

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Mission Statement:

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

HELD: Tuesday 12 October 2010 at 3pm

LOCATION: Community Hall, Tangambalanga

ATTENDEES:

Councillors:	Senior Management/Officers
Bernard Gaffney – Mayor	Brendan McGrath – CEO
Ali Pockley – Deputy Mayor	Andre M Kompler
Peter Croucher	Mark Crouch
Larry Goldsworthy	Mark Florence
Vic Issell	Roberta Baker
Barbara Murdoch	David Koren
Peter Graham	Frank Bonacci
	Katie Rizzuto

APOLOGIES:

Vision Statement:

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

TABLE OF CONTENTS

1.0	WELCOME	4
2.0	OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND.....	4
3.0	APOLOGIES AND LEAVE OF ABSENCE	4
4.0	DECLARATION OF CONFLICT OF INTEREST	4
5.0	OPEN FORUM	4
6.0	CONDOLENCES.....	4
7.0	CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 14 SEPTEMBER 2010.....	4
8.0	BUSINESS ARISING FROM PREVIOUS MINUTES	4
9.0	DEPUTATIONS AND PETITIONS	4
10.0	CORPORATE SERVICES.....	5
10.1	CONSIDERATION OF INDIGO SHIRE COUNCIL ANNUAL REPORT 2009/2010.....	5
10.2	MURRAY TO MOUNTAIN RAIL TRAIL OFFICER.....	7
10.3	BEECHWORTH FARMERS MARKET	9
10.4	EAST GIPPSLAND WASTE MANAGEMENT CONTRACT AND OPERATIONS.....	12
10.5	CHESTNUT BLIGHT DISEASE AND POTENTIAL IMPACT ON LOCAL GROWERS.....	13
10.6	FINANCE REPORT.....	15
11.0	SUSTAINABLE COMMUNITIES.....	16
11.1	BUILDINGS AND WORKS ASSOCIATED WITH THE INSTALLATION OF SIX CONCRETE LIGHT POLES FOR THE WAHGUNYAH SPEEDWAY	16
11.2	INDIGO SHIRE COUNCIL PUBLIC ARTS POLICY AND IMPLEMENTATION PLAN.....	25
12.0	MAJOR PROJECTS AND PROGRAMS.....	27
12.1	TENDERS, RESEALING OF VARIOUS ROADS WITHIN INDIGO SHIRE	27
13.0	GOVERNANCE	29
13.1	CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN 2010/2011	29
13.2	COUNCIL ADVISORY COMMITTEE'S REPORT	31
14.0	NOTICES OF MOTION	33
15.0	COMMITTEE AND DELEGATES REPORTS (ALL ARE FOR INFORMATION ONLY).....	34
15.1	CR GAFFNEY - MAYOR.....	34
15.2	CR POCKLEY - DEPUTY MAYOR.....	36
15.3	CR GRAHAM	38
15.4	CR CROUCHER	39
15.5	CR GOLDSWORTHY.....	40
15.6	CR MURDOCH	41
15.7	CR ISSELL	42



ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

16.0 GENERAL BUSINESS43

17.0 CONFIDENTIAL43

 17.1 FIXED INTEREST LOAN FOR PURPOSE OF CONSTRUCTING CAPITAL WORKS.....45

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

1.0 WELCOME

The Mayor welcomed all those in attendance.

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

Cr Croucher read the opening prayer and acknowledgement of the traditional owners of the land. Cr Croucher introduced Junior Council Christopher Kebby from Upper Sandy Creek Primary School.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Pockley - Sunday 31 October to Saturday 6 November 2010 inclusive.

4.0 DECLARATION OF CONFLICT OF INTEREST

Nil.

5.0 OPEN FORUM

Robin McLeish of Wooragee raised the recent tragic car accident in Milawa and questioned Indigo Shire's roadside management. The CEO Brendan McGrath responded that the Shire has a roadside management policy and manages its roads to the best of our capacity.

Joy Lee raised the matter of footpaths in Chiltern and congratulated Council stating that it looks fantastic, is user friendly and there was little disruption to the community. Job well done.

6.0 CONDOLENCES

Nil.

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 14 SEPTEMBER 2010

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

That the minutes from 14 September 2010 Council Meeting be confirmed.

