soft fall placed. Edging of playground to be done by community groups completion expected mid March 08.<br><br>Indigo Park, Barnawartha some extra equipment to added to existing playground equipment. Expected completion early April |
| <b>Chiltern Commercial Area Parking</b>                                 | Detail design to commence immediately final access alignment negotiated. Funding of \$200,00 received. VCAT appeal withdrawn.  |
| <b>Local Infrastructure Works Program (Drought Funding)</b>             | All projects to be complete by end March.  |
| <b>Rutherglen Heavy Vehicle Deviation.</b>                              | Tony Plowman appointed as Independent Chair. First meeting held on 21 February.  |
| <b>Browns Plains Community Meeting Room</b>                             | Funding received for works in conjunction with CFA shed. Tenders closed. Works to be complete March 2008.  |
| <b>Tangambalanga Football club rooms</b>                                | Discussions underway with potential funding bodies.  |
| <b>Yackandandah Supermarket Car parking</b>                             | Road and car park designs complete. Supermarket construction underway.   |
| <b>Wahgunyah-Moodemere Walking Trails</b>                               | Steering Committee selected and attended 2 meetings. Preferred route selected pending further investigation by ISC/DSE as to feasibility. Committee agreed to target of having preliminary report to Council by End of June.   |
| <b>Yackandandah Offices repairs</b>                                     | Minor upgrade works to improve OH&S to be undertaken over Christmas break. Short term fix only.  |
| <b>Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)</b> | Music Bowl roof widened to provide additional rain cover for users. Lighting being designed and fabricated by Yackandandah Sculptor Ben Gilbert. Foundation and electrical work this week. Pathways to follow ASAP and light poles to be installed this month.   |

|  |   |
|--|---|
| <b>Former Beechworth Methodist Church Roof</b>             | Grant received from Heritage Victoria to replace roof. Currently awaiting return of signed agreements. Upon receipt of this specifications for project will be compiled.  |
| <b>Yackandandah Court House Mobile Library Site (LIWP)</b> | New hard stand area created at park adjacent to Court house. Power and internet installed at site for use by mobile library. Almost ready for relocation from YCDCo Also managed to upgrade court house with 3-phase power for production companies and install lighting around building. |
| <b>Osbornes Flat Hall Upgrade</b>                          | Funding applications currently being compiled to allow upgrade of hall and associated tennis facilities. Decision expected mid '08.   |
| <b>Beechworth Pool</b>                                     | Consultant's ground assessment report due shortly.  |
| <b>Wahgunyah Boat Ramp</b>                                 | Still seeking approval from DSE to advertise.   |

### **11.3 OPERATIONS & ASSETS DEPARTMENT – PROGRESS REPORT – FEBRUARY 2008 (GMOA)**

#### **FOR INFORMATION**

| <b>Project</b>                       | <b>Description of Works</b>   |
|--------------------------------------|---|
| <b>GENERAL MAINTENANCE</b>           |   |
| Road Maintenance & Parks and Gardens | <p>Maintenance crews have been busy undertaking edge and shoulder repair and cleaning drains.</p> <p>Parks and Gardens staff has been kept busy with mowing and weed control.</p> <p>Town Hall Gardens, Beechworth - Topsoiling of the War Memorial and replanting of the Rosemary will take place before Anzac Day march with lawn seeding. The Bunya Trees have started to drop the nuts. The surrounding lawn area will be topsoiled after Bunya nuts have finished falling.</p> |
| <b>COUNCIL PROJECTS</b>              | Beechworth Netball courts have had the asphalt pavement placed and will now sit for 28 days for curing before final seal can be put on.   |

|  |  |
|--|--|
|  | Havelock Rd works have started and will run for about 10 weeks, depending on relocation of underground assets ( Telstra & watermain)   |
| <b>Bus Infrastructure</b>                                | Council has received advice from the Department of Infrastructure that it has made available a grant of \$320,000 for improvements to school bus and commercial bus stops in towns within the shire. A program of works is currently being put together and it is expected that work will commence late March/early April with the funds to be spent by the end June 2008.   |
| <b>EXTERNAL PRIVATE WORKS</b>                            |  |
| <b>Works- General Gundowring Road Dairy Road Funding</b> | Construction of improvements to Gundowring Road under the Dairy Road Funding Program. (\$375,000) are now completed.   |
| <b>Murray to Mountains Rail Trail</b>                    | Design plans have been completed. Still in negotiation stages with Vic Track. Works to start after Mellish St Beechworth or before depending on weather conditions.  |
| <b>Annual Bituminous Resealing Contract</b>              | The 2008 works program jointly with Alpine Shire has been awarded to Crameris of Myrtleford. Work has been completed in Rutherglen and continues through the Shire. Project some 50% completed.  |
| <b>Buller Gas</b>  | Working towards future planning for possible expansion of Gas supplies at Mt Buller and also within the Indigo Shire. Construction season in full swing with approx 15 new services, due this year.  |
| <b>Waste Management</b>                                  | <p><b>Falls Creek Waste</b></p> <p>This contract expires in March 2009. Council will be meeting with Resort Management in the next few weeks to discuss possibilities for the next contract.</p> <p><b>East Gippsland Waste</b></p> <p>Council have received confirmation from the East Gippsland Shire Council approving our price for the management of the Wairewa Transfer Station. At this stage, because of hold ups with the construction of the new transfer station, it is not expected that management of this site commence until late March, early April. Interviews have been held for staff to supervise the site and an appointment will be made shortly.</p> |

|  |   |
|--|---|
|  | <p><b>Domestic Waste Collection</b><br/>Council's domestic urban/rural waste/recycle collection service is progressing well. We now have approximately 760 residents receiving a green waste collection service.</p>  |
| <p><b>Animal Control &amp; Local Laws</b></p>      | <p><b>Works</b> (in hours and out of hours)<br/>As of 18/2/08 – all renewals have been posted out to traders for signage and equipment placed on Council footpaths. Attached to the invoice was a letter explaining what is required of traders so that traders &amp; Council alike comply with the Disability Discrimination Act.</p> <p>Things have been pretty quiet in Animal Control. Extra feed at this particular time of year due to good rainfall, has seen a decrease of animals on the road.</p> |
| <p><b>Emergency Management/Fire Prevention</b></p> | <p>The state government have completed appointments for the Regional Facilitator for the commencement of the Integrated Fire Management Plan process. It is hoped that the facilitator will be able to attend the upcoming meetings of the Municipal Fire Prevention committee in late March to outline the procedure for the development of the plan.</p>  |
| <p><b><u>POOLS</u></b></p>                         |   |
| <p>Indigo</p>                                      | <p>Two weeks of the season currently left. Finding it increasingly more difficult to find staff as most the university and school students have returned to study.</p> <p>Over the school holidays, Council provided a bus service from and to Beechworth and Yackandandah to allow children and adults to utilise the Yackandandah Swimming Pool over the warmer months. Once school holidays finished, this service was reduced to a weekend timetable.</p>   |
| <p><b>Summer</b></p>                               | <p>Wodonga Pool is going well. February was a very busy month with many school carnivals. Having some problem with lack of staffing, but not as badly as the Indigo pools</p>   |
| <p><b>ENVIRONMENT</b></p>                          |   |
| <p><b>Community Water Grants – round 2</b></p>     | <p>Project completed with installation of rainwater tanks, Chiltern Memorial Hall &amp; Osborne's Flat Hall.</p>  |
| <p><b>Community Water Grants – round 3</b></p>     | <ul style="list-style-type: none"> <li>• Rainwater tank for Yackandandah depot arrived – plumber to start in early March</li> <li>• Plants ordered for roadside/creek line revegetation, Yackandandah</li> </ul>  |

|   |  |
|---|--|
| <b>Greenhouse Action Plan</b>                   | Milestone 3 workshop held 14 <sup>th</sup> February – good action planning undertaken.   |
| <b>North East Greenhouse Alliance</b>           | <ul style="list-style-type: none"> <li>Alternate Fuels <ul style="list-style-type: none"> <li>• Tender for provision of fuels awarded to Freedom Fuels – Barnawartha supplier</li> </ul> </li> <li>Kicking Goals for the Environment <ul style="list-style-type: none"> <li>• Participating clubs still undertaking installation of new technologies</li> </ul> </li> <li>Adaptation <ul style="list-style-type: none"> <li>• Awaiting announcement regarding success of funds from the Australian Greenhouse Office to contribute to EDS <i>Rural Land Use Study</i></li> </ul> </li> <li>Plant Savers <ul style="list-style-type: none"> <li>• Sustainable schools project – new schools being approached</li> </ul> </li> <li>Sustainable Lighting <ul style="list-style-type: none"> <li>• NEGHA working with SP Ausnet to determine which councils streetlights due for changeover in 2008 so these can be targeted for new lighting types</li> </ul> </li> <li>Membership <ul style="list-style-type: none"> <li>• Membership &amp; Alliance review undertaken – Councils have been informed of process &amp; recommendations</li> </ul> </li> </ul> |
| <b>Chiltern Green Corp project</b>              | Team now down to 5 participants & official graduation 1 <sup>st</sup> April. Work has focused on seed collection, fencing with Landcare and undertaking community venture project to revamp sandpit in Martin Park.  |
| <b>Work for the Dole Team</b>                   | A new team has started & will continue with maintenance works at Lake Sambell.   |
| <b>Lake Sambell</b>                             | <ul style="list-style-type: none"> <li>• Committee has undertaken review of Planning &amp; Design Manual – listing achievements, as well as outstanding &amp; new projects</li> <li>• Committee members met with GM &amp; Operations Manager regarding development of funding submission to the State for funds for path/track completion &amp; amenity block</li> </ul>   |
| <b>Indigenous Resource Area at Lake Sambell</b> | <ul style="list-style-type: none"> <li>• Spraying &amp; maintenance works recently carried out by contractor</li> <li>• Plants ordered for Autumn planting</li> </ul>  |
| <b>Isaac Park</b>                               | <ul style="list-style-type: none"> <li>• Weed spraying carried out by contractors</li> <li>• Some direct seeding of native grass carried out</li> <li>• Plants ordered for mulched bank as well as further wetland plantings</li> <li>• Track improvement yet to be carried out by Council crew</li> </ul>   |
| <b>Community woodlot program</b>                | <ul style="list-style-type: none"> <li>• Recent <i>North East Firewood Community</i></li> </ul>  |

