

Minutes

Ordinary Meeting of Council

Tallangatta Council Office

Tuesday 5 February 2013

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 5 FEBRUARY 2013 COMMENCING AT 10.00 AM.

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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer presence at the meeting

Present: Cr Fraser OAM, Crs Wortmann, Joyce, Scales and Gadd

In Attendance:	Title:
D Barry	Acting Chief Executive Officer
J Heritage	Director Technical Services
P Sell	Acting Director Community and Corporate Services
D Snaith	Executive Assistant

3 Apologies and granting of leave of absence

Nil.

4 Declaration of pecuniary interest and/or conflict

For the purpose of this section, Councillors must disclose the nature of the conflict of interest immediately before the consideration or discussion (LGA S79(1)(a))

Nil.

5 Confirmation of minutes

4 December 2012

**CR JOYCE
CR SCALES**

**THAT THE MINUTES OF THE ORDINARY MEETING OF 4 DECEMBER 2012 AS
CIRCULATED BE CONFIRMED.**

CARRIED

6 Petitions, joint letters and declarations

Nil.

7 Assembly of Councillors

A written record of the Assemblies of Councillors from 4 December 2012 to 15 January 2013 is included at Appendix 1.

CR JOYCE
CR GADD

THAT THE INFORMATION BE NOTED.

CARRIED

8 Open Forum

NAME	TOPIC
Mr Rex McCartney	Mr McCartney provided a verbal submission in relation to Item 12.1.

9 Governance and decision making

9.1 Finance Report as at 31 December 2012 (ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation or presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

OPERATING RESULT

	Note	Dec-12 (Actual) \$'000	Dec-12 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	99	775	11,041	12,838	(1,797)	-14%
Expenditure	2	893	835	4,993	6,490	(1,497)	-23%
Surplus		(794)	(60)	6,048	6,348	(300)	-5%

Note 1: A number of income items have been budgeted to occur but not yet been received including:

- Grant Income (per *Grant Income* below) \$1,458,000
- Community contribution to recreation projects \$135,000

Note 2: Budgeted expenditure items that have not yet occurred. Expenditure was budgeted at the earliest anticipated time that it could occur for the following:

- Recreation projects \$741,000
- Waste collection \$69,000
- Waste Management \$56,000
- Swimming pool operations \$17,000
- Planning services \$134,000
- Other Economic Development activities \$271,000
- Lookouts \$193,000
- Mitta Valley Dairy Pathways \$41,000

Grant Income

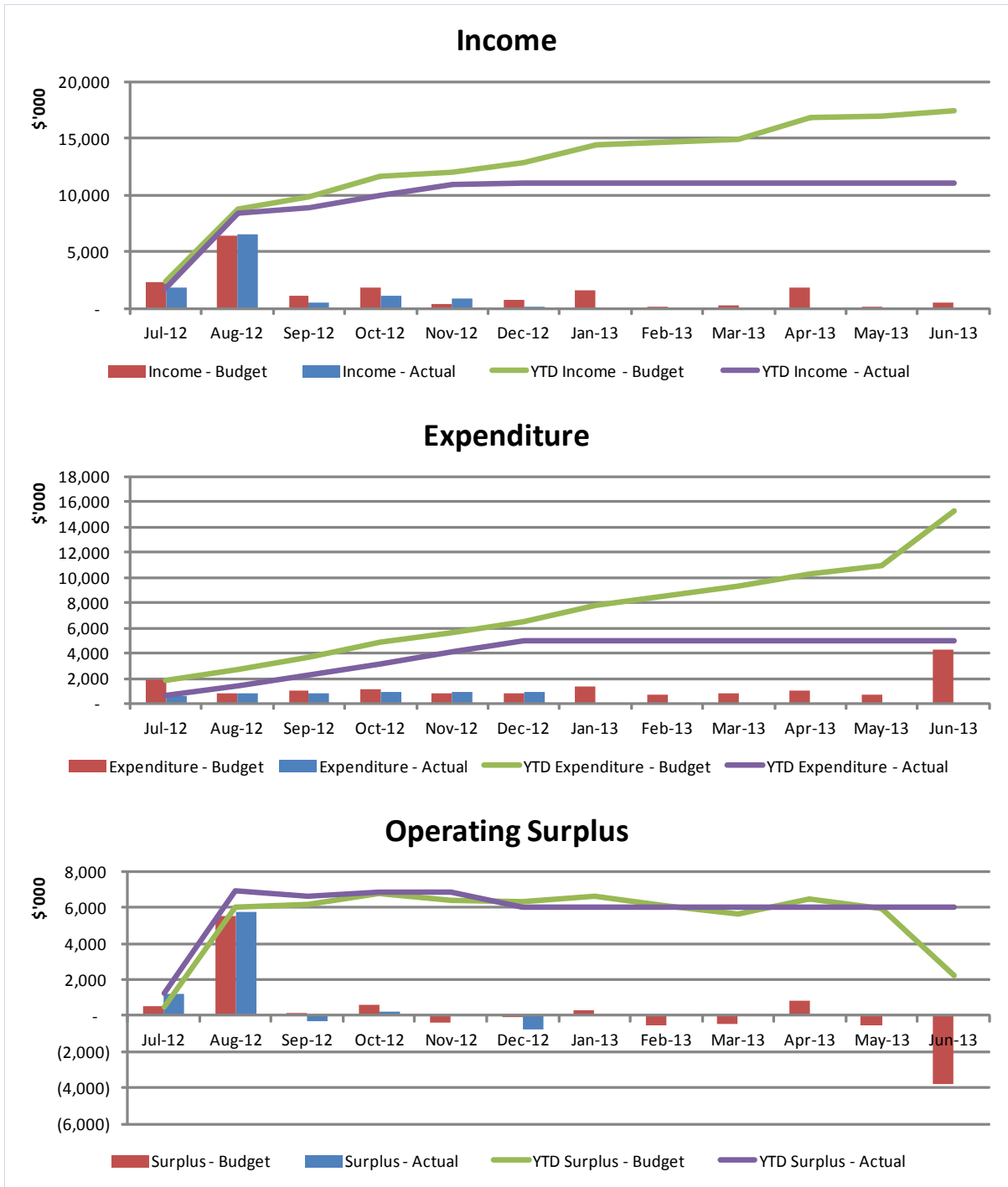
	Note	Dec-12 (Actual) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	12 Month (Budget) \$'000
Recurring	1	-	973	1,381	(408)	3,081
Non-Competitive	2	-	1,828	2,884	(1,056)	4,269
Competitive		10	1,351	1,345	6	1,696
Total		10	4,152	5,610	(1,458)	9,046

Note 1: VGC Payments budgeted in advance of actual payment dates.

Note 2: Emergency response and Roads to Recovery (R2R) funding has not been received in line with budget timing.

Grants received Year-to-Date (YTD) of greater than \$1,000 are as follows:

	YTD (Act) \$'000
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
Sandy Creek Bridge Grant	500
Tallangatta Multi-sport Precinct	350
Adaptation at the Source	271
Cudgewa Multi Purpose Facility	133
Walwa Community Recovery Centre	130
Flood Recovery Officer	125
NE Solar Hub	120
R2R Supplementary	119
Community Development Officer (Flood)	77
Municipal Emergency Response Program	76
MFSR Precinct	72
Mitta Valley Dairy Pathways	60
Weed Project	38
L2P Program	30
Improved Liveability of Older People	28
Universal Access to Kindergarten	23
Freeza Funding	10
Senior Week	10
Scenic Wayside Stop Project	6
Tallangatta Swimming Pool Upgrade	2
Recurring	
VGC General Purpose Funds	807
Maternal and Child Health	47
Corryong Pre School	38
Tallangatta Pre School	27
Berringa Pre School	20
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
State Emergency Service Mitta	6
Health Administration	2
Total	4,151



BALANCE SHEET

Description	Note	Dec-12 \$'000	Jun-12 \$'000	Movem ent \$'000
Cash		7,470	7,835	-365
Stock		463	302	161
Prepayments		106	99	7
Receivables	1	3,903	1,012	2,891
Total Current Assets		11,942	9,248	2,694
Property, Plant & Equipment	2	180,304	178,334	1970
Receivables		0	0	0
Total Non Current Assets		180,304	178,334	1970
Total Assets		192,246	187,582	4,664
Borrowings		32	63	-31
Payables	3	173	595	-422
Provisions	4	823	1,089	-266
Held in Trust		283	179	104
Total Current Liabilities		1,311	1,926	-615
Borrowings		430	358	72
Provisions	5	302	1344	-1042
Total Non Current Liabilities		732	1,702	-970
Total Liabilities		2,043	3,628	-1,585
Net Assets		190,203	183,954	6,249
Opening Accumulated Surplus		66,141	66,870	-729
Current Operating Result		6,231	-747	6,978
Revaluation Reserve		117,831	117,831	0
Total Equity		190,203	183,954	6,249

Note 1: Receivables include rates raised for the 2012/13 year. The first and second instalments have been received.

Note 2: Capital expenditure accounts for all the movement. Depreciation expense is recorded once a year in June.

Note 3: Payables are always higher at 30 June due to the timing of cut-off for invoice entry.

Note 4: GST collected is included here, at 30 June this is offset against GST paid when BAS statement is completed.

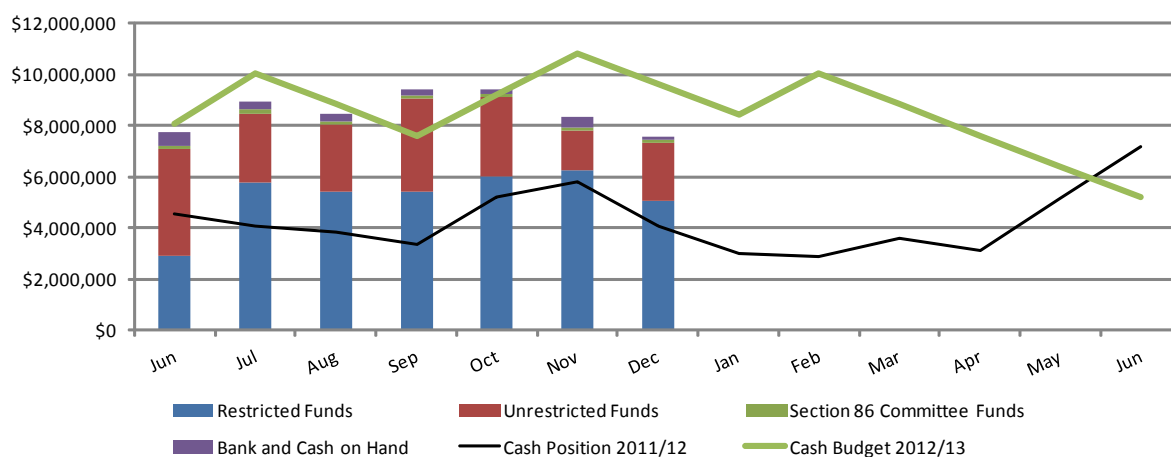
Note 5: Repayment of the defined benefit call.

CASH POSITION

Cash on Hand

The cash position moved during the month as detailed below:

	Current Month	Prior Month	Variance	
	Dec-12	Nov-12	\$	%
	\$	\$	\$	%
Unexpended Grants	3,821,248	4,002,772	(181,524)	-4.5%
Notional Reserves	1,203,206	2,244,641	(1,041,435)	-46.4%
Restricted Funds	5,024,454	6,247,413	(1,222,959)	-19.6%
Unrestricted Funds	2,322,838	1,574,219	748,619	47.6%
Section 86 Committee Funds	119,889	119,889	-	0.0%
Total Investments	7,467,181	7,941,521	(474,340)	-6.0%
Bank and Cash on Hand	67,376	384,832	(317,455)	-82.5%
Total Cash	7,534,557	8,326,353	(791,795)	-9.5%
Average Interest Rate	4.65%	4.75%		



Investments

Investments were made up of the following at the month end:

Date	Product	Institution	Principal	Yield	Term	Maturity
11/12/2012	Term Deposit	ME Bank	519,581	4.45%	62 Days	11/02/2013
15/08/2012	Term Deposit	ING Bank	1,000,000	5.19%	210 Days	13/03/2013
10/10/2012	Term Deposit	Bank of Qld	1,017,096	4.65%	90 Days	8/01/2013
26/12/2012	Term Deposit	WAW	753,086	4.50%	180 Days	26/06/2013
24/10/2012	Term Deposit	Heritage Bank	1,000,000	4.70%	90 Days	22/01/2013
26/09/2012	Term Deposit	WAW	1,000,000	4.90%	120 Days	26/01/2013
26/09/2012	Term Deposit	Heritage Bank	1,000,000	4.95%	90 Days	7/01/2013
N/A	Online Saver	ANZ	1,057,529	3.75%	On Call	N/A
N/A	S86 Committees	Various	119,889	4.68%	N/A	N/A
Total Investments			7,467,181			

Restricted Funds

Unexpended Grants and Notional Reserves at the end of the month:

	\$
Unexpended Grants	
Country Roads and Bridges	1,554,601
LG Infrastructure Projects	678,712
Bushfire Camera Network	308,992
Tallangatta Multi-sport Precinct	231,560
Cudgewa Multi Purpose Facility	150,902
Walwa Community Recovery Centre	124,755
Flood Recovery Officer	120,000
Mitta Valley Dairy Pathways	85,707
Improved Liveability of Older People	83,928
Flood Recovery	83,699
Cudgewa Recreation Reserve	74,200
Community Development Officer (Flood)	71,897
Universal Access to Kindergarten	67,795
Municipal Emergency Response Program	53,689
Weed Project	28,327
MFSR Precinct	27,960
High Country Rail Trail Upgrade RLCIP	25,000
Tallangatta Swimming Pool Upgrade	19,425
Towong Racecourse	15,345
Local Government Reform	6,977
Freeza Funding	3,946
Granya Toilet Block Upgrade	2,068
Fire Access Track Maintenance	1,764
Provisions and Reserves	
Long Service Leave	1,003,206
Landfill Rehabilitation	200,000
Total	5,024,454

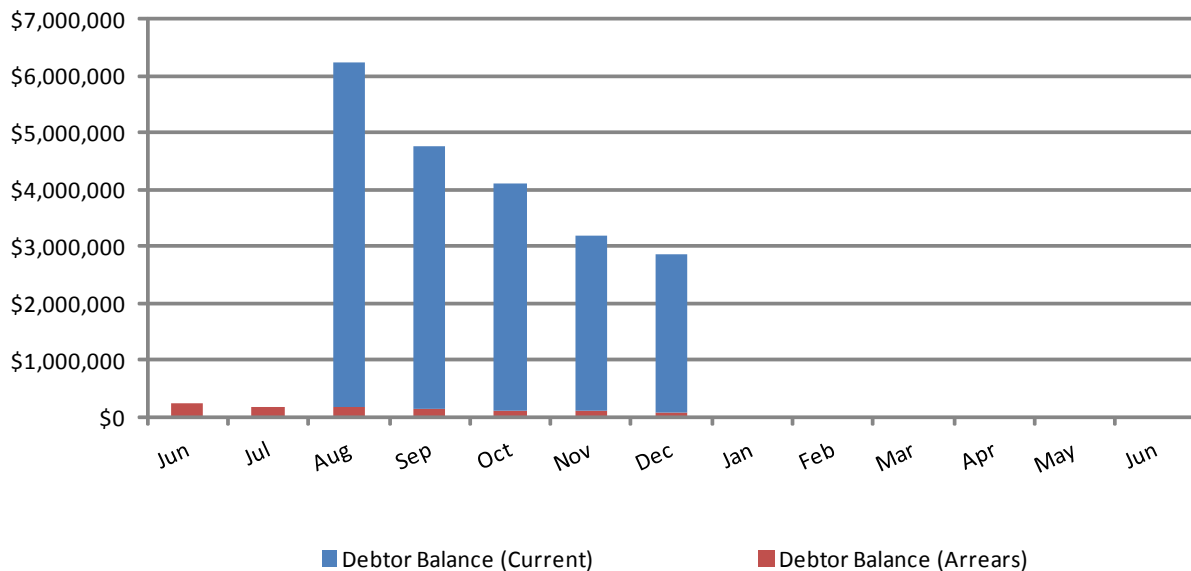
RECEIVABLES

Rates, Municipal Charge, Waste Management Charge and Waste Collection Charge

The outstanding amount of rates, municipal charge, waste management charge and waste collection charge at month end were \$2,856,003.

The breakdown of rates received for the current month and year to date is shown in the following table and graph:

Rates, Municipal Charge, Waste Collection Charge and Waste Management Charge Debtors	Amount Received \$	% Collected Dec-12 \$	% Collected Dec-12 %	Received YTD \$	Collected YTD %	Balance Outstanding \$
Levied 2012/13	6,353,282	338,916	5.3%	3,586,774	56.5%	2,766,508
Arrears prior to 2012/13	243,607	6,131	2.5%	154,112	63.3%	89,495
Total Charges		345,047		3,740,886		2,856,003

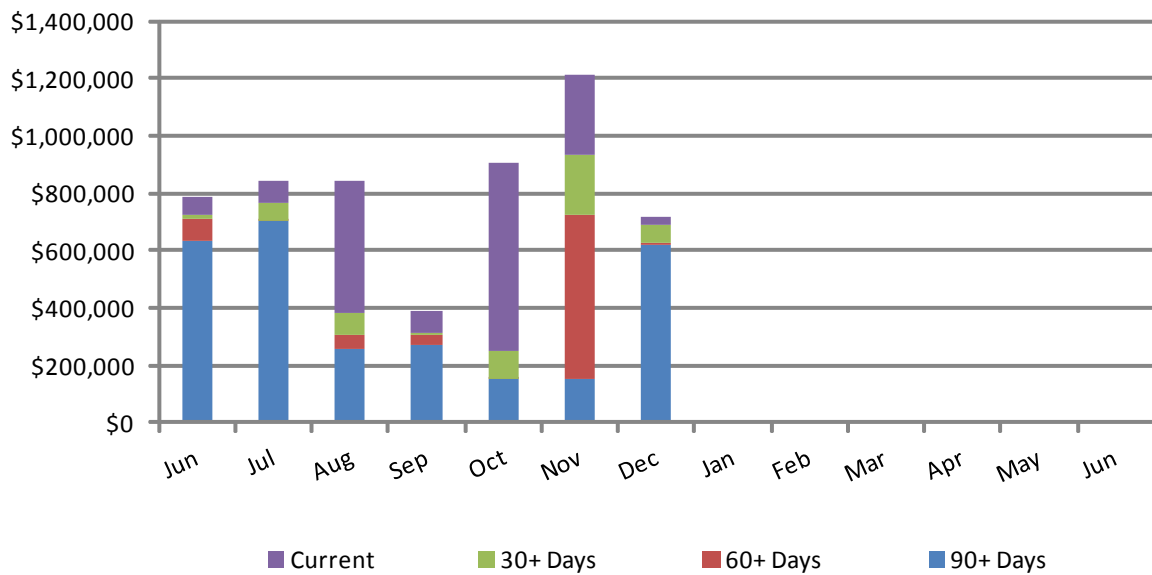


Sundry Debtors

The Sundry Debtors outstanding at month end total \$714,424.

The variance in Sundry Debtors from current month to prior months is shown below:

Sundry Debtors	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
December 12	26,319	58,879	11,698	617,528	714,424
November 12	281,438	209,318	569,667	151,019	1,211,442
Variance	(255,119)	(150,439)	(557,969)	466,509	(497,018)



Significant debtors (>\$2,000) with ageing of greater than 90 days are as follows:

Debtor	Amount	Description	RO	Notes
Department of Planning and Community Development (18890)	\$500,000.00	LGIP Claim #2	DB	
Debtor 19132	\$44,000.00	Corporate contribution	DB	Payment plan of \$11,000 per month until March 2013 agreed. One month behind schedule.
Regional Development Victoria (17261)	\$42,405.00	Community Flood Damage Report	PS	Acquittal report submitted in July.
	\$4,070.00	Towong Racecourse	JH	10% balance due when acquittal report lodged, project completion estimated Feb 2013.
Debtor 19600	\$15,436.94	Reinstatement for Walwa sewerage	JH	Contractor is to invoice us at completion. This amount will be reduced from the invoice.
Sustainability Victoria	\$11,000.00	Sustainable Intelligence Milestone 3	DB	Payment received in January 2013
Debtor 18925	\$4,500.00	Community Group Loan	DB	Long term binding payment agreement has not yet been signed. \$100 per month terms verbally agreed. \$500 received April 2012.
Debtor 18871	\$2,383.34	Back Rent – Corryong Innovation Space		Monthly direct debits in place. Within payment plan terms.
Debtor 18781	\$2,337.00	Equipment Loan		Agreed (annual) payment plan. Within payment plan terms.

LOCAL ROADS

Local Roads Capital Works

	Note	YTD Actual \$	YTD Budget \$	Variance	Annual Budget \$
402 Survey and Design		6,338	40,000	(33,662)	120,985
410 Road Construction		75,153	150,000	(74,847)	759,000
413 Storm Damage	3	1,236,407	1,350,000	(113,593)	3,048,951
416 Sealing		1,138	25,000	(23,862)	307,000
417 Resealing		1,870	-	1,870	750,000
420 Drainage Construction		6,359	-	6,359	90,000
421 Digouts		290,154	400,000	(109,846)	550,000
422 Resheeting		101,485	155,000	(53,515)	286,465
432 Footpaths		123	15,000	(14,877)	44,000
433 Kerb and Channel		8,755	40,000	(31,245)	123,000
450 Bridge Construction		5,448	-	204,936	1,516,315
Total		1,733,230	2,175,000	(441,770)	7,595,716

The majority of capital work is budgeted for December to February. The variances above are due to timing of works completion and receiving invoices from contractors. Any major variances will be explained at the end of the summer period.

Local Roads Maintenance

	Note	YTD Actual	YTD Budget	Variance	Annual Budget
		\$	\$		\$
301 Inspections		5,252	-	5,252	-
304 Pavement Maintenance		102,433	90,437	11,996	180,869
306 Grading	1	196,944	224,999	(28,055)	449,999
308 Shoulder Maintenance	1	36,451	69,998	(33,547)	140,000
310 Drainage Maintenance	2	157,187	97,500	59,687	195,000
312 Call Outs		6,658	6,000	658	12,000
313 Storm Damage	3	178,707	-	178,707	35,000
322 Resheeting		1,248	-	1,248	-
324 General Roadside Maintenance	4	57,176	32,498	24,678	65,000
326 Mowing		196	-	196	-
328 Tree Maintenance		37,468	32,498	4,970	85,000
330 F/Path Maintenance		1,869	3,998	(2,129)	8,000
331 K and C Maintenance		1,771	2,498	(727)	5,000
334 Roadside Treatment		943	-	943	-
336 Signs Maintenance		15,451	6,006	9,445	12,000
338 Linemarking		11,088	4,996	6,092	10,000
340 Guideposts		2,011	5,003	(2,992)	10,001
342 Guardrail		-	2,498	(2,498)	5,000
344 Other Furniture		-	-	-	-
346 Bridge Maintenance		5,611	25,499	(19,888)	51,005
Total		818,464	604,428	214,036	1,263,874

Note 1: Budget is evenly spread throughout the year, graders operations have been reduced due to weather

Note 2: Budget is evenly spread throughout the year, drainage work has been prioritised during the winter months

Note 3: Claimable works as a result of March 2012 event. The \$35,000 budget is allowance for one event insurance claim. Budget for these works was included at capital works.

Note 4: Budget is evenly spread throughout the year, tree maintenance work has been prioritised during the winter and spring months.

**CR WORTMANN
CR GADD**

THAT THE FINANCE REPORT BE NOTED.

CARRIED

9.2 Revaluation 2014 (07/07/0015-ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background

Under the Valuation of Land Act 1960, Council has a statutory obligation to ensure that a General Valuation of all properties in the municipality of Towong is conducted every two years.

Before Council can carry out a revaluation process throughout the Shire, Council must formally resolve and adopt a motion to undertake the revaluation of all rateable properties within The Towong Shire.

Council tendered for services for the 2012 revaluation, with LG Valuation Services being the preferred tendered. The contract included an option for the 2014 revaluation.

In accordance with Section 13DH (2) of the Valuation Act 1960, a Statutory Declaration needs to be completed by our Valuer (Appendix 2).

Section 13DH (3) of the Act requires that an entry be made in the minutes of the meeting of Council of making of the declaration and its date.

The prescribed date for the next General Revaluation is January 1, 2014.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

As the next revaluation period is in the 2013/14 financial year there will be no impact on the current financial year's budget.

Risk Assessment:

A risk assessment was conducted with the initial tender process for the 2012 services.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

Council has an option of extending the contract with LG Valuation Services for the 2014 revaluation. Council has been satisfied with the services provided by LG Valuation Services during the contract period.

LG Valuation Services have provided and updated the fee schedule. The fees have increased in line with CPI over the previous two years.

Council should exercise the option and extend the contract with LG Valuation Services for the 2014 revaluation.

CR JOYCE

CR WORTMANN

THAT THE ISSUE OF TWO YEARLY REVALUATIONS BE REFERRED TO THE MAV REQUESTING THAT THEY LOBBY THE STATE GOVERNMENT TO INCREASE THE REVALUATION CYCLE TO FOUR YEAR.