Unanimously Carried

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

9.0 DEPUTATIONS AND PETITIONS

Nil.

10.0 CORPORATE SERVICES

10.1 CONSIDERATION OF INDIGO SHIRE COUNCIL ANNUAL REPORT 2009/2010

File No.: 09/695 - Frank Bonacci - Finance Manager

For Decision

RECOMMENDATION

That the Indigo Shire Council Annual Report for 2009/2010 be received and considered by Council.

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

That the Indigo Shire Council Annual Report for 2009/2010 be received and considered by Council.

Unanimously carried

INTRODUCTION

Section 131 of the Local Government Act 1989 (LGA 1989) requires that Council produces and delivers an Annual Report to the Minister for Local Government by 30 September each year. Additionally, Section 134 of the LGA 1989 requires Council to "consider" the Annual Report within 30 days of submitting the report to the Minister. The 2009/2010 Indigo Shire Annual Report was dispatched to the Minister on 27 September 2010.

BACKGROUND

The Annual Report summarises Council's operations and provides general information about the Shire and the Council's activities over a 12 month period ending on 30 June 2010. The report also contains a number of statutory requirements and disclosures including employment statistics and equal opportunity, listing of local laws, best value reporting, local government indicators and audited financial statements, standard statements and a performance statement.

The Annual Report also provides a detailed summary of strategies under the Council Plan and the outcomes that were achieved during the year.

Departmental reports are included which provide additional information on Council's activities. Consistent with last year, we have provided a financial summary and incorporated graphical information that will help the reader understand Council's financial results.

Council has received an unqualified or 'clean audit' opinion on all three 2009/2010 audited reports from the Victorian Auditor General Office (VAGO) which are also included within the Annual Report.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

KEY IMPLICATIONS

The key implications relate to legislative requirements of Sections 131 and 134 of the LGA 1989. In addition to the requirement to produce and consider the Annual Report, these sections of the Act require that public notice be given of the meeting when the Annual Report will be considered by Council as well as notice that the Annual Report and the Auditor's Report are available for inspection by members of the public. This required notice given on Saturday 25 September 2010.

FINANCIAL IMPLICATIONS

The financial reports within the Annual Report indicate a stronger financial year versus Budget with an underlying deficit of \$1.23 million, which is \$2.0 million favourable to Budget. After accounting for capital contributions and grants, an operating surplus of \$5.42 million was achieved which is \$1.05 million favourable to Budget. These results need to be considered along with the accompanying notes to the financial report and an understanding that the 2009/2010 results include \$1.0 million of 2010/2011 operating grant funds.

On a cash basis, Council ended the 2009/2010 financial year with \$5.9 million in cash and investments which is \$2.8 million greater than forecast in the Budget.

Capital works completion showed a significant improvement over 2008/2009 with \$13.1 million in capital works projects being completed in 2009/2010.

POLICY IMPLICATIONS

Not applicable.

COMMUNICATION

In accordance with Sections 131 and 134 of the LGA 1989, public notice was provided on Saturday 25 September 2010 that:

- Council would consider the Annual Report for 2009/2010 at the Ordinary Council Meeting to be held at Tangambalanga on Tuesday 12 October 2010.
- That Council has received the Audit Report in relation to the 2009/2010 accounts.
- That copies of the Annual Report, including the Audit Report, will be available for inspection at Council's four customer service centres and on Council's website after 1 October 2010.

CONCLUSION

Council should review and consider the 2009/2010 Annual Report at the Ordinary Council Meeting on Tuesday 12 October 2010.

Attachment:
Previously distributed: Indigo Shire Annual Report 2009/2010

10.2 MURRAY TO MOUNTAIN RAIL TRAIL OFFICER

File No.: IN10/8853 – Kate Biglin – Tourism Manager

For Decision

RECOMMENDATION

That Indigo Shire Council supports the request to allocate an additional \$4,000 to extend the position of Murray to Mountains Rail Trail Officer, providing it is matched by the partner councils of Wangaratta and Alpine.

Moved: Cr Issell
Seconded: Cr Goldsworthy

That Indigo Shire Council supports the request to allocate an additional \$4,000 to extend the position of Murray to Mountains Rail Trail Officer, providing it is matched by the partner councils of Wangaratta and Alpine.