|  |   |   |
|--|---|---|
|  | <ul style="list-style-type: none"> <li>• Reference Group meeting held 31/02/08</li> <li>• Some timber still in Beechworth Transfer Station – prisoners to be confirmed to cut &amp; deliver</li> <li>• Further clean up needed on Chiltern roadsides – only one Landmates crew operating so may not be able to secure labour</li> </ul>   | • |
| <b>Roadside Management Plan</b>                      | <ul style="list-style-type: none"> <li>• “Roadside Partnership Project” over halfway – participating landholders visited, with those to receive follow-up visit identified</li> <li>• 2 x lots of funding received from DPI for roadside weed spraying “Bushfire Recovery Fund” &amp; “Interim Roadside Weed Control” collectively providing \$15,240</li> <li>• Serrated Tussock steering committee formed, Indigo Shire a part of this</li> </ul> | • |
| <b>Roadside weed initiative</b>                      | <ul style="list-style-type: none"> <li>• Applications to open in June</li> </ul>  | • |
| <b>Eco-Awareness Group</b>                           | <ul style="list-style-type: none"> <li>• Next meeting scheduled for Tuesday 18<sup>th</sup> March</li> </ul>  | • |
| <b>Community awareness</b>                           | <ul style="list-style-type: none"> <li>• Clean Up Australia Day has been promoted, with letters offering support written to registered community groups</li> <li>• National Tree Day school plant orders submitted</li> </ul>   | • |
| <b>Upper Sandy Creek School revegetation project</b> | <ul style="list-style-type: none"> <li>• Plant order submitted for early Spring plant</li> </ul>  | • |
| <b>Sustainable water use plan</b>                    | <ul style="list-style-type: none"> <li>• Actions identified in SWUP have been identified that may be appropriate for funding applications in 2008</li> <li>• Water consumption data for 2006-07 collated &amp; analysed</li> </ul>  | • |
| <b>Code of Forest Practice</b>                       | <ul style="list-style-type: none"> <li>• Database of harvest &amp; plantation developments developed</li> </ul>   | • |

## **12.0 HEALTH AND WELLBEING**

### **12.1 INDIGO SHIRE COUNCIL RECREATION PLAN (FILE NO: C908.10 - HWBM)**

#### **For Decision**

#### **RECOMMENDATION**

**That Council adopts the Indigo Shire Council Recreation Plan.**

**Moved Cr Dale  
Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

#### **SUMMARY**

This report presents the final Indigo Shire Council Recreation Plan and requests that Council adopt it. The report outlines the key features contained in the Plan. A copy of Volume 1 is attached for reference. The full version of the Plan will be available on Council's website.

#### **BACKGROUND**

In 2005 Council secured funding to produce a Recreation Plan for the Shire. The main aim of the Recreation Plan was to ensure that the recreational needs of the local community, as well as visitors to the area, are met through strategic action planning over the next 10 years.

The main objectives of the project were to:

- Identify the future sport and recreation needs and infrastructure development opportunities within the Indigo Shire's townships
- Provide the community with information on the sport and recreation opportunities available with the overall objective of increasing participation
- Provide a strategic direction for Council on the management of sport and recreation infrastructure
- Consider risk management, OH&S, environmental issues, anti-discrimination legislation and recommendations from the Sport and Recreation for All Handbook with all deliverables as a part of this strategy.

A Steering Committee was formed in 2006 to guide the selection of an appropriate consultant to produce the Plan and to ensure the document achieved the outcomes developed by the Committee. @leisure was appointed in November 2006 to undertake the project.

Throughout 2007 a comprehensive consultation program, which included a recreation survey delivered to the majority of households in the Shire, ensured that the Indigo Shire community had the opportunity to have input into the development of the Draft Plan.

In March 2007 @leisure produced the first Draft of the Recreation Plan. The Steering Committee assessed the Plan and felt that significant work was still required to ensure it met the objectives of the Project Brief. In September 2007 an amended Draft was completed which addressed the original issues raised by the Steering Committee. This Draft went on public display until the 17<sup>th</sup> October 2007. Public workshops were held during the exhibition period to give the community the opportunity to raise issues and provide feedback on the Draft.

Good feedback from the community and further assessment by the Steering Committee resulted in further amendments to the Plan. The Final Draft was produced and approved by the Steering Committee in February 2008.

## **ISSUES**

The Draft Recreation Plan is a comprehensive document which highlights strategies that offer cost effective solutions to the issues identified in the consultation and review.

The Plan comprises the following Volumes:

1. Volume 1 – Recreation Plan – Strategies and Actions (attached to this report)
2. Volume 2 – Issues Paper
3. Volume 3 – Consultation Findings

The Draft Plan identifies seven (7) key focus areas for Indigo Shire and uses this framework in the Action Plan contained in Volume 1. The seven key focus areas are:

- Refining **Council's role** in recreation in context with available funds
- Meeting **increased and changing demand**
- Creating **diversity in aquatic** facilities
- Enhancing provision for **cycling and walking**
- **Creating better access to** and availability of recreation facilities
- **Marketing and better** distribution of information
- Enhancing the **condition of facilities** and experiences

These seven key focus areas all have goal summaries which are detailed in the Draft Plan and form the framework for the Action Plan (Appendix 1 in Volume 1). Each focus area has a set of strategies which have been prioritised based on recreation planning principles

and the assessment of the consultation findings. The Action Plan is comprehensive and the high priority actions which have been identified would require resources to implement.

There were several issues or actions that were strongly emphasised throughout the review and consultation process which have been highlighted in the key focus areas. The actions to address these issues have been given a high priority in the Action Plan and include:

- Greater marketing and information dissemination on recreational opportunities
- Development and diversification of the Shire's swimming pools
- Strategic development of walking and cycling opportunities throughout the Shire. It is important to note the very strong increase in participation in these activities, not only in Indigo, but throughout Australia.
- Encouragement and incentive to committees and clubs who promote shared use and plan for greater participation

At the request of the Steering Committee, the consultants also prepared a list of recommended planning and capital works directions for key townships and their recreation facilities. This listing (Appendix 2 in Volume 1) identifies all planning and capital works directions and prioritises them on both a township basis and a Shire wide basis. The priorities in the listing have been based on a set of weighted assessment criteria with an aim to ensure the greatest benefits can be achieved in the areas of greatest need, both Shire wide and by individual township.

Based on this weighted assessment process, the number 1 priority actions for planning and capital works for some of the Shire townships are:

- |                      |  |
|----------------------|--|
| Barnawartha:         | Prepare a business case and facility design for the development of a new multi-purpose pavilion at Barnawartha Recreation Reserve – consider incorporating an indoor sports court large enough to cater for netball  |
| Beechworth:          | Adopt the Baarmutha Park Masterplan concept to help guide and prioritise future site development   |
| Chiltern:            | Undertake a Masterplan for the Chiltern Recreation Reserve that identifies priority areas for facility development and improvement as well as considering an overall future site plan to potentially cater for new facilities (ie BMX track or skate park) |
| Kiewa/Tangambalanga: | Review the existing Coulston Park Masterplan in line with proposed site developments and consider the preparation of a revised site plan that incorporates new facility development proposals  |
| Rutherglen:          | Create a formal walking track circuit around Lake King, connecting the swimming pool, Apex Park, lawn bowling  |

club, caravan park, Rutherglen Golf Course and Showgrounds with the town centre

Stanley: Investigate opportunities to create a shared trail (on or off-road) that better connect Stanley and Beechworth

Wahgunyah: Continue to support the funding application process for the Wahgunyah to Rutherglen – Murray to Mountains Rail Trail Link

Yackandandah: Prepare a business case for the development of an indoor sports court (and associated amenities) at the Yackandandah Sports Park

It is the considered opinion of the Steering Committee that the Draft Plan adequately addresses the scope of works, as detailed in the original Project Brief, however, the issue for this Council, as detailed throughout the Draft Plan, is to maximise its limited resources, when planning for the implementation of the Plan.