CARRIED

**CR GADD
CR WORTMANN**

THAT COUNCIL:

- 1. RESOLVE TO UNDERTAKE THE REVALUATION OF ALL RATEABLE PROPERTIES WITHIN THE TOWONG SHIRE;**
- 2. APPOINT LG VALUATIONS AS IT'S VALUER FOR THE 2014 REVALUATION PROCESS EFFECTIVE IMMEDIATELY;**
- 3. IN ACCORDANCE WITH SECTION 6(I) OF THE VALUATION OF LAND ACT 1960 (AS AMENDED) GIVE NOTICE TO THE VALUER GENERAL AND TO EVERY OTHER RATING AUTHORITY INTERESTED IN THE VALUATION OF LAND WITHIN THE SHIRE OF TOWONG NOT LESS THAN ONE MONTH'S NOTICE OF THIS COUNCIL'S RESOLUTION TO CAUSE A GENERAL VALUATION TO BE MADE; AND**
- 4. IN ACCORDANCE WITH SECTION 13DH (3) OF THE VALUATION OF LAND ACT 1960 (AS AMENDED), A NEW STATUTORY DECLARATION FROM MARCUS HANN OF LG VALUATIONS SERVICE PTY LTD BE OBTAINED.**

CARRIED

9.3 Procurement – Printing of Rates and Animal Registration Notices (07/07/0015-ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background

A review was performed of the costs relating to the printing and distribution of rates and animal registration notices for the 2012/13 rating year.

This year presented an opportune time to complete this review due to a rebranding and redesign of rate notices occurring.

Expenditure associated with the printing of notices includes:

- Base notice stock
- Envelope stock
- Data programming
- Laser printing of notices
- Folding and insertion
- Lodgement with Australia Post
- DPID Software (conversion of addresses to barcodes for reduced postage cost)

Council staff secured quotations from eleven different vendors for the components listed above and a result selected new vendors for the production and distribution of notices for 2012/13.

The service components have been split, with printing of base notice stock being contracted to a different vendor than the printing, folding and inserting vendor.

The total quoted cost from the incumbent vendor was \$11,493 and from the new vendor was \$4,818, representing a \$6,676 (58%) saving.

Following renegotiation of Council's printing and photocopying contract in 2012, which resulted in a cost reduction from \$25,769 to \$15,081 per annum (41%) there is significant scope to realise further savings by printing rates and animal registration notices in-house.

This process will commence with the printing on animal registration notices later this month and will result in the \$4,818 cost being further reduced to \$1,968. This represents a saving of \$9,525 (83%) over the incumbent vendors cost. This approach is made viable by Council securing a low "mileage" ex ACT Government folding and inserting machine from eBay. Council was quoted a little over \$21,000 for this machine new and secured it for \$650 including delivery from eBay.

The folding and inserting machine will also result in cost savings throughout the organization by eliminating large volumes of manual folding and inserting.

**CR GADD
CR JOYCE**

THAT THE REPORT BE NOTED AND COUNCIL STAFF BE THANKED FOR THEIR ENTHUSIASM AND HARD WORK IN IMPLEMENTING THE PROGRAM.

CARRIED

9.4 Budget Timetable 2013/14 (06/02/0064-ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

In accordance with the legislative requirements below, Council is required to adopt a Budget by August 31, 2012.

The timetable has been prepared (Appendix 3) to ensure the legislative requirements are met and staff understands their responsibilities.

Impact on Council Policy:

Council Plan Objectives

Council's 2013-2017 Council Plan will be developed separately but within the same timeframes of this budget timetable.

The previous Council Plan had an objective of providing community leadership through the provision of accessible, open and consultative government. Council encourages appropriate community involvement in its governance processes and will aim to produce accurate, concise and easy to read reports and publications for members of our public.

The budget will be prepared in order to address the objectives of the Council Plan.

Further, Council's objectives include ensuring that Council's plans and budgets are both responsible and sustainable.

Strategic Resource Plan (SRP)

The Strategic Resource Plan will be prepared in conjunction with the Budget 2013/14. The Strategic Resource Plan forms part of the Council Plan.

Community Outcomes

The establishment of the Budget 2013/14 is a critical component in the financial management of Council's operations to ensure the delivery of appropriate services and programs to residents and ratepayers.

Financial Impact

The Budget 2013/2014 establishes the financial framework of Council including income and expenditure, rating strategy, borrowings and asset management programs necessary for Council operations.

Organisational Impact

The Budget 2013/14 establishes the organisational arrangements necessary for Council's operations.

State Government Policy and Legislation Impacts:

The budget will be prepared in accordance with the relevant sections and regulations of the Local Government Act 1989 and Local Government (Finance and Reporting) Regulations 2004 No. 30, which are repeated below.

Local Government Act 1989

S 127. Council must prepare a budget

1. A Council must prepare a budget for each financial year.
2. The Council must ensure that the budget contains—
 - (a) the standard statements in the form and containing the matters required by the regulations;
 - (b) a description of the activities and initiatives to be funded in the budget;
 - (c) a statement as to how the activities and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
 - (d) separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity;
 - (e) any other details required by the regulations.

3. The Council must ensure that the budget also contains:
 - (a) the information the Council is required to declare under section 158(1);
 - (b) if the Council intends to declare a differential rate under section 161, the details listed in section 161 (2)
 - (c) if the Council intends to declare a differential rate under section 161A, the details listed in section 161(2).

S 129. Public notice

1. As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.
2. A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
3. In addition to any other requirements specified by this Act, the notice referred to in sub-section (1) must:
 - (a) contain any details required by the regulations; and
 - (b) advise that copies of the budget or revised budget are available for inspection for at least 14 days after the publication of the notice at:
 - the Council office and any district offices; and
 - any other place required by the regulations.
4. A copy of the budget or revised budget must be displayed at the places specified under sub-section (3)(b).

S 130. Adoption of budget or revised budget

1. A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.
2. The Council must give public notice of its decision under sub-section (1).
3. The Council must adopt the budget by August 31 each year.
4. The Council must submit a copy of the budget to the Minister by August 31 each year.
5. The Minister may extend the period within which a Council must comply with sub-section (4).
6. If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
7. A Council must give the Minister any details concerning its budget or revised budget that the Minister requests.
8. A Council must comply with sub-section (7):

- (a) within 14 days of receiving a request in writing for the details from the Minister; or
 - (b) within any longer period specified by the Minister in the request.
9. A copy of the budget or revised budget must be available for inspection by the public at:
- (a) the Council office and any district offices; and
 - (b) any other place required by the regulations.

Local Government (Finance and Reporting) Regulations 2004 No. 30

R 8. Other matters to be included

For the purposes of sections 127(2)(e) and 128(3) of the Act, the budget and any revised budget must contain the following information for the financial year to which the budget or revised budget relates:

- (a) the total amount proposed to be borrowed, other than borrowings to refinance existing loans;
- (b) the proposed total amount of debt redemption;
- (c) in the case of the proposed budget—
 - the proposed rate in the dollar for each type of rate to be levied;
 - the estimated amount to be raised by each type of rate to be levied;
 - the estimated total amount to be raised by rates;
 - the proposed percentage change in the rate in the dollar for each type of rate to be levied compared to that of the previous financial year;
 - the number of assessments for each type of rate to be levied compared with the previous year;
 - the total number of assessments;
 - the basis of valuation to be used;
 - the estimated total value of land in respect of which each type of rate is to be levied compared with the previous year;
 - the proposed municipal charge, if any;
 - the proposed rate or unit amount to be levied for each type of service rate or charge under section 162 of the Act;
 - the estimated amount to be raised by each type of charge to be levied compared with the previous year;
 - the estimated total amount to be raised by rates and charges;
 - any significant changes that may affect the estimated amounts to be raised;

- (d) in the case of a revised budget, those matters referred to in paragraph (c) as applicable to any additional rates and charges to be levied.

R 9. Public notice of proposed budget or revised budget

For the purposes of section 129 of the Act, the following information must be included in the public notice of the preparation of a proposed budget or revised budget—

- (a) the date on which Council will meet to adopt its budget or revised budget;
- (b) the total amount borrowed as at June 30 of the previous financial year;
- (c) the total amount proposed to be borrowed during the financial year or the total amount borrowed immediately before the preparation of the revised budget, other than borrowings to refinance existing loans;
- (d) the total amount projected to be redeemed during the financial year;
- (e) the projected total amount of borrowings as at June 30 of the financial year;
- (f) the projected cost of servicing the borrowings during the financial year;
- (g) the proposed rate in the dollar for each type of rate to be levied;
- (h) the proposed municipal charge, if any;
- (i) the proposed rate or unit amount for each type of service rate or charge to be levied under section 162 of the Act;
- (j) in the case of a revised budget, a summary of reasons for the preparation of the revised budget.

Budget Impact:

The budget 2013/14 will set the budget framework.

Risk Assessment:

The timetable has been prepared to ensure compliance with legislative requirements. Non-compliance would result in moderate damage to Council's reputation

Community Consultation/Responses:

A person has a right to make a submission under section 223 on any proposal contained in the budget.

Submissions on the Budget 2012/13 will be invited in the local media once the budget is proposed as detailed in the timetable

Discussion/Officers View:

The proposed budget timetable provides sufficient time for:

- Officers to make informed decisions regarding the budget for 2013/14
- Councilors to be able to provide feedback on specific aspects of the budget
- Staff and Councilors to be able to review the final document prior to it being proposed

CR GADD

CR JOYCE

THAT THE REPORT BE NOTED.

CARRIED

9.5 Tallangatta Caravan Park Redevelopment (07/05/0007-ADCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Penelope Sell, Acting Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Tallangatta Caravan Park is a key piece of community and tourism infrastructure for the township of Tallangatta. Unfortunately, the Park has experienced a significant downturn in visitation over a period of ten years (during a prolonged period of drought and very low water levels in Lake Hume) and a corresponding lack of reinvestment over many years. The infrastructure has deteriorated significantly.

Ownership of the park rests with the Crown. The Caravan Park is fully managed by Goulburn Murray Water (GMW). GMW has advised Council that they do not see the direct management of Caravan Parks as their core business and their preference is to secure a lessee. Council is very aware of and concerned about the economic, tourism and social impacts that could eventuate if the park's service were to be reduced. The Caravan Park has enormous potential to draw visitors to Tallangatta and accordingly provide economic benefit to Tallangatta businesses.

In addition, the Caravan Park occupies a high profile position on the Tallangatta foreshore and has the potential to enhance the profile of this key open space. Towong Shire is seeking to produce a comprehensive plan for the sustainable development and operation of the Tallangatta Caravan Park. The plan will map a path for both infrastructure development and financial operation.

The key components of the Tallangatta Caravan Park planning project will be as follows:

1. Identify the options available for the reinvigoration and redesign of the site. Investigating environmentally sustainable accommodation design features.
2. Identify and recommend opportunities for family friendly infrastructure (both accommodation and recreational) and the provision of Family/Children's activities for Park users and community members as referenced in the

Tallangatta Tomorrow Masterplan.

3. Develop and recommend appropriate Business Operating Models including governance and management models.
4. Develop a Feasibility Study and detailed operational Business Plan.
5. Develop a detailed site plan including investment in family friendly infrastructure.
6. Develop capital replacement plan and renewal program.
7. Identify and quantify the social, environmental and economic returns for Council and the Tallangatta Community.

It is proposed that \$30,000 funding be sought from the State Government to produce the Tallangatta Caravan Park Plan with a further \$10,000 being committed by Council.

Impact on Council Policy:

The Tallangatta Caravan Park Plan will support the 'Tallangatta Tomorrow' project outcomes that clearly identified the Tallangatta Foreshore and Caravan Park as priorities for improvement.

The plan will also support the implementation of the Towong Shire Tourism Strategy 2010-2013.

State Government Policy Impacts:

The *Putting Locals First Program* (PLFP) component of the Regional Growth Fund (RGF) is a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflect local priorities.

The PLFP will support stronger and more sustainable regional communities by building their capacity to drive development in their region. The program is administered by Regional Development Victoria (RDV) regional offices to achieve the following primary outcomes:

- improved infrastructure, facilities and services
- increased business and employment opportunities
- improved community connections
- communities taking action on their own behalf

Budget Impact:

Council's commitment to the project would be \$10,000 and this would be funded from the tourism budget.

Risk Assessment:

The purpose of the plan is to address the risks associated with the potential closure of the Park and the impacts that would have on the local economy and social structure of the township. More importantly, the plan will provide the framework and strategic direction necessary to develop the caravan park and foreshore area in Tallangatta.

Community Consultation/Responses:

Consultation has been undertaken with Goulburn Murray Water and local residents to gain an understanding of stakeholder needs and core business requirements. The local community also clearly identified the park as a key asset requiring redevelopment in the Tallangatta Tomorrow Masterplan.

In addition, Tourism North East and Tourism Victoria is supportive of the project.

Discussion/Officers View:

A partnership approach towards the upgrade of the Tallangatta Caravan Park will achieve a number of positive outcomes for the local community, Goulburn Murray Water and Council.

The plan will provide strategic direction and potential future funding opportunities that will benefit the broader local community and visitors alike. The opportunity to develop a plan at a cost to Council of \$10,000, with a further \$30,000 funding coming from the State Government, represents an appealing proposition.

CR SCALES

CR WORTMANN

THAT COUNCIL COMMIT \$10,000 TOWARDS A \$30,000 STATE GOVERNMENT FUNDING APPLICATION FOR THE DEVELOPMENT OF A PLAN FOR THE FUTURE OF TALLANGATTA CARAVAN PARK.

CARRIED

9.6 Municipal Fire Prevention Plan 2012-2014 (03/02/0004-DTS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Paul Leddy Emergency Management Fire Co-ordinator and Fire Prevention Officer for Towong Shire. .