Unanimously Carried

INTRODUCTION

In 2009/2010, the Murray to Mountains Rail Trail Committee of Management (MMRT COM) funded a six month position to negotiate with landholders adjoining the rail trail reserve to address safety and enforcement issues. The initial six month term is about to conclude, however the objectives have not been achieved due to the unforeseen complexity of negotiations.

BACKGROUND

The Rail Trail Officer position was filled in April 2010, charged with formalising the occupation of the rail trail reserve by adjoining landholders and establishing a model licence process and agreement for future use. Some of the occupation of the rail trail reserve occurred during construction 2001 when landholders were told they would be issued with licences. This did not happen at the time for many reasons, mostly to do with legal complications over the tenure of the land and Council's inability to enforce the regulations.

In 2009, it was determined to introduce Local Laws to assist councils in managing the land. The engineers at each of the councils did not have the resources to negotiate the terms of the licences (Department of Sustainability and Environment [DSE] licences) with the landholders and the Rail Trail Officer was employed to do this for 20 hours per week over six months. Negotiations have taken longer than the expected six months due to research required into old records and working through DSE with conditions that some landholders are not agreeable to.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

The Rail Trail Officer is now well entrenched in the process with many landholders. Once these are either finalised (or passed on to enforcement officers if the landholder has refused to sign up with a licence) then the officer will have completed the process and developed a model which can be used to issue licences as they are applied for, without the complication of former agreements.

It is anticipated the project will take a further six months to complete, and result in resolution of the current issues and establishment of a clear process for councils to adopt for the future. The MMRT COM discussed this issue at its August meeting and passed a motion to request funds from each of the three partner councils for additional resources to extend the role.

The partnering councils on the MMRT COM have already responded to this request. The Rural City of Wangaratta has indicated it would support this request. However, the Alpine Shire Council has indicated it would not support the request preferring the necessary funds be re-allocated out of the MMRT COM marketing or signage budgets. The MMRT COM was meeting again on 7 October 2010 where this issue was to be discussed again.

KEY IMPLICATIONS

The completion of these negotiations to ensure licences are in place for all current and future landholders, and to enable enforcement officers to respond to safety and other concerns.

FINANCIAL IMPLICATIONS

The \$4,000 requested to contribute to the extension of this project was not budgeted for. It is in addition to the \$45,000 contribution Indigo Shire Council has budgeted for rail trail operations.

CONCLUSION

Significant work towards resolving the issue of licences for landholders adjoining the rail trail reserve has been undertaken and the additional funding requested would allow this process to be completed and incorporated into Council operations in the future.

Attachment:
Letter from the MMRT COM dated 16/9/10

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

10.3 BEECHWORTH FARMERS MARKET

File No.: 10/1358 - Leanne Bussell - Economic Development Officer

For Decision

RECOMMENDATION

That:

1. Council Officers call for expressions of interest within the community to manage and run a Beechworth farmers market.
2. Council Officers liaise with any interested parties to facilitate a group or groups establishing a farmers market in Beechworth in line with the Victorian Farmers Market Association Charter and operating guidelines.
3. Where no response is received to the above that no further action be taken.

Moved: Cr Pockley
 Seconded: Cr Croucher

That:

1. Council Officers call for expressions of interest within the community to manage and run a Beechworth farmers market.
2. Council Officers liaise with any interested parties to facilitate a group or groups establishing a farmers market in Beechworth in line with the Victorian Farmers Market Association Charter and operating guidelines.
3. Where no response is received to the above that no further action be taken.

Carried

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

INTRODUCTION

Indigo Shire Council with support from Regional Development Victoria (RDV) undertook a feasibility study to investigate the establishment of a farmers market in Beechworth. The main outcomes for completing the study was to determine if there was a suitable site to conduct a market, to identify if there were enough local producers to participate, sufficient potential shoppers to make a farmers market viable and, most importantly, if there are suitably motivated groups to organise and manage a farmers market.