### **Major Issues for Council to consider**

#### **1. Strategies and Actions**

As mentioned previously in this report, the Draft Plan has seven (7) Focus Areas, each with their own set of actions and strategies, the majority of which require some level of either financial or human resources to implement. The strategies have been prioritised as ‘high’, ‘medium’, ‘low’ and ‘ongoing’. Many of the high priority strategies can be implemented using existing staff time and resources, particularly those dealing with redefining Council’s role in recreation, making recreation accessible, marketing and information and prioritising infrastructure development. Other high priority strategies may require financial resources or additional staff time, for example:

- Strategies 11-13 – developing capital works plans, marketing plans and management plans for the pools
- Strategy 16 – updating the Bicycle Plan
- Strategy 34 – increase Asset Maintenance Grants Program by 7% annually for the next five years

A more detailed assessment of the financial and resource implications is located in the ‘Financial and Resource Implications’ section of this report.

The Plan also has a recommended priority list of recreational capital works and planning projects. This list is less problematic as it can be incorporated into Council’s capital works program which is reviewed annually by Council through the budget process. However, individual major projects, which require substantial funding, require a commitment by Council and the community to be completed.

#### **2. Major Capital Works**

The Draft Plan has identified that Indigo Shire has an ageing stock of recreation

infrastructure and limited resources to improve these facilities. Progress has been made with netball facilities due to access to a specific grants program for country football and netball, however, the pavilions servicing these sports, and others sports are, in most cases, old, rundown and limited in providing the facilities needed for a multi-use sports park. Specifically, the pavilions at Yackandandah Sports Park, Barnawartha Recreation Reserve and Baarmutha Park require major works.

Appendix 1 in the Draft lists all recreational capital works and planning projects in the Shire in a priority order based on a set of pre-determined assessment criteria. One of the major aims of the Plan was to give Council direction in determining priorities for major recreational works into the future.

A key element in the functionality of the Recreation Plan is that the recreational project priorities determined in the Plan align with Councils existing capital works forward works program. An assessment of these two 'lists' of capital works has shown that, with some minor amendments, the key priorities listed in the Draft Plan matches the priorities currently set out by Council in its current Capital Works Program. The Capital Works Program for 2008/2009 is currently going through its consultation process and the final program will be determined by Council as part of the standard budget process.

A pleasing outcome from the Draft Plan was that Council was aware of the majority of recreational capital works and planning projects listed in the Plan and had incorporated them into the long term capital works program.

It should be noted that Appendix 2 is a 'live' document which will allow new projects to be added with their priority assessed accordingly, old projects deleted and the whole document then reviewed annually in line with Council capital works program.

The challenge for Council is to ensure that the major recreational projects, which are listed as high priorities in the Plan, are addressed in future budgets. Ideally, Council should follow good planning principles with major works which includes allocating appropriate funding to:

- Prepare a Master Plan for the Reserve
- Prepare a detailed plan and business case for the project
- If appropriate, complete the project

With the exception of developing cycle and walking tracks, which will be separately discussed further in this report, the three (3) major projects of high priority in the Shire are:

a) Yackandandah Sports Park – Construction of Indoor Sports Facility

The Masterplan for the Park was adopted by Council in February 2008. The next step, as recommended in this Draft Plan, is to "*Prepare a business case for the development of an indoor sports court (and associated amenities) at the Yackandandah Sports Park.*" This would logically be followed by investigations into funding the construction project itself.

b) Barnawartha Recreation Reserve – Construction of Multi-Purpose Pavilion

The Masterplan was adopted by Council in November 2005. The Draft Plan has recommended to *“Prepare a business case and facility design for the development of a new multi-purpose pavilion at Barnawartha Recreation Reserve – consider incorporating an indoor sports court large enough to cater for netball.”*

c) Baarmutha Park - Construction of Multi-Purpose Pavilion

A draft Masterplan for Baarmutha Park has been guiding some developments at the Park for the last few years. This Draft was developed by the Committee of Management, with some Council involvement, but has not been formally adopted by Council or made available to the broader community.

Although the Draft Recreation Plan has recommended that Council: *“Adopt the Baarmutha Park Masterplan concept to help guide and prioritise future site development.”* due to recent developments it was considered appropriate for Council to apply for funding to completely re-draft the Masterplan. This would allow a new Draft to go through an appropriate consultation process with the community and take into consideration the current issues in Beechworth, particularly issues regarding the future of the Beechworth Pool, a proposed relocation of the tennis club and proposed new hockey facilities.

Council has applied for funding to complete a new Masterplan for Baarmutha Park. It is anticipated that the announcement of successful applicants will be made in March 2008.

Good planning practices would once again see the sequential process of funding (a) the development of a Masterplan, (b) the development of detailed designs and business case for the project and (c) the construction of the project.

### **3. Hierarchy of Facilities**

The Draft Plan has identified that one of Council’s core businesses is to provide a basic range of recreational infrastructure for the benefit of its community. However, Council must be being mindful of its limited resources for capital works projects and must plan accordingly. As a result, the Plan has recommended Council adopt a hierarchical approach to funding its recreational infrastructure (detailed in appendix 3 of the Draft).

The Draft Plan has not taken the ultimate step of recommending a rationalisation of facilities ie recommending that particular facilities be closed and Council and community resources concentrated into major multi-purpose venues, however it does suggest that Council needs to apportion its limited resources based on the hierarchical approach. Recommendations in Focus Area 7 (particularly Action 32) mention the benefits of *“promoting the benefits of shared facilities”, “allocating resources to encourage better shared and multi-use” and “assisting committees to consolidate...”*

#### **4. Financial Support to Community Committees**

The majority of recreational facilities in the Shire are directly managed by delegated Committees of Management. Generally the committees are Section 86 Committees of Council or Crown Land Committees (usually described as DSE Committees of Management).

Council currently offers financial support to these committees through its annual Asset Maintenance Grants Program. The Project Brief for the Recreation Plan requested that the consultants review this Program and make recommendations as appropriate.

The Draft Plan has identified that the current level of financial support from Council, *“in some cases, is no longer adequate to enable Committees to maintain facilities at a consistent standard and effectively over the life of assets, let alone address pressing issues such as lack of water, risk management and additional regulatory and sporting code requirements, aging infrastructure and senescing trees. Few Committees have substantive income streams and yet Committees are often being required to make capital contributions to facility upgrades.”*

The Plan recommends a review of the Asset Maintenance Grants Program to address the current issues and provide incentives for Committees and clubs to improve their service to the community.

#### **5. Cycle and Walking Track Development**

The community consultation process has confirmed that Indigo Shire is following national trends which highlight the continuing popularity of informal cycling and walking/running. An estimated one third of people in the Shire regularly walk for recreation, including running and walking the dog, with a further 18% cycling for recreation. The Draft Plan has indicated that the key challenge for Council is to be able to meet the demand for the range of different path based activities required for cycling and walking/running.

To meet this demand, the Plan is recommending further development and expansion of an integrated shared trail network throughout the Shire and, where possible, linking to popular trails in north east Victoria such as the Rail Trails. The development of additional cycle/walking tracks feature strongly in the prioritised list of capital works projects (Appendix 2).

The Plan recommends that Council *“Update the Shire Bicycle Plan and investigate opportunities to provide better and safer on-road and off-road cycling routes to meet changes and increases in demand.”*

It is considered appropriate that the first step for Council would be to update the Bicycle Plan and expand the scope of the Plan to include on and off road tracks and trails which cater for cycling and walking activities. This new Plan would then provide direction to Council and the community for future infrastructure projects.

It should be noted that Council’s Operations and Assets section has already engaged the services of a consultant to update the Bicycle Plan. It is anticipated that this

process will be completed within the 2007/2008 financial year. Appropriate community consultation will be implemented as part of this project.

## **6. Swimming Pools**

Swimming is the second most popular recreational activity in the Indigo Shire (walking was the most popular). The Draft Plan has recommended that Council continue to address the quality of its pools, enhance accessibility and diversify the range of aquatic opportunities it provides to the community. Focus Area 3 (Actions 11, 12 and 13) in the Draft Plan is aimed at addressing these issues.

## **CONSULTATION**

A comprehensive consultation program was implemented as part of this project. The consultation adhered to Indigo Shire Council's Community Engagement Plan 2006 and included:

- Preparation of a general announcement of the study, and a call for submissions from the public, stakeholders and broader community
- Information about the Plan in public notices, the Mayors Column and the Indigo Informer
- Interviews with Councillors, Council staff, sports clubs, Committees of Management, government agencies, peak bodies, any relevant private facility providers, Project Steering Committee and key community stakeholders
- In November 2006, a community recreation survey was distributed to 5,800 households across the Indigo Shire via post. The surveys were distributed to all private houses and post office boxes. A total of 758 usable responses were received, collated and analysed.
- Meetings with the Project Steering Committee and Council staff
- Public meetings inviting feedback at two key phases in the process
- Exhibition period inviting comment for the Draft document, including Public Workshops at three locations within the Shire on the 26<sup>th</sup> September, 27<sup>th</sup> September and 10<sup>th</sup> October 2007

## **POLICY IMPLICATIONS**

The development of the Indigo Shire Recreation Plan is consistent with both the Council Plan 2006-2010 and the Health and Wellbeing Departmental Plan.