At the time of preparation and presentation of this report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Under section 55A of the *Country Fire Authority Act 1958* municipalities must prepare and maintain a Municipal Fire Prevention Plan. Municipal Fire Prevention Plans are audited every three years by the Country Fire Authority under section 55B of the *Country Fire Authority Act 1958*.

As a result of meeting held at Towong Shire Office Tallangatta by the Municipal Fire Management Planning Committee on 12 December, 2012, the following was proposed to be presented to Council.

'THAT VERSION 5 BE ENDORSED AS FINAL AND ADOPTED BY COUNCIL.'

The Municipal Fire Prevention Strategy, Version 5, December 2012 was submitted to the CFA for auditing and the Integrated Fire Management Planning Committee were required to complete a risk assessment, identifying the responsible agencies for carrying out fuel load reduction, for the new Integrated Fire Management Plan.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

The Municipal Fire Prevention Strategy, Version 5, December, 2012 fully complies with the *CFA Act (1958)*.

Budget Impact:

Nil for planning purposes – staff (including that of the Emergency Management Fire Co-ordinator) and volunteer time only.

For operation purposes these are yet to be determined. Should Council agree to a greater level of responsibility for carrying out treatments and hazard removal (including fuel load reduction) these costs could potentially be significant.

Risk Assessment:

The Integrated Fire Management Planning Committee has completed a risk assessment, identifying the responsible agencies for carrying out treatments and hazard removal (including fuel load reduction), for the new Integrated Fire Management Plan.

Community Consultation/Responses:

The new Integrated Fire Management Plan has been displayed for public exhibition.

Discussion/Officers View:

The Municipal Fire Prevention Strategy, Version 4, October 2011 was audited by the CFA's Roger Donnelly, Municipal Fire Prevention Plan Auditor, and fully complies with the *CFA Act (1958)*. Version 5 has had no major changes affecting the Audit committee opinion.

On adoption, the new Integrated Fire Management Plan will replace the wild fire portion of the existing Municipal Fire Prevention Strategy. Each agency identified by the Integrated Fire Management Planning Committee as being a responsible agency for carrying out treatments and hazard removal (including fuel load reduction) will have the right to dispute any or all of the treatments and hazard removal and they can refuse to endorse any plan or portion thereof. This is to safeguard agencies against unreasonable commitments being forced on them by individuals or groups (including CFA Brigades).

The Version 5 Fire Management Plan 2012-2014 has been provided to Councillors prior to the Council meeting.

CR WORTMANN
CR GADD

**THAT COUNCIL ADOPT THE FINAL DRAFT PLAN AS AMENDED FOR THE
TOWONG SHIRE MUNICIPAL FIRE MANAGEMENT PLAN 2012-2014.**

CARRIED

9.7 Corryong Airport funding (05/01/0091-ADCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Penelope Sell, Acting Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Corryong Airport was built in the 1960s to support the Snowy Hydro Scheme Project, predominately focusing of the transportation of executive and public passengers, mail and freight. Today the Airport provides infrastructure that supports the delivery of health and emergency services, as well as recreational flying and commercial activities and pursuits.

The Airport has a sealed runway of 1,401 x 30 metres and a tarmac with a small terminal building. The central section of the runway is 18 metres wide. The airport currently has the capacity to accommodate large, multi-engine jets, small jets as well as commercial and private recreational aircrafts.

Council aims to increase the use and accessibility of the Corryong Airport to improve facility capacity to support the delivery of health, emergency services, training, tourism and recreation services to the town of Corryong and the wider Upper Hume region. To achieve this, Corryong Airport requires significant upgrades.

The Department of Sustainability and Environment also utilise the airport for a range of training and operational procedures.

Council aims to seek funding to address a range of challenges that currently impinge on Corryong Airport's ability to sustain infrastructure and service provision. This project will address the following challenges of the airport:

- Inadequate lighting
- Deteriorating runway standard
- Poor quality supporting infrastructure such as parking and signage
- Limited provision of fuel, transport services and information
- Poor presentation and aesthetics of the airport

At the Ordinary Meeting held in May 2012, Council agreed to allocate up to \$15,000 towards the Corryong Airport Upgrade funding application.

An opportunity now exists to secure a further \$142,000 funding towards resealing the runway, taxiway and carpark if Council commits a further \$15,000 towards the Corryong Airport Upgrade funding application.

Impact on Council Policy:

No impact on Council policy

State Government Policy Impacts:

The Regional Aviation Fund has been established by the Victorian State Government to support an increase in the operational capacity of airfields recognising their important financial and social contribution to regional communities in the areas of tourism, air freight, accessibility and availability of emergency services.

Budget Impact:

The Corryong Airport runway was last sealed in 2002 with Council works anticipated during 2013-2014, estimated to cost \$116,000.

The taxiway also requires resealing and is scheduled to be completed in 2013-2014, estimated to cost \$18,000.

The access road and parking area is due to be upgraded in 2017-2018, estimated to cost \$8,000. It was last sealed in 2006.

By contributing \$30,000 Council may secure funding to complete these necessary works and to the other works detailed below.

ITEM	BUDGET	CONTINGENCY	PROJECT TOTAL
Lighting	\$140,000	\$14,000	
Runway reseal	\$116,000	\$11,600	
Taxiway	\$18,000	\$1,800	
Parking area reseal	\$8,000	\$800	
Signage and landscaping	\$85,000	\$9,500	
TOTAL	\$367,000	\$36,700	\$403,700

For a total Council contribution of \$30,000, (7.4% of the total project budget) significant airport improvements will be realized if the funding is successful.

Risk Assessment:

The purpose of the upgrade is to address current risks associated with the Corryong Airport.

The upgrade will allow the safe landing and departure of aircraft as well as making the facility accessible to emergency services, particularly the Air Ambulance, by meeting minimum standards.

Community Consultation/Responses:

Consultation has been undertaken with the Department of Business and Innovation, Ambulance Victoria, Victoria Police, Upper Murray Health and Community Services, Walwa Bush Nursing Centre and Tumbarumba Shire Council.

Further consultation has been undertaken with local community and business groups including UMBI. The proposed project has also stimulated a local business to explore the opportunity to provide car hire and fuel delivery.

Council has also received financial contributions from various community groups to strengthen and support the application, totalling \$24,000.

Discussion/Officers View:

A partnership approach towards the upgrade of the Corryong Airport will achieve a number of positive outcomes for the local community including significant funding leveraging and improved amenity for the broader community.

**CR GADD
CR JOYCE**

THAT COUNCIL INCREASE THEIR CONTRIBUTION TOWARDS THE CORRYONG AIRPORT FUNDING APPLICATION FROM \$15,000 TO \$30,000.

CARRIED

9.8 Public Safety Infrastructure Fund (04/11/0043-ADCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Penelope Sell, Acting Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

The Public Safety Infrastructure Fund supports physical works, equipment, materials and installation involved with a project.

The fund excludes items such as project management, design costs, community consultation, and evaluation, legal and administrative costs, planning permits or fees and camera licences. The fund does not support re-current infrastructure costs and ongoing asset maintenance.

More than one application can be submitted, however the total funding requested across applications must not exceed \$250,000 (excluding GST). The funding program is competitive and the Department of Justice is not able to re-negotiate with Councils.

Projects should demonstrate sound planning, and partnerships are encouraged.

The focus of the application must be crime prevention projects such as, but limited to:

- Lighting systems, or other physical security or safety measures, such as perimeter fencing, bollards, and security grade door and window treatments for community facilities;

- Streetscape and amenity improvements in public spaces designed to minimise the risk of crime and support safe behaviour, for example encouraging increased and mixed use of open spaces or enhancing natural surveillance; and
- Any physical element of a public place Closed Circuit Television (CCTV) system including signage, etc.

PW Attree Centre requires improved lighting, pathways and landscaping to encourage natural surveillance and to improve sight lines and community activity within the park. Upgrades will help deter vandalism and anti-social behaviour in the centrally located park.

Corryong Recreation Reserve requires improved lighting, landscaping, bollards and seating to deter vandalism and the public from driving over the new netball court area. Natural surveillance will also be promoted through the development of a community social pit and playground. These improvements will enhance public amenity for sporting and community events and increase use of the space (as endorsed through the community consultation process and development of the Corryong Recreation Reserve Masterplan).

Impact on Council Policy:

Lower crime rate and crime prevention will support Council's plan in making Towong Shire the ideal place to live.

State Government Policy Impacts:

Application supports the Department of Justice with the aim of crime prevention across the State of Victoria through improved infrastructure.

The application will support collaboration between the Department of Justice, community and Council.

Budget Impact:

Council may request a maximum of \$250,000. The Department of Justice will fund 89% of the total project(s). Total project(s) must not exceed \$250,000.

Council is required to allocate a total contribution of \$27,777 to realise both projects.

Risk Assessment:

The purpose of the Public Safety Infrastructure Fund is crime prevention.

The available funds will make PW Attree Centre and/or the Corryong Recreation Reserve a safer place by enhancing natural surveillance, supporting safer behaviours, and encouraging mixed use of open spaces. This meets planned objectives for the spaces.

Community Consultation/Responses:

PW Attree Centre and the Corryong Recreation Reserve have demonstrated significant masterplanning and a willingness to work in partnership with Council and the State Government to realise planned community objectives.

The masterplanning completed for both PW Attree Centre and Corryong Recreation Reserve demonstrate partnerships and clear outcomes for public amenity. This previous activity will support a strong business case for the application process.

The PW Attree Centre development project evolved as a result of consultation that was undertaken with Corryong community participants as part of the Corryong Man from Snowy River Community Hub Plan (2008). Representation included:

- Corryong Visitor Information Centre
- Upper Murray Health and Community Services
- Corryong Rotary Club
- Upper Murray Historical Society
- Corryong Neighbourhood House
- Nariel Festival Committee
- Country Women's Association
- Arts Upper Murray
- Man from Snowy River Festival
- UMBI
- Tourism Action Group
- MFSR Tourist Association
- Lions Club
- Uniting Church
- The Man from Snowy River Museum
- Colac Colac Caravan Park
- Ratepayers Association
- Corryong Football Club
- Corryong Cricket Club
- Towong Turf Club

The Corryong Recreation Reserve represents all sporting and community user groups, who worked in partnership with the Department of Sustainability and Environment, Department of Sport and Recreation, and the Department of Planning and Community Development and Council to realise public amenity improvements at the Corryong Recreation Reserve. The newly funded netball courts are a direct result of the masterplanning process and will further benefit from public safety infrastructure and crime prevention.

Discussion/Officers View:

A partnership approach in crime prevention with the Department of Justice is encouraged.

Both PW Attree Centre and Corryong Recreation Reserve would benefit from crime prevention infrastructure and safer places strategies that will encourage higher use levels for the spaces to reduce crime opportunities; benefiting the broader community.

Whilst the fund has a total pool of \$250,000 available, Council has the opportunity to realise two projects and should consider supporting both funding projects.

Council staff members have investigated previous successful applications from neighbouring shires. Successful applicants focused on improving community safety, lighting, pathways, landscaping and natural surveillance that promoted improved sight lines and community activity within the designated spaces.

**CR GADD
CR JOYCE**

THAT COUNCIL COMMIT UP TO \$30,000 TOWARDS FUNDING APPLICATIONS FOR PW ATTREE CENTRE AND THE CORRYONG RECREATION RESERVE UNDER THE PUBLIC SAFETY INFRASTRUCTURE FUND.

CARRIED

9.9 Action Sheet Reports (06/05/0010-EA)

Items requiring action from the 4 December 2012 Council Meeting are attached at Appendix 4.

**CR GADD
CR WORTMANN**

THAT THE REPORT BE NOTED.

CARRIED

9.10 Council Plan Priorities (07/05/0022-ADCCS)

The monthly updates on the 2009-2013 Council Plan priorities are attached at Appendix 5 for information.

**CR JOYCE
CR SCALES**

THAT THE REPORT BE NOTED.

CARRIED

9.11 Performance Reporting Graphs (ADCCS)

The Performance Reporting Graphs are attached at Appendix 6 for information.

**CR GADD
CR WORTMANN**

THAT THE REPORT BE NOTED.

CARRIED

10 Asset management

10.1 Works Schedule (DTS)

The works scheduled for the period 24 November 2012 to 4 January 2013 is attached at Appendix 7 for information.

CR SCALES

CR JOYCE

THAT THE REPORT BE NOTED.

CARRIED

10.2 Report on adoption of the Infrastructure Design Manual (07/05/0007-DTS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Bruce Braines, Manager Assets.

At the time of preparation and presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

The Infrastructure Design Manual (IDM) provides a reference guide to the standards and requirements for infrastructure in regional Victoria and will be used to provide consultants and developers with Council requirements in respect of planning and infrastructure needs in development. A copy of the IDM is provided in Appendix 8.

At present, the objectives and standards contained within Clause 56 of the Victorian Planning Provisions (VPP's) provide a performance based framework for the approval and implementation of residential subdivision development. Within this framework, engineering standards and requirements have been developed by individual Councils. The requirements for infrastructure design are not standardised and construction standards can vary considerably from Council to Council. This can in turn result in complications in the interpretation, design, assessment, and re-design of proposals.