BACKGROUND

The investigation into the feasibility of a farmers market in Beechworth was initiated by a group of community members, the Beechworth Farmers Market Group, in late 2007 who approached the Indigo Shire Council to assist them in gaining funding to complete a study. In October 2009, the Indigo Shire Council was successful in obtaining 2:1 funding up to \$4,000 from RDV through the Victorian Government's "Farmers Market Development Program". In November 2009, the Regional Development Company was appointed to complete the study on behalf of the Indigo Shire Council in cooperation with the Beechworth Farmers Market Group. Unfortunately, in January 2010, this group disbanded due to unforeseen circumstances. After discussions with RDV, the decision was made to continue with the feasibility study with further outcomes being to seek suitably motivated organisations or groups to organise and manage a farmers market if one proved to be feasible.

Following the completion of the study process, which entailed a public online survey with 125 responses, discussions with key stakeholders were held. These included conversations with local farmers, local retail businesses, service clubs and the Beechworth Sustainability and Landcare groups, a produce audit, a review of relevant council reports and strategies as well as interviews with potential stallholders and other local market managers. The study determined that:

There are sites in Beechworth that would suit a new farmers market.

There are potentially 37 stallholders within the Shire and a further 113 in adjacent shires.

There is community support for a farmers market but not the support to manage one.

Whilst it was indicated with the survey of strong support for a farmers market in Beechworth (88% of respondents) with 90% indicating that they would attend regularly, there would still be a requirement for visitors and tourists to regularly support the market to ensure its sustainability. Retailers indicated that they had concerns regarding the integrity of produce and products, the effect a market would have on their business, food safety and auditing. There was also a belief that Beechworth already provides farmers market produce locally 365 days per year.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

KEY IMPLICATIONS

The Beechworth farmers market study clearly indicates that there is community acceptance and support for a farmers market, although a little resistance was shown by some retail traders who felt that the establishment of a new market would impact on their trade and profitability. It is therefore considered crucial that any future farmers market in Beechworth be organised and managed by a group or organisation that is passionate as well as obtaining of the necessary management and financial skills required to manage the risks involved in ensuring the long-term sustainability of a market.

FINANCIAL IMPLICATIONS

As it is not anticipated that the Indigo Shire Council will have any involvement in the start up and running of a farmers market in Beechworth, there would be no financial implication for Council. If, in the future, a management committee or organisation was prepared to run and manage a farmers market, Indigo Shire Council may assist in developing a funding application to RDV for start up market funding available through the Victorian Farmers Market program.

There is also a North East Farmers Market Group which has been established through funding from RDV and is being facilitated by Moira Shire Council. The purpose of the funding is to develop a website and marketing material for the farmers markets in the North East. Rutherglen is currently a part of this group. If Beechworth was to establish a farmers market, there would be an opportunity to be a part of this North East group. This would allow for marketing of the Beechworth Farmers Market for a small fee to the new committee. The marketing material includes a website and brochures.

POLICY IMPLICATIONS

There are no policy implications.

COMMUNICATION

In preparing an expression of interest for community groups to run a farmers market, Council would promote the feasibility study which was carried out by preparing an article in the Ovens and Murray Advertiser. This would also be accompanied by an expression of interest.

CONCLUSION

The Beechworth farmers market study has determined that whilst a farmers market in Beechworth has the support of the community, for one to be successful and sustainable in the longer term there will be a need to have a passionate manager or organisation driving the market as well as regular visitation from people from outside the Beechworth region. It is suggested that Council move the motion as recommended above.

Attachment:
Feasibility Study

10.4 EAST GIPPSLAND WASTE MANAGEMENT CONTRACT AND OPERATIONS

File No.: 09/302 - Mark Crouch - General Manager Corporate Services

For Information

INTRODUCTION

At the 13 July 2010 Council meeting, it was resolved as follows:

1. The Chief Executive Officer (CEO) of Indigo Shire Council provides a detailed report to Council on the East Gippsland Waste operation. Despite any other relevant matters, this report is to also include the current financial statements specific to this venture and the forecast long-term profitability of the operation. It is also to include what the staffing levels are, Shire liabilities relating to leave and any termination payments if the Shire is unsuccessful or declines to bid for the next tender.
2. This report be provided at or prior to the September Ordinary Meeting of Council.

BACKGROUND

Council staff have not been able to undertake this work to date primarily around the need to finalise the year end financial statements and Annual Report.