## **FINANCIAL & RESOURCE IMPLICATIONS**

The recommendations from the Draft Recreation Plan will have impacts on Council's financial and human resources.

## 1. Strategies from Seven (7) Key Focus Areas

Many of the strategies contained in the Plan can be implemented using existing staff time and resources. However, some require additional financial resources to implement.

The following Table shows a summary of the financial implications of the Plan to Council:

| Focus Area | Strategy | Priority | Estimated Budget | Year      | Comments   |
|------------|----------|----------|------------------|-----------|--|
| 2          | 7        | High     | \$2,500          | 2008/2009 | Replicate the Householder Survey   |
| 6          | 25, 27   | High     | \$10,000         | 2008/2009 | Provide comprehensive recreational information on website. This to be undertaken by a short term project worker. |
| 7          | 34       | High     | \$7,700          | 2008/2009 | Increase Asset Maintenance Grant by 7% - Year 1  |
| 6          | 26       | Ongoing  | \$500            | 2008/2009 | Annual Forum for Committees and Clubs  |
| 7          | 34       | High     | \$8,200          | 2009/2010 | Increase Asset Maintenance Grant by 7% - Year 2  |
| 7          | 34       | High     | \$8,800          | 2010/2011 | Increase Asset Maintenance Grant by 7% - Year 3  |
| 7          | 38       | Medium   | \$10,000         | 2010/2011 | Investigate options to reduce potable water usage at reserves  |
| 7          | 29       | Low      | \$10,000         | 2011/2012 | Design and install standard signage for all recreation reserves  |
| 7          | 34       | High     | \$9,400          | 2011/2012 | Increase Asset Maintenance Grant by 7% - Year 4  |
| 7          | 34       | High     | \$10,000         | 2012/2013 | Increase Asset Maintenance Grant by 7% - Year 5  |

## 2. Priority List of Recreational Capital Works and Planning Projects

The recommended recreational capital works and planning projects from the Draft Plan have been incorporated into Council's capital works program and will be considered by Council as part of the 2008/2009 budget process and subsequently as part of future budgets.

It is anticipated that the top ten priorities for the Shire from the Draft Plan will be actioned in the following way:

Note: DPCD – Department of Planning & Community Development

| <b>Priority</b> | <b>Project Details (refer to Appendix 1 for detailed description of project)</b> | <b>Total Cost of Project</b> | <b>Comment</b>  |
|-----------------|--|------------------------------|---|
| 1               | Complete the Baarmutha Park Masterplan   | \$18,000                     | 2008/2009 subject to a 1:1 grant through DPCD                   |
| 2               | Design for Yackandandah Sports Park indoor sports court and amenities            | \$15,000                     | 2009/2010 subject to 1:1 grant through DPCD                     |
| 3               | Create formal walking track in Rutherglen  | Unknown                      | 2008/2009 updated Cycle Plan to address                         |
| 4               | Design for Barnawartha Recreation Reserve multi-purpose pavilion                 | \$15,000                     | 2010/2011 subject to 1:1 grant through DPCD                     |
| 5               | Review Coulston Park Masterplan  | \$15,000                     | 2010/2011 subject to 1:1 grant through DPCD                     |
| 6               | Wahgunyah to Rutherglen Rail Trail link  | \$830,000                    | Funding secured, to be commenced in 2008/2009                   |
| 7               | Design for Baarmutha Park multi-purpose pavilion                                 | \$15,000                     | 2009/2010 subject to 1:1 grant through DPCD                     |
| 8               | Chiltern Recreation Reserve Masterplan   | \$20,000                     | 2011/2012 subject to 1:1 grant through DPCD                     |
| 9               | Barnawartha netball/tennis court development                                     | \$130,000                    | 2008/2009 subject to 2:1 grant through DPCD and community funds |
| 10              | Gorge Walk Yackandandah upgrades   | \$50,000                     | 2008/2009 subject to 1:1 grant                                  |

*Attachment*

## **12.2 COMMUNITY ADVISORY COMMITTEES – RESCISSION OF DEEDS OF DELEGATION (FILE NO: C062-03 - HWBM)**

### **For Decision**

### **RECOMMENDATION**

**That Council rescind the Section 86 Deeds of Delegation for the:**

- **Chiltern/Barnawartha District Community Advisory Committee,**
- **Rutherglen/Wahgunyah District Community Advisory Committee,**

- **Yackandandah / Kiewa-Tangambalanga Community Advisory Committee,**  
**&**
  - **Beechworth/Stanley Community Advisory Committee**
- in accordance with Section 86 of the Local Government Act 1989.**

**Moved Cr Hotson**  
**Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

### **SUMMARY**

This report recommends the rescission of the Deeds of Delegation for the District Community Advisory Committees as they are no longer operating in the capacity originally determined for them and the groups have resolved not to continue meeting..

### **BACKGROUND**

The Chiltern/ Barnawartha District Community Advisory Committee, Rutherglen/ Wahgunyah District Community Advisory Committee, Yackandandah/ Kiewa - Tangambalanga Community Advisory Committee and Beechworth/ Stanley Community Advisory Committee were established by resolution of Council in October 1997.

### **ISSUES**

The Beechworth/Stanley Community Advisory Committee has been in recess for a number of years whilst the Chiltern/Barnawartha District Community Advisory Committee determined in March 2007 to disband as it was felt that other Council community engagement strategies were more relevant to seeking community input.

In August 2007 the Rutherglen Wahgunyah Advisory Committee determined not to meet until February 2008. This Committee then resolved at its meeting on 18 February 2008 to disband. A group of interested Rutherglen members will continue to meet on a bi monthly basis but not under the structure of the Community Advisory Committee.

The Yackandandah Kiewa Tangambalanga Advisory Committee continues to meet on a regular basis however acknowledges the limitations of their role as an advisory committee and value the other opportunities that Council now provides for consultation and engagement. A Council officer has not attended these meetings since mid to late 2007. Administrative support, by way of distribution of agendas and minutes, is still available to the Rutherglen and the Yackandandah Kiewa Tangambalanga groups.

Council has previously supported the retention of the Indigo Shire Community Advisory Committee (ISCAC) and as such it does not form part of this report. A further report will be provided on the suggested membership of the ISCAC. At that time it will also be necessary to revise the Deed of Delegation.

## **CONSULTATION**

There has been full and ongoing discussion with the relevant groups. It should be noted that the Beechworth/Stanley and Chiltern/Barnawartha Committees initiated the decision for these two groups not to continue meeting.

## **POLICY IMPLICATIONS**

The Council Plan provides for open and accountable governance including the encouragement of community involvement in decision making. The recommendation to rescind these Deeds of Delegation is not inconsistent with this as clearly the groups have identified that other Council engagement strategies are viewed as being more effective.

## **FINANCIAL & RESOURCE IMPLICATIONS**

There are no financial implications resulting from this matter.

## **12.3 'LEADING INDIGO 2008' PILOT PROGRAM (FILE NO: C065-08, HWBM)**

### **For Decision**

#### **RECOMMENDATION**

That Council endorses the conduct of the "Leading Indigo 2008" community strengthening program as a pilot for 2008 and refer to the budget for 08/09.

**Moved Cr Graham  
Seconded Cr Dale**

**That Item 12.3 be deferred to obtain further advice re implementation of such a program.**

**CARRIED**

## **SUMMARY**

This report provides information regarding the potential development of a community strengthening program "Leading Indigo 2008" as a pilot initiative and seeks Council support to continue the development of the pilot program.

## **BACKGROUND**

At two Briefing Meetings of Council in 2006 Ms Cathy McGowan presented to Council her ideas for the development of a leadership program for Indigo Shire. In the first of these presentations (17 October) Ms McGowan provided feedback from the Kerferd oration and floated the idea of a leadership program. She was requested to conduct further investigations and report back prior to the end of the year. Ms McGowan briefed Council on her proposal on 19 December 2006.

The proposal was based on a similar program operating in Moira Shire with the full support of the Moira Shire Council. At the meeting Councillors raised concerns about the cost of such a program, particularly in light of the financial constraints placed on Council at that time. At the conclusion of the presentation it was determined to further develop the program and prepare a report back to Council in time for the budget preparation and consideration as part of the budget process. This matter was raised again at a Briefing Meeting of Council in May 2007. Following discussion there was consensus to utilise and support the leadership programs already in existence in the Shire.

## **DISCUSSION**

Whilst acknowledging Council's thoughts on the development of an Indigo specific leadership program, there was still interest in the community to further explore options in relation to community strengthening and leadership. These community members continued to meet to pursue these options. Council's Health & Wellbeing Manager was invited to discuss some of their findings with them in late 2007.

The proposed "Leading Indigo 2008" community strengthening program has been developed in a similar style to the program supported by Moira Shire Council. A copy of the 2006 Moira Shire program is attached for information and reference.

It is designed to enable people at the community level to increase the effectiveness and influence of the community groups they belong to whilst enhancing their own skills in communication, submission writing, project planning, presentations, networking, etc. This program is designed to approach leadership and community strengthening at the grass roots level and skill up local people to be more effective and supported in their local community. It is not intended to replace the Alpine Valleys Community Leadership Program (AVCLP). It can however be viewed as a possible lead in to the AVCLP should individuals wish to further develop their leadership skills. The AVCLP has a regional focus rather than a local focus.