An Infrastructure Design Manual (IDM) was developed originally by the Councils of Bendigo, Campaspe and Greater Shepparton. The popularity and potential benefits

of the IDM have driven its expansion to the point where it has been adopted or considered for adoption in 29 regional Victorian Councils.

Standardised infrastructure design requirements (as reflected through the IDM) are a means of significantly improving the efficiency of developing and assessing infrastructure design proposals.

Potential benefits include:

- Consistent requirements for consultants and developers who work across municipal boundaries.
- Clearer requirements which lead to applications of improved quality being received by Council.
- A more efficient approval processes due to the completeness of information being submitted.
- A reduction in the likelihood of costly re-designs at a later stage.
- The sharing of ideas and practices which will assist in a consistent and best practice approach.
- Potential costs savings for Council's, developers and industry.

Through consultation undertaken to date, there has been general support for the standardisation of infrastructure design standards.

Councils of the north east region, being Alpine Shire, Indigo Shire, City of Wodonga and Towong Shire, at a meeting held in Yackandandah on 25 October 2011, were presented with an overview of the IDM.

Following that meeting Towong Shire Council, by letter dated 7 February 2012, accepted an invitation to join the IDM Group by signing a Memorandum of Understanding.

It now remains for Council to formally adopt the Infrastructure Design Manual as the preferred infrastructure design standard for Towong Shire.

Impact on Council Policy:

There is no formal Council policy documenting engineering standards. Each application is currently considered on merits. Adoption of the IDM will provide clear policy direction as to Council's preferred Infrastructure design standards.

State Government Policy Impacts:

The primary legislative impact will occur through an amendment to the Towong Planning Scheme. It is intended to reference the IDM within the Local Planning Policy Framework (LPPF) section of the Towong Planning Scheme and this can occur via Towong Planning Scheme Amendment C31. Following gazettal of Amendment C31 to the Towong Planning Scheme, the IDM will carry statutory weight when being considered by both Council and VCAT.

Residential subdivision proposals will be encouraged to take account of standards contained within the IDM to address the objectives of Clause 56 of the Planning Scheme.

Budget Impact:

A joining fee of \$4,400 is payable

An annual subscription fee, which is \$550 for 2012/13, covers the ongoing administration and legal costs associated with the maintenance of the standards.

Risk Assessment:

Nil

Community Consultation/Responses:

Engagement Method Used:

Stakeholders have been consulted as part of an extensive consultation process. Opportunities offered to date have included:

- Consultation sessions were held with each of the four North East Councils to commence the project on 19 and 20 June 2012. Each session provided an opportunity for Council officers to provide the consultant team with up front information regarding the expectations and requirements for each municipality.
- A media release was placed in local newspapers by each of the Councils.
- A letter directed stakeholders to the IDM Manual and identified opportunities for comment. Where invitation letters were returned, or where there were late inclusions to the invitation list, direct invitations by telephone were made.
- A stakeholder briefing session for the North East region was held in Wodonga on the evening of 19 June 2012. This session provided information on the project, as well as the opportunity to ask questions and make comments.

- Following completion of the briefing session, the full list of stakeholders received a follow up letter providing details of further opportunities to comment.
- The IDM and standard drawings were made available on-line at <http://www.designmanual.com.au>. Stakeholders, including individual Councils, were able to download and review the material.

There will also be a need to ensure the involvement of key stakeholders, including Local Government, peak bodies, and key industry groups in the development and ongoing maintenance of the IDM standards.

Details of Community Consultation / Results of Engagement:

A consultation and engagement summary, including a list of issues raised to date is provided in Appendix 9.

Discussion/Officers View:

There are considerable benefits to Council and the community through the adoption and use of the manual, including:

- Sharing financial and human resources to produce and maintain a set of infrastructure design standards which satisfies the requirements of the municipalities involved;
- Sharing of ideas assists in the adoption of best practice;
- Providing consistent design requirements for consultants and developers working across municipal boundaries;
- Improving the efficiency of assessing infrastructure design proposals;
- Providing a better defence at the Victorian Civil Appeals Tribunal (VCAT) when the same design standards have been developed and adopted by a number of municipalities.

**CR GADD
CR JOYCE**

THAT COUNCIL:

- 1. CONSIDER FEEDBACK RECEIVED IN RELATION TO THE INFRASTRUCTURE DESIGN MANUAL (IDM);**
- 2. ADOPT THE IDM AS ITS PREFERRED INFRASTRUCTURE DESIGN STANDARDS FOR TOWONG SHIRE COUNCIL; AND**
- 3. INCLUDE REFERENCE TO THE IDM WITHIN THE LOCAL PLANNING POLICY FRAMEWORK OF THE TOWONG PLANNING SCHEME VIA TOWONG PLANNING SCHEME AMENDMENT C31.**

CARRIED

11 Our environment

No Reports.

12 Planning for the future

12.1 Use and Development of the land for the purpose of a dwelling and shed and removal of native vegetation (Extension to permit) (319465, 2007/094-ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Robert Shatford, SJE Consultants.

At the time of preparation or presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Property: CA8, Sec 10 Hardys Road, Tallangatta South

Owner: Rex and Vicky McCartney

Zoning: Rural Activity Zone

Overlays: Bushfire Management Overlay

Permit Triggers:

Clause 35.08 Rural Activity Zone. A permit is required for the development and use of a dwelling.

Clause 44.06 Bushfire Management Overlay. A permit is required for the development of land for accommodation purposes.

Relevant Local Planning Policies:

There have been significant changes to state and local planning policy since the grant of the parent planning permit in 2008. The application to extend the permit must therefore be considered against today's planning policy as if it were a new application.

Clause 11.05-3 Rural Productivity

It is State planning policy that development and land use in rural areas be managed to promote agricultural productivity and rural production. It is policy that new housing development be centred round existing settlements.

It has previously been determined through the grant of planning permit 2007/094 that the development of the land for the purposes of a rural dwelling would not fragment productive agricultural land. The zoning of the land recognises the site's low agricultural productivity.

Clause 21.05-3 Settlement

Council applies a clear policy basis on ensuring that new development and use does not inappropriately encroach onto highly productive and versatile agricultural land and that rural living development is orientated around settlements. The development site, although appearing remote in its setting, is located 4.5 kilometres from the Tallangatta town centre.

Clause 22.02 – Rural Dwellings

This policy applies to land in the Farming, Rural Conservation and Rural Activity Zones and relates specifically to residential development / land use proposals. The policy basis reads not to prohibit residential development in these areas but rather to protect land from inappropriate development that fails to respond to the environmental conditions and constraints of the site and ensure that new development and use responds to agricultural activity on the subject land and adjoining land.

This policy was revised through Amendment C20 in 2011.

The determining objectives for any application against this policy are:

Decision Guidelines	Response
<i>The agricultural quality of the land and the protection of high quality agricultural land</i>	The land is not encumbered by the Environmental Significance Overlay 1 – High quality agricultural land. The land has a range of constraints, namely topography and vegetation which limit any viable productive agricultural entity operating from the subject land.
<i>Within the Farming Zone, whether the dwelling is necessary for the continued agricultural use of the land</i>	Not applicable. The land is not zoned Farming.
<i>The surrounding land uses and the potential for land use conflict</i>	The subject land and indeed the building envelope are isolated from neighbouring dwellings and agricultural land use activities. The continuation of the development and subsequent use of the land for a dwelling will not conflict with surrounding land uses.
<i>The existing levels of infrastructure,</i>	The parent permit required various infrastructure works be carried out

Decision Guidelines	Response
<i>particularly road access</i>	prior to the commencement and occupation of the dwelling. Some of these works have been commenced including the upgrade to Hardys Road, other works remain outstanding which must be completed prior to the occupation of the dwelling.
<i>Site characteristics and the presence of any environmental assets or constraints</i>	The site is heavily vegetated, steep and has only limited access via a winding driveway leading from Hardys Road to the approved building envelope. If a new permit were applied for under current planning policy and legislation, it is unlikely that a permit would be granted. In this instance however, the permit holder has acted on the permit and has progressed to a point where the dwelling is at lock-up and is currently being fitted out. Given the status of the construction, it would be unreasonable to withhold the grant of an extension to allow the completion of development and commencement of occupation.
<i>In the Rural Conservation Zone, the conservation values of the land and the need to protect environmental values from fragmentation</i>	Not applicable.
<i>Environmental hazard avoidance</i>	This has been considered through the grant of the parent planning permit.
<i>Victoria's Native Vegetation Management – A Framework for Action 2002</i>	This has been considered through the grant of the parent planning permit. No further vegetation removal is required.

Clause 22.04 Steep Land

This policy applies to land in the rural areas of the Shire affected by slopes greater than 20% recognising that these areas are inappropriate for development.

The site has areas of slope exceeding 20%. The dwelling however has been constructed on an envelope with a lesser slope with consideration given to land slip and erosion through the parent planning permit.

Clause 22.08 Effluent Disposal and Water Quality

This policy applies to all land and development that is unable to be serviced with reticulated sewerage.

Council's EHO has previously issued approval for the disposal of effluent on the site.

DESCRIPTION OF PROPOSAL:

The land owner has requested an extension to the grant of planning permit 2007/094 which gave consent to the development and use of land for the purposes of a dwelling and shed and the subsequent removal of native vegetation. The planning permit provides an expiry date 2 years after the development's commencement. The development commenced in December 2010 by way of the relevant approvals for effluent disposal being granted as required by the permit to facilitate the commencement of development. There was some conjecture at the time as to whether this implied that the work had commenced on the site. Due to the approved permit imposing requirements for the completion of various studies prior to works commencing on site, this delayed the commencement of actual works. Notwithstanding this, the permit holder acted on the permit by engaging relevant consultants to commence the reports required by the planning permit.

The permit applicant has asked for an extension to the completion date of 2 years, although it is probable that the development will be completed within 1 year.

SITE DESCRIPTION:

The subject land is located off Hardys Road, to the south-west of the Tallangatta township. Hardys Road is a constructed gravel road, narrow and undulating in parts. The subject land had no legal 'constructed' road access until recently and for many years, has obtained access via the neighbour's property through agreement.

A track commencing from Hardys Road meanders into the property. This track is very steep in parts; winds back on itself and continues for approximately 1 kilometre before arriving at the building envelope.

This track required substantial work to make it accessible for a 2WD vehicle and this was reflected in the permit issued for the dwelling. These works have not yet been completed to the satisfaction of Council.

The overall site terrain is rough and heavily vegetated except for a clearance where the approved dwelling has been constructed.

HISTORY AND COMMUNITY CONSULTATION:

At the time of Council initially inspecting the site in consideration of the original permit (in 2008), officers became aware of illegally erected buildings, one having been used for the purposes of a dwelling without planning, building or septic tank

permits. Vegetation removal had also occurred without the relevant approvals of Council.

Subsequent to this, Council initiated enforcement proceedings against the land owner which amounted to consent orders being issued at VCAT on February 3 2010. The consent orders arose through mediation between the parties which necessitated that the respondents (land owner) apply for a planning permit by 1 March 2010 to proceed to use the buildings on-site for the purposes of a 'store'.

Planning approval was subsequently applied for and obtained for the development and use of 'stores' on the subject land.

Since the commencement of works in December 2010, the development has advanced to a point close to completion. The current state of the dwelling is reflected through site photos accompanying the report at Appendix 10 and illustrate:

- A colorbond clad two storey building completed to lock-up;
- Partial internal fitout; and,
- Hardy's Road graded to the property entrance.

TOWONG PLANNING SCHEME REQUIREMENTS:

Clause 35.08-1 Rural Activity Zone

The subject land is zoned Rural Activity.

The purpose of the Rural Activity Zone is amongst other matters:

- *To provide for the use of land for agriculture.*
- *To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.*
- *To ensure that use and development does not adversely affect surrounding land uses.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required to develop and use the land for a dwelling.

Pertinent to the consideration of the parent application and the extension to the permit proposed by this application are Purposes 2 and 5 above.

Clause 35.08-5 assigns a list of decision guidelines relevant to the application. The proposal generally satisfies the decision guidelines of the Clause.

Clause 44.06 – Bushfire Management Overlay

The vast majority of the site is encumbered by a Bushfire Management Overlay.

The purpose of the Bushfire Management Overlay is amongst other matters:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To assist to strengthen community resilience to bushfire.*
- *To identify areas where the bushfire hazard requires specified bushfire protection measures for subdivision and buildings and works to be implemented.*
- *To ensure that the location, design and construction of development consider the need to implement bushfire protection measures.*
- *To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.*

The Bushfire Management Overlay was revised through Amendment VC83 in 2011 to respond to the need to both protect human life and make Victoria's communities safer following the recommendations of the Royal Commission into the 2009 Victorian Bushfires. This amendment implemented a number of the Royal Commission findings, amongst them:

Recommendation 39

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

- *outline the State's objectives for managing bushfire risk through land-use planning in an amended state planning policy for bushfire, as set out in clause 15.07 of the Victoria Planning Provisions*
- *amend clause 44.06 of the Victoria Planning Provisions to provide a comprehensive Bushfire-prone Overlay provision.*

Recommendation 41

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

These changes, coupled with the site's topography, dense bushland coverage and restricted and difficult access would make the site inappropriate for the development and use of any new dwelling. In this instance, the development is substantially complete and warrants discretion against the decision guidelines of Clause 44.06.