Topics covered within the AVCLP include regional development, education and health, agribusiness, local government, business and industry, the environment, human needs and services, ethics, law and order issues, and quality of life matters. The proposed "leading Indigo 2008" program has a very different focus with topics covered including personal development, meetings, communication community development, leadership, lobbying and use of the media. The AVCLP is a twelve month program, over two full days per month. The "Leading Indigo 2008" program provides 10 sessions (7 evenings and 3 Saturdays) over a 4 – 5 month period.

The program is proposed to be conducted in 10 sessions over a period of about four months. Cathy McGowan would facilitate the program and invite relevant guest speakers to present various sessions. The pilot will target 12 emerging community leaders from across the Shire.

Council has indicated that it wishes to continue to support existing leadership programs within the shire and as such has allocated funds in the 2007/08 budget to support community members to participate in AVCLP. This proposal is to support 12 local residents to develop their skills in leadership within their own communities. The Pilot has been designed to operate at no cost to Council. It is fully funded from external sources. This initiative provides excellent value both the Council and the community -

with the benefits clearly being articulated over the long term.

Community members will be asked to submit an expression of interest (EOI) for participation in the program. As part of the EOI applications will be asked to briefly outline a small community project/ initiative they wish to develop as part of the program. A key part of the program is to provide an ongoing mentoring component for participants. The proposed dates are from May to August/September 2008.

The anticipated outcomes/ benefits include:

- There will be increased leadership capacity within the Shire
- More people with increased knowledge and confidence who are willing to take on leadership roles
- More people with a greater understanding and stronger connection with local and other governments

### **CONSULTATION**

As previously noted a group of community members has been developing the proposal for some time. A working group consisting of Cathy McGowan, Nerida Kerr, Matt Pfahlert, Anne Shaw and Council's Health & Wellbeing Manager have been meeting since late 2007 to further develop the proposal for Council's consideration.

### **POLICY IMPLICATIONS**

The development of the "Leading Indigo 2008" community strengthening program is consistent with the objective 5.2 in the Council Plan 2006 – 2010 to "*Facilitate the provision of a range of services to meet the needs of the community*", specifically the strategy "*to support and promote programs for community leadership and volunteerism that will develop future leaders for our community and support participation in community activities.*" The implementation of an Indigo leadership program is a specific project listed in the Council Plan.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The program is proposed as a pilot for 2008. A budget has been set at \$35,000. Funds have been identified without requiring any new contribution by Council. Funding will be as follows:

- |  |          |
|--|----------|
| • Volunteer Support Grant (currently in 2007/08 budget)<br>(Approval has been received from DPCD to utilise funds from this grant) | \$10000  |
| • Regional Development Victoria "Provincial Leadership Program"  | \$10,000 |
| • North East Ag Care Contribution  | \$10,000 |
| • Alpine Valleys Community Leadership Program (In kind contribution)   | \$ 5,000 |

There is potential for participants to make a small financial contribution however the working group propose that participation is free for the pilot program.

Members of the working group are exploring options for corporate sponsorship as a means of ensuring the ongoing viability of the program beyond the first pilot year. The working group are acutely aware of the need for the program to be self sustaining or at

least to minimise the ongoing cost to Council should Council determine that the program continues beyond the pilot year. The group is also aware that if ongoing external funding cannot be secured beyond 2008 the program will not continue.

The purpose of conducting a pilot is to evaluate the programs effectiveness and determine its ongoing viability. Clearly if the evaluation indicates that the program is not viable then it does not continue beyond the timeframe of the pilot.

*Attachment*

**12.4 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – MARCH 2008**

| <b>PROJECT</b>   | <b>ACTION/ PROGRESS</b>  |
|--|--|
| <b>Indigo Shire Recreation Plan</b>                        | The final report of the Recreation Plan has now been received and is included in the March 2008 Council Agenda for adoption.   |
| <b>Youth Development Officer</b>                           | Bev Hoffmann has been appointed to the position of Youth Development Officer and commenced duties on 3 March 2008.   |
| <b>National Youth Week Funding</b>                         | Advice has been received that Council has been successful in obtaining a grant of \$2000 for National Youth Week Activities. It is proposed to conduct an inter schools challenge between secondary schools in Indigo and Towong Shires. |
| <b>Kiewa Valley Early Childhood Centre (Tangambalanga)</b> | The full transfer of this service to CEC FARMS has now been effected. Contact is being maintained with the new provider to ensure that any issues and concerns can be readily addressed. The transition has gone smoothly to date.       |
| <b>Murray Arts</b>   | Karen Gardner has been appointed to the position of General Manager for Murray Arts. Health and Wellbeing staff met with Ms Gardner on 18 February to discuss Council's ongoing partnership with Murray Arts.                            |

|  |  |
|--|--|
| <p><b>Rutherglen Wahgunyah Community Advisory Committee</b></p>              | <p>The Rutherglen Wahgunyah Community Advisory Committee, at its meeting held on 18 February 2008, passed a motion to disband. However, the Committee decided to continue meeting as a Rutherglen only based committee on a bi-monthly basis. An invitation to future meetings will be extended to a representative from the Wahgunyah Progress Association. A Council officer will not be made available at these meetings, however, Council will provide administration support as required.</p>   |
| <p><b>Drought Relief for Community Sport and Recreation Program 2008</b></p> | <p>The second round of funding through the Drought Relief for Community Sport and Recreation Program 2008 closed on 25 February 2008. Two applications have been submitted:</p> <ul style="list-style-type: none"> <li>• Installation of automatic irrigation system, bore and associated infrastructure at the Barnawartha Recreation Reserve. Total project cost \$60,000.</li> <li>• Installation of bore and associated infrastructure at Coulston Park. Total project cost \$21,000.</li> </ul> <p>Both projects will require financial contributions from Council and the community. Details of these projects will be reported separately to Council.</p> |

## **13.0 CORPORATE AND VISITOR SERVICES**

### **13.1 CORPORATE SERVICES PROJECTS – PROGRESS REPORT – MARCH 2008 (GMCVS)**

#### **Project**

#### **Actions**

|                                    |  |
|------------------------------------|--|
| <p><b>Enterprise Agreement</b></p> | <p>On 31 January the Enterprise Agreement was certified by the Workplace Authority as containing no ‘prohibited content’ and has subsequently been signed by the Chief Executive Officer and the four unions who are party to the Agreement.</p> <p>Council is now required to provide all employees to be covered by the Agreement with a copy of the Government booklet ‘Information for Employees – Collective Agreements’ and ready access in writing to the final version of the Agreement, for a period of at least seven days before the Agreement is approved.</p> <p>As a consequence, Council is sending to every member of staff a copy of the Information for Employees booklet, together with details of the fifteen locations where they can examine the final version of the Agreement. Printed copies of the Agreement are being sent to staff in East Gippsland and other remote locations.</p> |
|------------------------------------|--|

Following a reasonable period for all staff to consider the Agreement and the Information for Employees booklet, we shall write to every member of staff a second time, enclosing a voting form and detailing how and by when these are to be returned.

Once returned, the votes will be counted jointly by staff and management representatives. The vote will be decided by the majority of employees who make a valid vote deciding either to approve or reject the Agreement. If the Agreement is approved, it will apply to all the employees who are covered by it, not just those who voted for approving it.

If approved, the Council must lodge a declaration and a copy of the Agreement with the Workplace Authority within 14 days. The Agreement starts to operate on the day the Workplace Authority receives the Council's declaration.

### **13.2 TOURISM & MARKETING - PROGRESS REPORT – MARCH 2008 (TMM)**

| <b>Project</b> | <b>Actions</b> |
|----------------|----------------|
|----------------|----------------|

|   |   |
|---|---|
| <b>Burke Museum</b>                     | The Burke Museum's <i>Cabinets of Wonder</i> exhibition was officially opened by ITB Patron Tim Fischer on Thursday, 21 February. The exhibition features the weird and wonderful collections of Beechworth residents and has received excellent publicity in metropolitan and local media.<br>Work is also continuing on bringing banking procedures at the Burke Museum into line with the rest of Shire's practices, and the implementation of the Burke Museum marketing strategy is underway including overhauling of the website, and promotion of package deals to bus groups with entertainment in the Street of Shops.<br>Changes made to the Museum layout to place a heavier focus on merchandise for sale is starting to yield results. |
| <b>Historic &amp; Cultural Precinct</b> | As part of the 150 <sup>th</sup> anniversary of the Beechworth Historic & Cultural Precinct an open day was held on Sunday 2 March with entertainment in the police paddocks and distribution of Precinct ticket offers for future use.   |
| <b>Cycle Tourism</b>                    | Cycle Tourism Officer Clayton Neil has completed the draft Cycle Tourism Strategy 2007-2010 which was workshopped with key stakeholders in February. The final strategy will be launched in early March.  |
| <b>Sponsorship workshop</b>             | A workshop was held on February 26 for Indigo Shire community festival and event organisers to develop their skills in seeking private sponsorship.   |

|                               |   |
|-------------------------------|---|
| <b>Celtic Festival</b>        | Beechworth's Celtic Festival at this stage will not run in 2008, with the four of the six committee members stepping down at the AGM held in February. A "winding down" meeting is scheduled for March 4, and will be a final opportunity for any interested people to join the committee or it will cease. |
| <b>GHS Festival</b>           | The Tourism department has successfully assisted the Golden Horseshoes Festival committee to obtain a \$10,000 grant through Regional Development Victoria. The grant matched \$ for \$ the contribution to the festival from Indigo Shire Council.   |
| <b>Strategic planning day</b> | The Indigo Tourism Board and Councillors will participate in a strategic tourism planning workshop on April 11.   |

### **13.3 DONATION – RUTHERGLEN ROTARY CLUB (FILE NO: C835.1-02 - GMCVS)**

*Note: Cr Hotson declared a Conflict of Interest in this item in that he is a member of the Rutherglen Rotary Club. Cr Hotson left the meeting at 7.50 pm and returned at 7.51 pm and took no part in voting on the matter.*

#### **For Decision**

#### **RECOMMENDATION**

**That Council provide a donation to the Rutherglen Rotary Club for \$414 to cover the base costs of the building permit application fee and planning permit for works for the extension of a storage shed at Booth Street, Rutherglen.**

**Moved Cr Murdoch  
Seconded Cr Dale**

**That the Recommendation be adopted.**

**CARRIED**

#### **BACKGROUND**

Rutherglen Rotary Club has recently undertaken a project of extending a storage shed on the property at Booth Street Rutherglen.

As part of the construction process it was required to obtain a building and planning permit and pay fees and levies totalling \$476.00.

It has requested reimbursement of the fees or Council contribution.

#### **ISSUES**

Council requires all building permit application fees to be paid at the time of lodging an application.

In the past, Council has acceded to requests from Community bodies for refund of part of

the building permit application fees.

The fees consist of various components being :-

1. Actual building permit application (in this case \$320)
2. GST on that (in this case \$32)
3. A building lodgement fee (in this case \$30)
4. A planning permit (in this case \$94)

Council needs to forward the GST component to the Australian Taxation Office and the other lodgement fee is forwarded to the state Government, leaving Council with the base building permit application fee and planning permit fee.

Because we are only acting as a collection agency for the GST and the other levies, I do not propose that Council refunds them in any instance.

Council needs to consider refunding the actual building permit application fee and planning permit fee which is what Council charges through its Building and Planning Department for processing of the permits. Whilst Council incurs significant costs in processing these permits a donation of an amount equivalent to the building permit application fee and planning permit is seen to be reasonable in supporting a community organisation.

### **CONSULTATION**

Correspondence has been entered into with the Club.

### **FINANCIAL IMPLICATIONS**

Obviously, Council is showing that it has received the building permit and planning application fees, levies etc. In the past Council has refunded allowance from the Councillors' Discretionary Fund or its donation section under the Public Relations Program.

The amount of \$414 far exceeds the small budget for normal donations, therefore this amount should be funded from the Councillor's Discretionary Fund.

## **14.0 FINANCE**

*Note: A quarterly report will be presented to Council at its April meeting.*

## **15.0 GOVERNANCE**

### **15.1 VICTORIAN AUDITOR GENERAL'S REPORT ON LOCAL GOVERNMENT: RESULTS OF THE 2006-07 AUDITS (FILE NO: M030-07 – CEO)**

*Note: This item withdrawn pending further clarification from the Auditor General's Department regarding inconsistency with some figures.*

### **15.2 GOVERNANCE – PROGRESS REPORT – MARCH 2008 (CEO)**

#### **For Information**

#### **Project**

#### **Actions**

|                                       |   |
|---------------------------------------|---|
| <b>Council Budget</b>                 | February results for 07/08 will be available shortly. The Senior Management Group will be discussing Budget parameters at a workshop to be held on 7 March.   |
| <b>Community Forums</b>               | A forum was held at Beechworth on 26 February.  |
| <b>Media &amp; Communications</b>     | We are continuing to put out a large number of press releases and other information and have been well supported in local media publishing covering activities across the Shire. Recent examples are: <ul style="list-style-type: none"><li>• Extensive coverage of the Burke Museum exhibition <i>Community Curiosities</i> including articles in the Age, Herald Sun, Border Mail, television and radio shows.</li><li>• Old Beechworth Gaol update picked up by a wide range of regional and local media.</li></ul>  |
| <b>Assets Manager</b>                 | Robert Uebergang commenced duties on Monday 18 February.  |
| <b>Murray to Mountains Rail Trail</b> | We are still awaiting finalisation of the lease with VicTrack. They have been provided with additional information that they requested in relation to native vegetation on the rail easement. We showed how we have minimised interference with native vegetation and trees with the design of the track. A property owner who has a lease has also been in amicable discussions with Council Officers and supports the construction details.<br><br>VicTrack has advised that it would prefer to lease the whole to Council with the track being sublet to GreenTrail. VicTrack is in discussions with GreenTrail. |

## **16.0 NOTICE OF MOTION**

Nil

## **17.0 COMMITTEE AND DELEGATES REPORTS**

### **17.1 FEBRUARY DIARY - CR V ISSELL**

| <b>Date</b> | <b>Time</b> | <b>Function</b>  |
|-------------|-------------|--|
| 1 -3 Feb    | Full Days   | VLGA Essential Mayor's Learning Program, Melbourne                         |
| 4           | 11.30 am    | Weekly Meeting with CEO  |
|             | 8.00 pm     | Rutherglen RSL Sub Branch AGM, Rutherglen                                  |
| 5           | 3.00 pm     | Victoria Police Launch The Way Ahead 2008-2013, Wodonga                    |
|             | 4.00pm      | Council Briefing Meeting, Chiltern   |
|             | 7.00pm      | Council Meeting, Chiltern  |
| 6           | 10.30am     | Murray Arts Meeting, Wodonga   |
| 7           | 2.00pm      | Visit Council Depot, Rutherglen  |
| 8           | 9.30 am     | Murray Darling Association Meeting, Beechworth                             |
|             | 3.00 pm     | Meeting with J Keeble, Yackity Yack  |
|             | 3.30 pm     | Meeting with I Smith, Burke Museum   |
| 11          | 11.30 am    | Weekly Meeting with CEO  |
| 13          | 9.30 am     | Kiewa Valley CWA 60 <sup>th</sup> Anniversary, Official Opening, Kergunyah |
|             | 10.30 am    | Address Planned Activity Group, Yackatooon                                 |
| 14          | 2.00 pm     | Indigo Greenhouse Action Plan Workshop, Yackandandah                       |
|             | 7.00 pm     | Beechworth RSL Sub Branch AGM and "At Home", Beechworth                    |
| 15          | 10.00 am    | Murray Regional Development Board Meeting, Beechworth                      |
|             | 12 noon     | Meeting with resident re Spring Street, Beechworth                         |
| 16          | 5.00 pm     | Official Opening new facilities Middle Indigo PS and community barbecue    |
| 18          | 1.00 pm     | Shire Office   |
|             | 1.30 pm     | Disability Advisory Committee Meeting, Yackandandah                        |
| 19          | 9.30 am     | Kerferd Committee Meeting, La Trobe Beechworth                             |
|             | 11.00 am    | Yackandandah Office, various meetings                                      |
|             | 4.00 pm     | Council Briefing Meeting, Yackandandah                                     |
| 21          | 10.30am     | Sustainable Water Meeting, Wodonga   |
|             | 5.00 pm     | Indigo Heritage Advantage Community Meeting, Chiltern                      |
| 22          | 10.00 am    | Ratepayers consultation  |
| 24          | 10.30 am    | Uniting Church of Beechworth 150 <sup>th</sup> Celebrations                |
| 25          | 10.00am     | Drought Meeting, Benalla   |
|             | 2.00pm      | Meeting with Lisa Mahood, CEO, Beechworth                                  |
| 26          | 2.00pm      | Brian Millar La Trobe, Beechworth  |
|             | 4.00 pm     | Council Briefing Meeting, Beechworth                                       |
|             | 7.00 pm     | Community Forum, Beechworth  |
| 27          | 9.00 am     | Special Rates & Charges Seminar, Yackandandah                              |
|             | 6.00 pm     | Councillors/CEO Meeting Yackandandah                                       |

**Cr V Issell**  
4 March 2008

## **17.2 THE ESSENTIAL MAYORS WEEKEND, KALORAMA, 1-3 FEBRUARY 2008 (FILE NO: M558-05 - CR V ISSELL)**

I feel this was a most beneficial program for new mayors. Apart from meeting, getting to know and swapping experiences and ideas with 30 other mayors, there was an excellent line up of speakers. Present was the Minister for Local Government, Richard Wynne and the Opposition spokesperson on Local Government, Ken Smith. Informative presentations were given by:

- Philip Shanahan, a local government CEO for 30 years. He spoke on the critical relationship between the CEO and mayor
- Liz Lukan from Essential Media Communications (ECM) on working effectively with the media
- Mike Hill, a past mayor and current Chairperson of Victorian Local Sustainability Advisory Committee on responding to climate change locally
- Peter Russell, past mayor of Moorabool Shire Council on leadership.

The program provided considerable opportunity to reflect upon and clarify the role of mayor and I found that this was of particular assistance. There were lots of handy hints about the job that one might not think about immediately.