Clause 65.01 – Decision Guidelines

Before deciding whether to approve an application or plan, including an extension to a permit, Council must consider a number of decision guidelines as set out in Clause 65. That a permit can be granted does not imply that a permit should or will be granted and such proposal must demonstrate that it produces an acceptable outcome in terms of the decision guidelines of the clause.

The tables below address each of the decision guidelines as set out in Clause 65.01.

Decision Guideline	Response
<i>SPPF and LPPF including the MSS and LPP</i>	Relevant parts of the planning scheme have been addressed throughout this report.
<i>The purpose of the zone, overlay or other provision</i>	Does not comply with the current purposes and objectives of the Bushfire Management Overlay.
<i>Any matter required to be considered in the zone, overlay or other provision.</i>	All necessary scheme provisions have been considered and are addressed throughout this report.
<i>The orderly planning of the area</i>	The completion of the development and commencement of use is considered reasonable in light of the previous approval and the status of construction.
<i>The effect on the amenity of the area</i>	No affects anticipated to arise as a result of the development being completed.
<i>The proximity of the land to any public land</i>	No affects.
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality</i>	Relevant measures were considered and incorporated into the parent planning permit.
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	No change to the previous approval.
<i>The extent and character of native vegetation and the likelihood of its destruction</i>	No change to the previous approvals.
<i>Whether native vegetation is to be or can be protected, planted</i>	No change to the previous applicable.

Decision Guideline	Response
<i>or allowed to regenerate</i>	
<i>The degree of flood, erosion, or fire hazard associated with the location of the land and use, development or management of the land so as to minimise any such hazard</i>	Consideration has been given to the environmental hazards and constraints which apply to the land.

REPORT

Section 69 of The Planning and Environment Act 1987, reads:

- (1) Before the permit expires or within three months afterwards, the owner or the occupier of the land to which it applies may ask the responsible authority for an extension of time.*
- (2) The responsible authority may extend the time within which the use or development or any stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the Subdivision Act 1988 is to be certified.*
- (3) If the time is extended after the permit has lapsed the extension operates from the day the permit expired.*

Whilst extending the permit is an option, Council is required to consider the merits of the application relative to the planning scheme as it stands at the time of considering the application to extend the permit. There are no specific controls in either the Planning and Environment Act 1987 ('the Act') or the Towong Shire Planning Scheme with regard to the assessment and determination of an extension to a permit.

Through precedent established by the Victorian Civil and Administrative Tribunal, any refusal to grant an extension to a permit is unlikely to be supported by the Tribunal unless it can be readily demonstrated that there is a substantive change in policy which would otherwise result in the application being refused.

General guidelines regarding the assessment and determination of an extension to a permit were established by the Administrative Appeals Tribunal in the '*Kantor v Murrindindi Shire Council 18AATR 285*' where the presiding Member stated that a Responsible Authority should rightly consider the following:

- The Responsible Authority should treat the applicant as being obliged to advance some reason or material in support of the grant of an extension, and

- Whether there had been change in planning policy;
- Whether the landowner is seeking to 'warehouse' the permit;
- Intervening circumstances as bearing upon the grant or refusal;
- The total elapse of time;
- Whether the time limit originally imposed was adequate;
- The economic burden imposed on the landowner by the permit; and
- The probability of a permit issuing should a fresh application be made.

Since the grant of the permit in December 2008, the Municipal Strategic Statement has been gazetted and incorporated into the Scheme (Amendment C20, 3 February 2011) and state planning framework has altered regarding development in bushfire prone locations, namely through the gazettal of Amendment VC83 on 18 November 2011. The latter requires a Bushfire Management Statement to be completed and advice from the Country Fire Authority suggests that their requirements would not be satisfied.

Accordingly, if a new permit were applied for, Council would be bound to refuse the application based on the inability of the building envelope to meet the basic requirements of Clause 44.06 and 52.47.

In this instance, the application has advanced to a point of substantial completion and Council must consider whether there would be anything to be gained by refusing this extension and leaving the development to remain incomplete.

Referral Authority Comments

As there has been a shift in State and local planning policy since the grant of the parent planning permit, the opinions of the referral authorities which applied conditions to the parent permit were sought. Their comments were sought to establish whether additional or modified conditions would be required or indeed, whether they would oppose the extension.

There are no defining provisions in the Act which guide the process for the assessment and review of an extension to a planning permit, unlike an amendment to a planning permit under Section 73 of the Act. Likewise, there is no statutory requirement through the Act which necessitates that Council refuse an application to extend a permit as a result of the objection of a referral authority. The defining extract of the Act is Section 69 which simply provides the right for a permit holder to apply for an extension to the planning permit within 3 months of the date of expiry of the permit.

Both the Department of Sustainability and Environment and Goulburn Murray Water offered no objection to the permit extension to facilitate the completion of the

development. The Country Fire Authority has however expressed its objection to the extension of the permit on the following grounds:

- The introduction of the Bushfire Management Overlay (Clause 44.06), a new set of Bushfire Protection: Planning Requirements (Clause 52.47) and a new State Planning Policy Clause on Bushfire (Clause 13.05) constitute a significant change in planning policy.
- That there is no certainty that a new planning permit would be issued due to access, siting and landscape risk;
- If a permit were to issue, it would not be issued on the same conditions of the original approval and would apply different conditions including:
 - Different distances of defendable space;
 - Different vegetation management prescriptions;
 - Different building construction requirements; and,
 - Conditions clarifying that the bushfire mitigation measures are ongoing and must be managed in perpetuity.

Given that the development has progressed beyond lock-up, the shift which has occurred in state and local planning policy and which would discourage the approved development and use from proceeding should be set aside, in favour of allowing the land owner to complete the development and commence its use.

CONCLUSION:

The land owners' have demonstrated the advancement of the development for the purposes as originally approved and have progressed some way to enabling the approved building to be used as a dwelling, in some respects, past the point of no return.

Although there has been considerable change to planning policy which would likely result in the refusal of a new application, in this instance the development is approaching completion and it is considered reasonable that an extension to the permit be granted.

**CR SCALES
CR JOYCE**

THAT PLANNING PERMIT 2007/094 WHICH PROVIDED CONSENT FOR THE USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A DWELLING AND SHED AND REMOVAL OF NATIVE VEGETATION BE EXTENDED FOR A PERIOD OF TWO (2) YEARS.

CARRIED

Mr J Heritage left the Council Chamber at 10.50 am

Mr J Heritage returned to the Council Chamber at 10.55 am

13 Our community's wellbeing

13.1 Corryong Thematic Arts Trail project – Community Partnership Grant (07/01/0118-ADCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Penelope Sell, Acting Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Towong Shire Council has received numerous requests from to community to reinvigorate the arts across the Shire. A new funding stream has been identified to achieve this.

Arts Victoria currently invites Council to make application for an arts project that can demonstrate community support and sound planning.

The aims and objectives of the Community Partnership program is to:

- Support opportunities for professional artists to collaborate with Victoria's diverse communities to bring about mutually beneficial and positive results;
- Ensure that all Victorian communities are able to access, engage with and participate in a diverse range of artistic and cultural experiences; and
- Provide opportunities for artists and arts companies to develop their professional practices and extend the reach of their activities.

The program supports collaboration between professional artists, arts companies and Victorian communities.

Projects may involve a single art form or a combination of art form and can include new and experimental forms. The role of the professional artist(s) and the project's artistic elements must be central to achieving its overall purpose.

Proposals to the program must demonstrate capacity to develop a collaborative relationship between the artist(s) and a defined community group.

Council has identified an opportunity that meets the guidelines to make a funding application that will initiate a significant arts project in the township of Corryong. The funding application concept will provide a community arts piece, centrally located in PW Attree Centre . The suggested location will maximise arts exposure to the local and broader public, and aligns with previous planning work that identified the site as suitable location for a community thematic arts trail.

In 2008, the Man from Snowy River Community Hub Plan was developed by Council. It was facilitated by a Melbourne-based consulting company, Context, who worked in consultation with the local community for the redevelopment of PW Attree Centre . The hub plan outlines a concept to develop a thematic arts trail and interpretative walk throughout PW Attree Centre .

PW Attree Centre has a natural water source located beneath the ground surface. This natural feature will make provision for an interesting artistic water piece to be show-cased in the park.

In addition, other strategically positioned pieces of community art will be mapped for PW Attree Centre and the township of Corryong.

It is envisaged that an arts catalogue will also be developed to enable local people, service clubs and corporate investors to establish dedicated art works throughout the township of Corryong, with the aim of developing a broader arts trail throughout the township. This will also support existing and new arts events eg: Man from Snowy River Bush Festival and poetry events.

Impact on Council Policy:

The Corryong Thematic Arts Trail Project will further support the development of the Towong Shire's Cultural and Arts Policy.

State Government Policy Impacts:

Arts Victoria supports collaboration between professional artists and communities with the aim of making public art accessible and engagement achievable.

Budget Impact:

The Corryong Thematic Arts Trail Project funding application will require a \$10,000 cash contribution and in-kind support from the local arts community to potentially realise a project of up to \$65,000 (15.38% of the total project budget).

A Corryong Arts Masterplan will be developed as part of the funding process to also support future funding applications.

Risk Assessment:

The purpose of the arts project is to make public art accessible and to maximise the level of community engagement.

PW Attree Centre is a central locality and will allow safe and equitable access. Clear pathways, disabled and public toilets, a Visitor Information Centre, BBQ area, playground and picnic tables are available at this location.

Community Consultation/Responses:

Significant consultation was undertaken with participants of the Corryong Man from Snowy River Community Hub Plan. Representation included:

- Corryong Visitor Information Centre
- Upper Murray Health and Community Services
- Corryong Rotary Club
- Upper Murray Historical Society
- Corryong Neighbourhood House
- Nariel Festival Committee
- Country Women's Association
- Arts Upper Murray
- Man from Snowy River Festival
- UMBI
- Tourism Action Group
- MFSR Tourist Association
- Lions Club
- Uniting Church
- The Man from Snowy River Museum
- Colac Colac Caravan Park
- Ratepayers Association
- Corryong Football Club
- Corryong Cricket Club
- Towong Turf Club

The proposed project has also stimulated renewed interest in the development of the arts in the Upper Murray and Corryong township.

Discussion/Officers View:

A partnership approach towards the development of the arts in Corryong and the Upper Murray will achieve further outcomes for the local community who participated in the Man from Snowy River Community Hub project and will enable improved public exposure to the arts if the funding application is realised.

**CR GADD
CR JOYCE**

**THAT COUNCIL COMMIT \$10,000 TOWARDS A FUNDING APPLICATION FOR
THE CORRYONG ARTS TRAIL PROJECT.**

CARRIED

14 Economic and tourism development

No Reports.

15 Councillor reports

15.1 Battallangatta (Cr Scales)

Date	7 December 2012
Details About the Activity	<p>I had a fantastic evening at Battallangatta. The event was extremely well organised and seemed very popular. Whilst slow to start with over 100 people attended. Some came early but more after 7pm. Could suggest starting a bit later at next year's event. Our local talent is fantastic and it was great to see some younger children get involved as well. Megas Music deserve praise for their huge support of this event and also Renee and Penny. If anyone that attended was disappointed I believe they could never be pleased. All performers were presented with a Battallangatta T-shirt, myself included, and perhaps they thought my speech was a performance. All in all a fantastic Drug, Alcohol and Smoke free event for our Youth that I had great pleasure in attending.</p>

15.2 Roadsafe North East (Cr Scales)

Date	13 December 2012
Details About the Activity	<p>Whilst more of a social Christmas breakup and lunch, this meeting was a great networking opportunity for myself. I met several councillors from other Shires and also staff from other Shires and those with a general interest in road safety. Of particular interest is a Motorcycle program just starting up with Roadsafe NE which I believe would be of great benefit to our Shire. Many Motorcyclists convey on our roads and the safety of the experience is most important as I am aware of many accidents within the Mitta Valley and am sure there have been others throughout the Shire as well. Also I spoke with Ben Scott from 'The Centre', Wangaratta. This discussion was in regard to the 'Healthy Sporting Environments', which is a free program for sporting clubs looking at the overall health of the Clubs from Responsible Use of Alcohol, Healthy Eating, Injury Prevention and also Financial Health. Clubs that have completed this program gain greater recognition when applying for grants so this could be of interest to many of our sporting clubs throughout the Shire.</p>

15.3 Dartmouth Progress Association AGM (Cr Scales)

Date	15 December 2012
Details About the Activity	I attended the Dartmouth Community Progress Association AGM on Saturday 15 December. As usual there was a great attendance with many locals wanting to achieve the best outcomes for the community of Dartmouth. Election results were Peter Sonenrein President, John Scales Vice President, Ruth Hampson Secretary, Lorrae Saxton Treasurer, Ted Hampson Contracts Manager and Kevin Stuart Assets Manager.