One key statement stood out: “Nothing defines a leader in a community as clearly as being a mayor.”

And one definition of a Council appealed: “A Council - All in it together with clear, different, agreed roles that we’re supported to take up creatively and effectively.”

Some of the key messages from the ECM presentation were:

- The media manager can’t be the last to know
- Research, research, research – know your positives and negatives, and the credibility of others positives and negatives
- Be prepared
- Take responsibility – don’t shift blame
- Don’t underestimate a good apology
- Reveal bad news yourself
- Media has narratives – stories unfold in predictable ways – learn from every issue/crisis.

An announcement was made about the establishment of the Local Government Leadership and Learning Centre. The Centre will provide learning programs for Mayors, Councillors, Community Leaders and Senior Local Government Officers. There will be Recognition of Prior Learning, On Line courses and Group (face to face) courses.

This Centre has been established by the VLGA with the vision that strong local democracies must be dependent on well informed, well skilled and professionally respected Community Leadership. Some of the On Line courses include Computing

Applications, Managing People as Workplace Managers, Project Management – Procurement and Contract, and Governance Issues for Community Leadership. Additional information can be accessed at [www.lgllc.com.au](http://www.lgllc.com.au), [info@lgllc.com.au](mailto:info@lgllc.com.au) or 1300 797 713.

Minister Wynne wondered why Mayors weren't meeting with their CEOs when they are meeting the senior bureaucrat in their region. I note that Terry Moran was ours, as he has now gone to Canberra as Australia's most powerful public servant. Perhaps we need to consider the reason why this arrangement has evolved and whether or not there is value in mayors attending as well. Minister Wynne also stated that in seeking to work with the State Government and seeking resources, well researched and presented positions are powerful, especially if underpinned by presence of the community's voice, via consultation, in the council plan.

### **17.3 FEBRUARY DIARY - CR ANDREW BANKS**

| <b>Date</b> | <b>Time</b> | <b>Function</b>   |
|-------------|-------------|---|
| 4 Feb       | 4.30 pm     | Briefing Meeting for Focus Meeting, Beechworth          |
|             | 5.30 pm     | Focus Meeting re Planning Permit Elgin Road, Beechworth |
| 5           | 4.00 pm     | Council Briefing meeting, Chiltern                      |
|             | 7.00 pm     | Council Meeting, Chiltern                               |
| 14          | 6.00 pm     | Beechworth RSL AGM                                      |
| 18          | 7.30 pm     | Baarmutha Park Management Committee Meeting             |
| 19          | 4.00 pm     | Council Briefing Meeting, Yackandandah                  |
| 26          | 4.00 pm     | Council Briefing Meeting, Beechworth                    |
|             | 7.00 pm     | Public Forum - Beechworth                               |
| 27          | 6.00 pm     | Councillors / CEO Meeting, Yackandandah                 |

#### **Cr Andrew Banks**

4 March 2008.

### **17.4 FEBRUARY DIARY - CR PETER GRAHAM**

| <b>Date</b> | <b>Time</b> | <b>Function</b>                                |
|-------------|-------------|--|
| 5 Feb       | 4.00 pm     | Council Briefing Meeting, Chiltern             |
|             | 7.00 pm     | Council Meeting, Chiltern                      |
| 7           | 9.00 am     | NevRWaste AGM, Wangaratta                      |
| 8           | 9.30 am     | Murray Darling Association Meeting, Beechworth |
| 10-27       |             | Annual Leave                                   |
| 28          | 9.00 am     | Rutherglen Wine Experience Meeting, Rutherglen |

#### **Cr Peter Graham OAM**

4 March 2008

## **17.5 MURRAY DARLING ASSOCIATION INC FEBRUARY 08 REPORT (FILE NO: M490 - CR P GRAHAM)**

### **For Information**

The first meeting of this organisation for 2008 took place on Friday 8 February in the Supper Room, Beechworth.

The mayor, Cr Issell, CEO Brendan McGrath and I attended together with Shay Simpson who was guest speaker at this meeting.

Mr Ken Jasper MP, State Member for Murray Valley, also attended and spoke about the proposal for enlarging the storage capacity of Buffalo Dam, a project which does not have the support of the MDBC or State Government but is supported by many NE Victorian agriculturalists and conservation groups.

The MDA indicated its strong support for the increased storage for Buffalo.

Ken was informed regarding the changes in State funding for the Green House Alliance particularly regarding the reduction of 50%, and then all funding, towards the CEO's position in 2008/9 and 2009/10. Such a funding change has serious implications for the sustainability of this important organisation. Ken indicated he would approach Government on this issue.

Shay spoke to the group on behalf of Indigo Shire under four areas of responsibility of the Shire i.e as a business operator, as a manager of resources, on its role in leadership to the community and the region and as a regulator particularly in development concerns.

The presentation was very well received by those present.

An interesting presentation on ideas for improving the Lower Lakes and the Murray Mouth in South Australia was given by Mr Ray Najjar who clearly indicated that these were HIS views and not those of the Board or MDBC.

The next meeting of this Group will be in Albury at the city offices on Friday 9 May 2008 and will also be the AGM.

The National Conference of MDA will be held in Leeton NSW on 11 and 12 September 2008.

## **17.6    FEBRUARY DIARY - CR HOTSON**

| <b>Date</b> | <b>Time</b> | <b>Function</b>  |
|-------------|-------------|--|
| 5 Feb       | 4.00 pm     | Council Briefing Meeting, Chiltern                             |
|             | 7.00 pm     | Council Meeting, Chiltern                                      |
| 7           | 2.00 pm     | Indigo Shire Drought Strategy Meeting, Yackandandah            |
| 11          | 7.15 pm     | Chiltern Progress Association Meeting, Chiltern                |
| 15          | 2.00 pm     | Indigo Tourism Board Meeting, Mt Prior                         |
| 18          | 7.30 pm     | Chiltern Tourism Association Meeting, Chiltern                 |
| 19          | 7.00 pm     | Council Briefing Meeting, Yackandandah                         |
| 20          | 2.30 pm     | Meeting with Chiltern Tourism Association & Manager<br>Tourism |
| 21          | 7.00 pm     | Rutherglen Heavy Vehicle Traffic Bypass CRG Meeting            |
| 26          | 4.00 pm     | Council Briefing Meeting, Beechworth                           |
|             | 7.00 pm     | Community Forum, Beechworth                                    |
|             | 6.00 pm     | Councillors / CEO Meeting, Yackandandah                        |

**Cr Bill Hotson**

4 March 2008

## **17.7    FEBRUARY DIARY - CR WALSH**

| <b>Date</b> | <b>Time</b> | <b>Function</b>  |
|-------------|-------------|--|
| 1           |             | Biodiesel Commissioning, Barnawartha                                     |
| 4           | 6.30 pm     | Rutherglen RSL AGM   |
| 5           | 4.00 pm     | Council Briefing Meeting, Chiltern                                       |
|             | 7.00 pm     | Council Meeting, Chiltern  |
| 7           | 7.00 pm     | Corowa Rutherglen Medical Centre Meeting                                 |
| 12          | 10.00 am    | Junior Council Meeting, Chiltern   |
| 15          | 2.00 pm     | Indigo Tourism Board Meeting, Mt Prior                                   |
| 18          | 9.00 am     | SRC Badge Presentation, Barnawartha Primary School                       |
|             | 5.30 pm     | Rutherglen Wahgunyah Community Advisory Committee<br>Meeting, Rutherglen |
| 19          | 4.00 pm     | Council Briefing Meeting, Yackandandah                                   |
| 20          |             | Chair, Focus Meeting Nash's Road Development, Rutherglen                 |
| 21          | 5.30 pm     | Heritage Advisory Committee Meeting, Chiltern                            |
| 26          | 4.00 pm     | Council Briefing Meeting, Beechworth                                     |
|             | 7.00 pm     | Community Forum, Beechworth  |
| 27          | 6.00 pm     | Councillors / CEO Meeting, Yackandandah                                  |
| 28          | 7.00 pm     | Arts Rutherglen Meeting  |

**Cr Frances Walsh**

4 March 2008

## **17.8    ATTENDANCE AT VLGA CONFERENCE IN DILI, EAST TIMOR - (FILE NO: M005 - CR WALSH)**

*Note: Cr Walsh declared a conflict of interest in this matter as she is seeking administrative support to attend the VLGA Conference in Dili in June 2008. Cr*

*Walsh left the meeting at 8.16 pm and returned at 8.17 pm and took no part in voting.*

**For Decision**

**RECOMMENDATION**

**That Council approve administrative support for Cr Frances Walsh, Ms Irene Cracknell and Dr Wendy Connor to attend the VLGA Conference in Dili, East Timor in June 2008.**

**Moved Cr Murdoch**

**Seconded Cr Dale**

**That the Recommendation be adopted.**

**CARRIED**

**BACKGROUND**

As discussed at a previous Briefing Meeting, I wish to attend a Conference of the VLGA to be held in Dili in June of this year. Ms Irene Cracknell OAM of Rutherglen will be attending with me, as will Dr Wendy Connor. Dr Connor has also asked whether the Conference will be open to other members of the community to attend.

It is our intention that following the Conference, we will visit Atauro Island for a week to visit and to gain a clearer understanding of what assistance is needed and how we can best help.