15.4 Tallangatta Primary School Presentation Night (Cr Scales)

Date	19 December 2012
Details About the Activity	I attended the TPS grade six graduation evening and presented two awards on behalf of Council. An enjoyable evening and if these students are an example of the other grade six students from all of our schools entering the next stage of their life, we are in for a very well educated, polite and community minded group of young adults.

15.5 Mitta Mitta Primary School Presentation Night (Cr Scales)

Date	20 December 2012
Details About the Activity	I attended the Mitta Mitta Primary School Concert and graduation night. Once again a great evening with a lot of local talent. The three students graduating this year are testament to the high quality of education seemingly being provided Shire wide, from the experience I have had with the primary schools.

15.6 Mitta Valley Australia Day Community Awards (Cr Scales)

Date	26 January 2013
Details About the Activity	I attended the Mitta Valley Australia Day Community Awards at the Mitta Valley Sports Complex Eskdale. A great day was had by all and the Eskdale Progress Association should be congratulated on their efforts. Around 150 people attended, slightly down on other years but I assume this was due to fire warnings keeping many tourists out of NE Victoria. The recipients were all very well deserving but it was unfortunate their were no nominations for young Australian of the year when there are many young achievers in the Mitta Valley.

15.7 Walwa Australia Day Community Awards (Cr Gadd)

Date	26 January 2013
Details About the Activity	An enthusiastic group of community members and visitors enjoyed a breakfast prepared by the Walwa Jingellic Lions Club. There were approx 120 people in attendance, we were entertained musically by our local musicians and guest speaker Brian Corrigan gave an interesting speech on opportunity and resilience in Australia and what a wonderful country we live in with peace and democracy. Jack Hallinan is our Citizen of the Year and the morning tea held at the Upper Murray Resort for Cancer was the event of the year presented to Robyn and Brian Caldwell.

15.8 Corryong Australia Day Community Awards (Cr Joyce)

Date	26 January 2013
Details About the Activity	<p>It was a pleasure to represent Towong Shire in the celebration of Australia Day 2013 at the Youth Club Hall in Corryong. I met with the Australia Day Ambassador, Mr. Pat LaManna OAM and his wife Helen, and escorted them to the Hall from the accommodation venue. Pat is a small man in stature, but his contribution to Australian and particularly Victorian community life has been large.</p> <p>The M.C. for the morning was Peter Sullivan, and after the lovely breakfast cooked by the Corryong Lions club, Peter began with the proceedings. Peter does a very good job in the role as MC. The opening prayer by Rev, John Hill of the Uniting Church of Australia was exceptional. Pat was called to the microphone to deliver his speech. It was a very enlightening speech about how an Italian immigrant who suffered discrimination as a child had succeeded in business and community life.</p> <p>Pat was first introduced to the fruit and vegetable industry as a young boy, and has eventually gone onto becoming the Banana King of Australia, by distributing and retailing 25% of all bananas in Australia. He fought off an attempt by a massive American company to enter the Australian market and cut out all the local suppliers. Pat has an extensive list of community involvement, and was responsible for the Pat LaManna Cancer and Stroke Research Foundation and raising some \$1.5 Million. Pat is also responsible for the initiation of the Hand to Hand Appeal for the Bionic Hands Department of the Royal Children's Hospital, raising some \$198,000.</p> <p>During his address, Pat kept the audience entertained as well as riveted as he told of his hardships in Italy during and after the war, his journey to Australia with his deaf and dumb brother by plan, while his mother and other siblings arrived by boat to be reunited with his father, already working in Australia. His upbringing in Colac and eventual re location to Melbourne.</p> <p>Pat had the misfortune of losing his place in the speech after his papers dropped to the floor, but everyone was patient and</p>

	<p>waiting for his resumption. I was aware of young children in the Hall, and I thought that they may have become impatient, but there was no noise from them during his address.</p> <p>I feel that Pat was a worthy ambassador for the Australia Day Ambassadors program, and I thanked Pat for venturing so far from Melbourne to share a special day with a small rural community.</p> <p>Presentations were made to Gavin and Kimb Heycox as the Citizens of the Year for they contribution to the youth of the area and also the Gymnastics Club in Corryong, and a presentation to Sandra Beirs, who represented the Corryong Campdraft Club for staging the National Campdraft Council of Australia's Championships. This was selected as the event of the year.</p> <p>Although numbers were marginally down from previous years, there was still a good role up of community members for the celebrations.</p>
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15.9 MAV Conference (Cr Joyce)

Date	5 December 2012
Details About the Activity	<p>I attended the MAV Conference held in Melbourne, as did CR Wortmann. The Conference was not held at the normal time of the year in that it usually precedes the MAV State Council in October, but with the Local Government elections held in November of 2012, the Conference was held later as a standalone event.</p> <p>I was somewhat disappointed with the Conference, the selection of speakers, although local government orientated were not inspiring and I felt a bit lack lustre. This may have been due to the late hosting of the Conference. I felt that there may have been a reduced attendance as well.</p> <p>On arrival at Melbourne Airport, I was invited to share a taxi with the Mayor and Councillor from Wodonga. A frank and honest discussion took place about issues around ACSUM and the UM Regional Library. I believe that a networking session of</p>

	Councillors from Wodonga, Towong and Indigo has been scheduled in Feb 2013 to introduce new Councillors and CEOs to all neighbouring LG areas.
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15.10 UMBI 2030 Vision (Cr Joyce)

Date	12 December 2012
Details About the Activity	<p>I attended the UMBI 2030 Vision workshop with the Mayor, Crs. Gadd and Wortmann and the CEO. A very good attendance was achieved from the stakeholders and community members, and the workshop achieved a snapshot of what the community would like to see happen into the future. I believe that this process will have a very positive outcome for the community of the Upper Murray.</p> <p>UMBI was very happy with the commitment from Council to contribute to the cost of the plan, and I feel that this may be the beginning of a stronger relationship between UMBI and Council. I look forward to the outcomes identified by the community and how we can work together to achieve the outcomes.</p>

15.11 Sacred Heart School Presentation Day (Cr Joyce)

Date	18 December 2012
Details About the Activity	<p>I had the pleasure of representing Council at the end of year presentations. It was a very entertaining morning with many of the classes performing for all those present. Council was gratefully acknowledged for the contribution to the successful students and the school community in general.</p>

15.12 Corryong College Presentations (Cr Joyce)

Date	19 December 2012
Details About the Activity	<p>It was a pleasure to represent Council at this year's presentations. I feel that the relationship has been enhanced this year with the Deputy Principal, Denise Joy, taking the role to organise and facilitate the event. The School has achieved some outstanding results amongst other schools in the North East, and in ways both our organisations are very similar, in being able to achieve excellent results with minimal resources at our finger tips. I wished the graduating students all the best and congratulated the Principal and teaching staff all the best for the future year.</p>

15.13 NevRwaste (Cr Joyce)

Date	24 January 2013
Details About the Activity	<p>I attended at Wangaratta for the induction of Directors of the Board of the North East Regional Waste Management Group. In discussions about landfill rehabilitation, a lot of excitement was generated about how much work had been done by Towong Shire in addressing this issue.</p> <p>The EPA will conduct a review of all 31 licensed landfills in the North East, and a major shakeup is expected as to the way the landfill sites are operated. Unlicensed landfills (such as Corryong) are not included in this review, but we could face other issues into the future.</p> <p>I was very interested in the Towards Zero Waste policy which indicated as the main objective - Increased Resource Recovery has identified 75% of the initiative is to achieve waste "re-use" and "energy generation" from waste.</p> <p>The AGM of the group is to be held on 14/2.</p>

15.14 UMHCS / Towong Shire Health Scholarships (Cr Joyce)

Date	30 January 2013
Details About the Activity	I attended at the UMHCS to represent Council in the presentation of scholarships to three young people about to commence studies in the health fields. Maxine Brockfield and I presented the cash scholarships to Julia Barry (Bio-medicine and Medicine) Sophie Damm (Occupational Therapy) and Harriet Bettio (Pharmacy). I wished them all the best on behalf of Council and the Towong Shire community.

15.15 Walwa Primary School Presentation Day (Cr Gadd)

Verbal report

15.16 Tallangatta Secondary College Presentation Day (Cr Fraser)

Verbal report

15.17 SPausnet Community Awards Meeting (Cr Fraser)

Verbal report

15.18 Mr Bill Tilley (Cr Fraser)

Verbal report

15.19 UMRL Meeting (Cr Fraser)

Verbal report

15.20 Australia Day Celebrations Tallangatta (Cr Fraser)

Verbal report

**CR JOYCE
CR GADD**

THAT COUNCILLORS REPORTS BE NOTED.

CARRIED

**CR JOYCE
CR SCALES**

THAT CR GADD CHAIR THE MEETING.

CARRIED

16 Notice of Rescission

Cr Fraser vacated the Chair during discussion of the Notice of Rescission.

16.1 Notice of Rescission 02/2012 (03/02/0035-ACEO)

CR FRASER
CR JOYCE

In accordance with Local Law No: 1, Meeting Procedures and Use of the Common Seal, I submit a notice of rescission for the following resolution that was carried at the 4 December 2012 Ordinary Meeting of Council to Item 12.2 Towong Planning Scheme Amendment C29.

I move that the resolution:

CR JOYCE
CR WORTMANN

THAT COUNCIL, HAVING CONSIDERED THE SUBMISSIONS TO AMENDMENT C29 PURSUANT TO SECTIONS 22 AND 23 OF THE PLANNING AND ENVIRONMENT ACT, RESOLVES TO REQUEST THE MINISTER FOR PLANNING TO APPOINT A PANEL PURSUANT TO SECTION 153 OF THE PLANNING AND ENVIRONMENT ACT 1987 TO PROVIDE A RECOMMENDATION TO COUNCIL ABOUT TOWONG PLANNING SCHEME AMENDMENT C29.

CARRIED

Be rescinded.

I ask Council to reconsider approval for this item.

THE MOTION LAPSED

Cr Fraser returned to the Chair

17 Urgent Business

CR JOYCE

CR GADD

THAT TWO ITEMS OF URGENT BUSINESS BE ADMITTED, PERTAINING TO:

- 1. CORRYONG RECREATION RESERVE; AND**
- 2. ROWEN PARK (CONFIDENTIAL)**

WITH ITEM 2 TO BE DISCUSSED IN CONFIDENTIAL BUSINESS.

CARRIED

17.1 Corryong Recreation Reserve Netball Court Project – Quotations (02/08/0024-ADCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Penelope Sell, Acting Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Two new netball courts, shelters and lighting are to be constructed at Corryong Recreation Reserve, Corryong.

The current site is unsafe and does not meet Netball Victoria playing standards.

Council has worked closely with the Corryong Recreation Reserve Committee of Management and relevant user groups to realize the improved infrastructure project.

The Recreation Reserve Committee of Management is appointed by the Crown to manage the site and facilities. The project is funded by Council, Department of Planning and Community Development and the community.

Council, in consultation with the community has agreed on the design and locality of the new courts at the Corryong Recreation Reserve.

Ideally, courts will be established by 30 March. The lighting and shelters to be established before 30 June 2013.

Council advertised for quotations. None of the quotations are within budget.

Impact on Council Policy:

Increased recreational activity supports healthy living and social interaction that will support Council's plan in making Towong Shire the ideal place to live.

State Government Policy Impacts:

Council's successful application supports the Department of Sport and Recreation's aim of increasing participation across the State of Victoria through improved recreational infrastructure.

The project supports collaboration between the Department of Planning and Community Development, Department of Sport and Recreation, community and Council.

Budget Impact:

At the June 2012 Ordinary Meeting committed \$55,000 towards the project for two netball courts, lighting, and seating with a total project value of \$174,660. \$80,000 is secured by the Department of Planning and Community Development and \$35,000 cash and \$4,660 in-kind from the local community.

Risk Assessment:

The purpose of the new courts is to increase active participation in sport in the Corryong community.

The current design meets planned objectives for the netball community.

Collaboration with the community and user groups will be necessary to maximise customer satisfaction and project outcomes.

Community Consultation/Responses:

Corryong Recreational Reserve Committee of Management has demonstrated significant masterplanning and a willingness to work in partnership with Council and the State Government to realise planned community objectives.

The masterplanning completed for Corryong Park Recreation Reserve demonstrates partnerships and priorities for public amenity. The netball courts are the number one priority.

The Corryong Recreation Reserve Committee of Management has signed off on the design and location of the courts.

Discussion/Officers View:

Council staff has reviewed all quotations and are of the opinion that the project can be delivered within budget by completing the project in-house using a suitably qualified builder or project manager. This approach should have the added benefit of being able to better utilise local contractors to complete the works.

**CR JOYCE
CR WORTMANN**

THAT COUNCIL:

- 1. NOT ACCEPT ANY OF THE QUOTATIONS RECEIVED;**
- 2. MANAGE THE PROJECT IN-HOUSE USING A SUITABLY QUALIFIED BUILDER OR PROJECT MANAGER; AND**
- 3. NOT MODIFY THE PROJECT BUDGET.**

CARRIED

18 Committee minutes

No reports.

19 Occupational health and safety

19.1 OHS Committee (06/04/0212-ADCCS)

Minutes of the meeting held on 6 December 2012 are attached at Appendix 11 for information.

**CR JOYCE
CR SCALES**

THAT THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MINUTES BE NOTED.

CARRIED

20 Council policies

The following policies) were tabled for review at the 5 November 2012 Council Meeting. There are attached at Appendix 12 for adoption. Policies are submitted with incorporated changes highlighted in red.

- Employee Code of Conduct and Conflict of Interest Policy and Guidelines (DCCS)
- Risk Management (DCCS)
- Tree (DTS)

**CR GADD
CR SCALES**

THAT THE FOLLOWING POLICIES AS AMENDED BE ADOPTED:

- 1. EMPLOYEE CODE OF CONDUCT AND CONFLICT OF INTEREST POLICY AND GUIDELINES**
- 2. RISK MANAGEMENT**
- 3. TREE**

CARRIED

The following policies were tabled for review at the 4 December 2012 Council Meeting. There are attached at Appendix 13 for adoption.

- Conflict of Interest Guidelines for Planning Staff (DDS)
- Fraud and Corrupt Conduct (CEO)
- Fraud and Corrupt Conduct – Procedure for reporting fraud and corrupt conduct (DCCS)
- Whistleblowers Protection Policy (DCCS)

CR GADD

CR JOYCE

THAT THE FOLLOWING POLICIES AS AMENDED BE ADOPTED:

- 1. CONFLICT OF INTEREST GUIDELINES FOR PLANNING STAFF**
- 2. FRAUD AND CORRUPT CONDUCT**
- 3. PROCEDURE FOR FRAUD, CORRUPT CONDUCT AND CONFLICT OF INTEREST REPORTING**
- 4. WHISTLEBLOWERS PROTECTION POLICY**

CARRIED

The following procedure is attached at Appendix 14 for review. Councillors are requested to provide feedback on this procedure to the Responsible Officer by 5 March 2013.

- OHS Committee Constitution (DCCS)

21 Sealing of documents

21.1 Transfer of Town Maintenance Contracts 2009/10-14 Bellbridge and 2009/10-14 Bethanga (08/03/0011-DTS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Jamie Heritage, Director of Technical Services.

At the time of preparation and presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Council has a number of town maintenance contracts in place throughout the Shire for maintenance activities including mowing, slashing, street tree pruning, garden bed maintenance, weed control and street furniture maintenance. These contracts commenced in October 2010 and expire in 2015.

A request has been received for a transfer of the following contracts

- Bellbridge Town Maintenance from EJT Ground Maintenance to Total Garden Solutions
- Bethanga Town Maintenance from EJT Ground Maintenance to Total Garden Solutions

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

As this is a transfer of contract, the scope of works and value are already established nil impact is presented for Council's Budget.

Risk Assessment:

Town maintenance activities are part of Council's day to day operations and risks assessments are undertaken by the current contract and are an ongoing requirement under the contract terms.

Relative insurance coverage will be required to be presented and on an ad hoc basis after that for the duration of the contract.

The contractor is also responsible for all their own operation risk assessment and insurance requirements.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

A preliminary meeting has been held between Council, EJT Ground Maintenance and Total Garden Solutions to establish the following requirements.

- Reference checks
- Certificate of Currency for WorkCover
- Certificate of Currency for Public Liability insurance of 10M and
- Security deposit

Reference checks have come back favourable and insurances have been presented. EJT Ground Maintenance has given an undertaking to remain present for the first few weeks of change over this will assist in any areas of concern or were clarification may be required.

**CR WORTMANN
CR SCALES**

**THAT COUNCIL AUTHORISE THE ACTING CHIEF EXECUTIVE OFFICER TO SIGN
AND SEAL THE TRANSFER OF CONTRACT.**

CARRIED

21.2 Section 173 Agreement – Rosanne Hill and Towong Shire Council (P308050-ACEO)

Planning Permit 2012/047 provided consent for a re-subdivision of Lot 1 and 2 TP107583, Lot 1 and 2 TP208593, Lot 2 TP321398, Parish of Granya (727 Tallangatta Creek Road, Tallangatta Valley). Condition 5 of the Planning Permit requires a Section 173 Agreement to be registered on the Titles of proposed lots. The Agreement is a requirement of Clause 35-07.3 of the Towong Planning Scheme which states that when re-subdividing existing lots an agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

CR JOYCE
CR GADD

THAT THE ACTING CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT 1 AND 2 TP107583, LOT 1 AND 2 TP208593, LOT 2 TP321398, PARISH OF GRANYA (PROPOSED LOT 1, 2 AND 3 PS710739H) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2012/047.

CARRIED

21.3 Section 173 Agreement – Brendan James McKimmie, Donna Anne McKimmie and Towong Shire Council (P161900-ACEO)

Planning Permit 2012/023 provided consent for a two lot subdivision (dwelling excision) of Crown Allotment 17C Section 2, Parish of Thowgla (648 Bunroy Road, Biggara). Condition 6 of the Planning Permit requires a Section 173 Agreement to be registered on the Titles of proposed lots. The Agreement is a requirement of Clause 35-07.3 of the Towong Planning Scheme which states that when excising a dwelling an agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. Condition 9 of the Planning Permit further requires a Section 173 Agreement to be registered on the Title of proposed Lot 2. The agreement is a requirement of Goulburn Murray Water.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

**CR SCALES
CR JOYCE**

THAT THE ACTING CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS CROWN ALLOTMENT 17C SECTION 2, PARISH OF THOWGLA (PROPOSED LOT 1 AND 2 PS710738K) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2012/023.

CARRIED

21.4 Section 173 Agreement – Anne Smith And Goulburn Murray Water and Towong Shire Council (P250800-ACEO)

Planning Permit 2011/073.1 provided consent for a two lot subdivision of Lot 2 LP147646T, Parish of Bolga (243 Murray Valley Highway, Tallangatta). Condition 5 of the Planning Permit requires a Section 173 Agreement to be registered on the Title of proposed Lot 1. The Agreement is a requirement of conditions imposed by Goulburn Murray Water on Planning Permit 2011/073.1.

The Agreement has been drafted in accordance with the Planning Permit and has been signed and sealed by Goulburn Murray Water. It now needs to be signed and sealed by Council.

**CR WORTMANN
CR JOYCE**

THAT THE ACTING CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT 2 LP147646T, PARISH OF BOLGA (PROPOSED LOT 1 PS648919A) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2011/073.1.

CARRIED

21.5 Section 173 Agreement – Leonard Rex Walter, Heather Linda Pardy, Bronwyn Helen Raphael And Donald Christopher Walter And Towong Shire Council (P209900-ACEO)

Planning Permit 2011/101 provided consent for a re-subdivision of Lot 1 TP404749Y and Lot 2 TP441741G, Parish of Berringa (Trewella Road, Bellbridge). Condition 5 of the Planning Permit requires a Section 173 Agreement to be registered on the Titles of proposed lots. The Agreement is a requirement of Clause 35-07.3 of the Towong Planning Scheme which states that when re-subdividing existing lots an agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

**CR SCALES
CR WORTMANN**

THAT THE ACTING CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT 1 TP404749Y AND LOT 2 TP441741G, PARISH OF BERRINGA (PROPOSED LOT 1 AND 2 PS705729Q) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2011/101.

CARRIED

21.6 Use and Development of the land for the purpose of a dwelling and shed and removal of native vegetation (Sealing of 173 Agreement) (319465, 2007/094-ACEO)

Disclosure of Interests (S.80C):

This report was prepared by Mr Robert Shatford, SJE Consultants.

At the time of preparation or presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Property: CA8, Sec 10 Hardys Road, Tallangatta South

Owner: Rex and Vicky McCartney

Zoning: Rural Activity Zone

Overlays: Wildfire Management Overlay

Permit Triggers:

Clause 35.08 Rural Activity Zone. A permit is required for the development and use of a dwelling.

Clause 44.06 Wildfire Management Overlay. A permit is required for the development of land for accommodation purposes.

Background:

Planning Permit 2007/094 was issued on 16 December 2008 and subsequently amended 28 August 2009. The permit allowed for the use and development of the land known as CA8, Sec 10 Hardys Road, Tallangatta South for the purposes of a dwelling, shed and the removal of native vegetation. An application currently before Council requests an extension to the expiry date to allow for the completion of works required by the conditions imposed in the said permit.

Conditions 10 and 25 of Planning Permit 2007/094 required the land owner to enter into an agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987 covenanting that:

"...

10. *The CFA requirements of conditions 26 and 27 of this permit must be implemented prior to the issue of an Occupancy Certificate and an Agreement under Section 173 of the Planning and Environment Act, 1987 is to be lodged with Council for signature / seal and administration as soon as practicable after receipt of this Permit. The Agreement is to indicate that vegetation around the dwelling is to be managed in accordance with the CFA requirements of condition 28 of this permit. Cost of preparation and lodgement of the Agreement at the Titles Office is to be at the applicant's expense. A copy of the Title containing the registered Section 173 Agreement is to be provided to Council prior to the issue of a Building Occupancy certificate.*

25. *The offset area and the requirements of the approved VOMP must be protected and secured in perpetuity on title, with the responsible authority under Section 173 of the Planning and Environment Act 1987, and maintained to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment"*

..."

The requirements of conditions 26 and 27 drawn out through condition 10 relate only to the issue of an Occupancy Permit and have no specific relevance to the Section 173 Agreement. These conditions refer to Water Supply and Access requirements imposed by the Country Fire Authority.

Condition 28 is the intended outcome of the Section 173 Agreement (condition 10) and is worded as follows:

28. *Vegetation Management Requirements*
 - *The wildfire management plan dated 28th August 2008 must be endorsed as part of the Permit.*
 - *The vegetation management areas indicated on the attached endorsed plans shall be maintained to the following standard:*

Inner Zone

A distance of ten metres around the proposed dwelling must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.

- *Grass must be no more than 100 mm in height.*
- *Leaf litter must be less than 10 mm deep.*

- *There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.*
- *Dry native shrubs must be isolated in small clumps more than 10 m away from the dwelling.*
- *Trees must not overhang the roofline of the dwelling.*

Outer Zone

Vegetation in outer zones, as specified in the relevant endorsed plan (40m from the dwelling for the North West zone and 30 m from the dwelling for the Eastern zone) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the responsible authority.

- *Grass must be no more than 100 mm in height.*
- *Leaf litter must be less than 20 mm deep.*
- *There must be no elevated fuel on at least 50% of the outer zone area.*
- *Clumps of dry native shrubs must be isolated from one another by at least ten metres.*

..."

The agreement has been drafted in consultation between Council officers and the land owner's solicitors and now requires execution by Council.

**CR SCALES
CR JOYCE**

THAT THE ACTING CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS CA8, SEC 10 HARDYS ROAD, TALLANGATTA SOUTH IN ACCORDANCE WITH THE REQUIREMENTS OF CONDITION 10 AND 25 OF PLANNING PERMIT 2007/094.

CARRIED

22 Confidential

In accordance with S77(2) information is 'confidential information' if:

(a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or

(b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or

(c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

In accordance with Section 89(2) and 89(3) of the Local Government Act 1989,

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting

**CR JOYCE
CR GADD**

THAT THE MEETING BE CLOSED TO THE PUBLIC TO CONSIDER INFORMATION CONSIDERED UNDER SECTION 89(2)(h) OF THE LOCAL GOVERNMENT ACT TO BE CONFIDENTIAL THE TIME BEING 11.30 AM.

CARRIED

**CR JOYCE
CR WORTMANN**

THAT THE MEETING BE REOPENED TO THE PUBLIC THE TIME BEING 12.00 PM.

CARRIED

22.1 Design and construction of Roberts Road Bridge (2012/13-05-DTS)

**CR JOYCE
CR WORTMANN**

THAT COUNCIL:

- 1. SEEK AN ADDITIONAL CONTRIBUTION TOWARDS THE BRIDGE AND AUTHORISE THE DIRECTOR TECHNICAL SERVICES TO NEGOTIATE WITH THE AFFECTED LANDOWNER.**
- 2. ACCEPT THE TENDER FROM MURRAY VALLEY PILING PTY LTD FOR THE UPGRADE OF ROBERTS ROAD BRIDGE OVER CUDGEWA CREEK IN BERRINGAMA, FOR A COST OF \$148,600 (EXCLUDING GST).**

CARRIED

**22.2 Tallangatta Multi-Sport Precinct – Tenders 02/08/0091
(02/08/0091-ADCCS)**

**CR WORTMANN
CR GADD**

THAT COUNCIL:

- 1. SEEK REVISED TENDERS FROM THE THREE LOWEST COST TENDERERS BASED ON A SCHEDULE OF POTENTIAL REVISIONS; AND**
- 2. THE MAXIMUM BUDGET FOR THE WORKS IN SCOPE, BEING \$1.15MILLION, BE DISCLOSED.**

CARRIED

There being no further business the meeting closed at 12.02 pm.

CR M. Fraser OAM

5 March 2013