I have spoken to the VLGA regarding attendance at the Conference. The Conference will go ahead but it is on "Timor time" so information and feedback is very slow.

I am now asking Council to formalise my attendance at the Conference and assist with any necessary arrangements.

**FINANCIAL & RESOURCE IMPLICATIONS**

Costs associated with administrative assistance in making necessary arrangements.

## **17.9 INDIGO SHIRE JUNIOR COUNCIL BACKGROUND INFORMATION (FILE NO: M220-03 - CR WALSH)**

### **For Information**

Junior Council of the Indigo Shire began in 2003 as a result of my attendance at the Young Leaders Conference in February 2003. The message from that conference was 'how can you make a difference' I decided to start a junior council in the Indigo Shire.

The process was I had to present my idea with all the criteria and information to the Council meeting. Following their agreement I wrote to all the schools in the Shire of which there are 15 primary schools. The criteria I set to be a junior councillor was that the student had to be in Grade 5 and someone who needed the extra responsibility to make them a valuable leader of the future.

In the first year we had nine schools represented. Students had to identify a project in their school or community and decide how they could work to achieve their goal. The first year I attended more discos than I had ever been to before. A great deal of money was raised. This year in 2008 we 13 schools represented.

At one of the meeting about the middle of the first year a discussion began saying that we were not helping anyone else but ourselves and we should be support a community worse off than ourselves. From that conversation it was suggested that I contact the Consul General of Timor Leste Abel Gutteras and ask him to attend a meeting of the junior council. I was able to do this and he spoke of his country's past history and how they were struggling to move forward and the need for very basic equipment for the children.

Junior Councillors decided that they would begin to raise money for the children of Timor Leste. Once this decision was ratified by the Indigo Shire Council Abel suggested that we support a small island off the cost of Timor Leste called Atauro. He chose this island as it had a population of approximately 8,000 people with five primary schools and two secondary colleges.

One of the Junior Councillors visited Arturo Island with her mother Dr. Wendy Connor in 2004 and took some letters and gifts for the children. The General Practitioners of the North East have decided to support the island as well. Dr. Rick Thwaites is a lecturer in Environment at Charles Sturt University and the university is also supporting the island. We are hoping that all areas of the community will join in to support the island.

In 2005 the junior councillors decided to contribute 40% of the money they raised to support one of the kindergartens on the island. The kindergartens had been funded by a group in New Zealand but because of a change in direction of the supporting group they withdrew their funding. Since fundraising commenced, the junior councillors have raised in excess of \$3,000 which has been sent to the Roman Luan Kindergarten not for profit fund on the island to partially support one of the kindergartens. The full amount per kindergarten is \$1,700 which covers the cost of the wages, training of the teachers and the supplies needed for the children.

On 3 May 2006 the Indigo Shire Council held a public meeting in Beechworth seeking support from community groups to start a friendship relationship with Atauro Island.

At that meeting we had a guest speaker from the Wangaratta City Council (Malcolm Styles), which has also formed a friendship relationship with Timor Leste. They are supporting a community on the mainland and a group from the council have already visited the country to see what can be done. We also had a guest speaker Gabrielle Samson who is an Australian volunteer and has lived on the island for 10 years. She was responsible for the setting up of the kindergarten. From this meeting a committee will be formed of all interested people and a date set for Abel to visit and speak to the group.

Since that original meeting several functions have been run in Beechworth to raise money for the Indigo Atauro group. We had a fund raising dinner with a guest speaker the voluntary Consul General Kevin Bailey, and Indigo Atauro Day in Beechworth with further presentations by Dr Wendy Connor, Gabrielle Samson and I.

In late 2007 Dr Wendy Connor travelled around the Shire as a guest speaker with the film "A Hero's Journey". The film was shown at all the main towns in the Shire. This is the story of Xanana Gusmao's rise to prominence in Timor Leste. She is raising money for a program to treat malnutrition on the island.

In November 2007 we invited Rachael Clark, a speaker from Friendship Schools Association to speak to the junior councillors and several principals of the schools in the region. As a result of this visit at least two of the schools are taking on this Friendship relationship. I have asked Diane Thomas to enrol the Indigo Shire in the program.

In December we received notification of a conference being held in Dili, Timor Leste for people who are involved in the Friendship Schools Program. We are looking at the possibility of myself and Irene Cracknell from Rutherglen travelling to this conference to represent the Shire and then to cross to the island to sign the friendship agreement with the elders of the island.

We had our first meeting of the Junior Council on Tuesday 12 February and that day we discussed the program, places to meet and possible guest speakers. Any Councillor or officer is welcome to these meetings.

We had 12 of the new junior councillors at this meeting and our first task was to get to know each other and planning for the future as their year as a junior councillor.

## **17.10 MALNUTRITION IN EAST TIMOR (FILE NO: M005 - CR WALSH)**

### **For Information**

The following letter was widely sent throughout the Indigo community advising of the work Dr Wendy Connor is doing to address malnutrition in East Timor :-

"Dear.....

As a local general practitioner in Indigo Shire, I don't have a lot of spare time. However a couple of years ago I decided that it was important for me to offer my assistance to communities in greater need than the one I already serve. So my first trip to Timor Leste (East Timor) was in July 2005 and I have had two more visits since then. I have been working in a voluntary capacity as a doctor on Atauro Island. The island is a subdistrict

of Dili, located only 30kms from the capital. But that 30km stretch of open-ocean makes Atauro a very isolated and poor community.

Atauro is a beautiful island with mountains and coral reefs and a very resourceful and friendly people. However the soil is very barren and water in short supply making it difficult to support the 8,000 people who live there. This year the conditions are particularly harsh. With the continuing security problems in Dili there is a shortage of rice coming into the country. The failure of monsoonal rains this year means that the usual crops have failed and most people don't even have corn to eat.

As a doctor I have witnessed many diseases that we just don't see here in Australia. Malaria is rife, tuberculosis, leprosy, other infective disease are common. And underlying most of the illness is a very high rate of malnutrition.

UNICEF estimates that the malnutrition rate in children under five in Timor Leste is 46.7%. It may be even higher on Atauro Island. It is distressing to think what that means to the future of this fledgling country.

Over the past year the Indigo Shire has also been working towards establishing a formal "Friendship Relationship" with the subdistrict of Atauro Island. I believe that one of the first ways the people of Indigo can move towards supporting this friendship is to support the establishment of a malnutrition service for the children of Atauro.

HIAM Health is a Timorese non government organisation based in Dili. It was initially established by a nun from Melbourne, Sr Chris Jorgensen, in 2001. Following the death of Sr Jorgensen, the local workers continued to provide the services, initially without any wages. The organisation has now been recognised by the government of Timor Leste as a national health organisation and has several supporters and donors from Australia and other countries.

One of its major roles is the follow up care of babies and children who suffer from malnutrition and the support, education and counselling of their parents in preventive care. The children are referred from a health service, Dili National Hospital or one of the subdistrict clinics.

The essence of the program is to:

identify children at high risk due to malnutrition

provide supplementary feeding to these children associated with a regular weighing and monitoring until they reach a BMI (Body Mass Index) of 85% of expected.

make this regular contact an opportunity to provide health and nutritional education to the parents. This is a requirement of their participation in the program.

The aim of the program is to make a difference for each child participating in the program but also to make a sustainable difference through education and change of patterns of behaviour and beliefs contributing to malnutrition. The parents are educated about hygiene, nutrition, breast feeding, immunisation, general health information and even in the establishment of a kitchen garden. The hope is that these parents will then pass on their new knowledge to others in their families and villages.

At present the HIAM Health program is running in all the subdistricts of Dili apart from Atauro Island. The reasons it has not yet been established on Atauro relate to a lack of funding and the difficulties in reaching the Island.

There is a plan in place to have a visiting service on Atauro for one week every month and to train a local health worker to manage the program.

I believe that this service could have a significant impact on the health of the people of Atauro and supporting HIAM Health would be a wonderful way for us to demonstrate our friendship towards these people.

Thank you in anticipation for any support that you are able to offer,

Yours sincerely

**Dr Wendy Connor**

## **18.0 GENERAL BUSINESS**

Nil

### **SUSPENSION OF STANDING ORDERS – 8.20 PM**

**Moved Cr Graham  
Seconded Cr Dale**

**That Council resolves to go into Committee to consider confidential items relating to personal information.**

**CARRIED**

### **RESUMPTION OF STANDING ORDERS – 8.22 PM**

**Moved Cr Graham  
Seconded Cr Banks**

**That Standing Orders be resumed.**

**CARRIED**

**19.1 INDEPENDENT MEMBERS FOR COUNCIL'S AUDIT COMMITTEE (FILE NO: M034-02 - CEO)**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. Accept the Audit Committee members recommendations to accept applications from Mr Gavin Hanlon and Mr Frank Burfitt for two vacant independent member positions on the Audit Committee, and;**
- 2. Write to Mr Don Chambers thanking him for the time he has served on the Audit Committee.**

**Moved Cr Murdoch  
Seconded Cr Banks**

**That the Recommendation be adopted.**

**CARRIED**

There being no further business the meeting was declared closed at 8.25 pm.

.....  
Cr Vic Issell – Mayor

1 April 2008