The preparation and consideration of this report will now occur at the November 2010 Council meeting.

KEY IMPLICATIONS

From a risk management and financial perspective, the review and analysis of this contract will provide Council a detailed understanding as to the current position and any exposures with regard this contract.

FINANCIAL IMPLICATIONS

As per key implications above

POLICY IMPLICATIONS

Details of any Council policies or business criteria with regard this and other service contacts will be detailed in the report to Council in November 2010.

COMMUNICATION

Not applicable.

CONCLUSION

Not applicable.

10.5 CHESTNUT BLIGHT DISEASE AND POTENTIAL IMPACT ON LOCAL GROWERS

File No.: 09/2494- Mark Crouch- General Manager Corporate Services

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

That Council write to the Chestnut Growers Association expressing our concern and offering our support if and when requested

Unanimously Carried

Cr Murdoch departed the meeting at 3.50pm and returned at 3.52pm.

For Information

INTRODUCTION

Council has been made aware of recent testing in the area of Eurobin for the potential outbreak of Chestnut Blight. Chestnut Blight is a bark inhabiting fungus which can invade stems and branches of any size causing cankers that can grow rapidly. The cankers usually develop until the stem or branches are girdled and the tree is entirely colonised and eventually dies.

BACKGROUND

Testing has been conducted within the region and a restricted area has now been established over a significant portion of North East Victoria (refer to attachment map). Once testing has been performed, the results can take up to two weeks.

The Department of Primary Industries (DPI) has a control centre established in Ovens and there are five teams of four people who have surveyed in excess of 60 properties and taken over 100 samples. There are three confirmed premises infected with the fungus in the Eurobin/Porepunkah area. There is also a highly suspicious grove in Beechworth which will not be confirmed until test results are back in two weeks. The DPI is currently focusing on grower properties, however they also need to inspect backyard trees within the region which will take a considerable amount of time.

The spread of the fungus can occur via contaminated machinery, contaminated clothes and by birds. To eradicate the fungus, the trees need to be removed and then burned. The DPI will be taking a complete eradication approach in the early stages which could mean entire orchards being removed and burned.

Whilst the initial threat is to Chestnut trees, it should be noted that Oak trees can also host the fungus. This could affect Council trees. Furthermore, the fungus can take up to a year to produce spores which can make it difficult eradicate the infection.

Council has been liaising with Chestnuts Australia, DPI and local growers to maintain a watching brief on developments.

KEY IMPLICATIONS

From a risk perspective, a wide spread infestation of the disease will have significant implications on local and regional growers especially if whole orchards are required to be removed. Discussions with the DPI revealed that many growers may not have insurance to cover the infection.

The DPI and the neighbouring Alpine Council are taking a wait and see approach. Once the extent of infection has been determined, the level of business, financial and emotional support required to be provided to growers can be reviewed. The DPI is currently taking a case by case approach.

From an environmental perspective, the DPI is taking steps to manage the potential outbreak and has established a 'restricted area' as a required precaution.

FINANCIAL IMPLICATIONS

The financial implications of any wide spread and severe breakout of the disease will be significant. There are local growers who may be required to take significant and expensive steps to address the combating of this disease. The financial impacts and the level of costs involved are yet to be determined. If growers are required to undertake wholesale removal of trees, the impacts of the disease will be significant to the growers and sector involved, and will have a ripple economic impact within the region.

POLICY IMPLICATIONS

Not applicable.

COMMUNICATION

Council is working closely with DPI, Chestnuts Australia and a local grower representative to monitor the situation. There are concerns that should expensive combat measures be required to address the disease, if found on a large scale, support from Council to lobby for government financial assistance to those involved will be needed.

CONCLUSION

Council will maintain a watching brief and further information as required will be provided to Council on 12 October 2010.

A positive outcome will be a localised outbreak that is quickly contained so that Australia maintains its blight free international status.

Attachment:
Industry Update – Chestnut Blight

10.6 FINANCE REPORT**File No.: Frank Bonacci - Finance Manager****For Information**

Please note that due to the completion of end of year accounts and the Annual Report, no exception is provided this month.

Our first full quarterly report is due and will be presented at the November 2010 Council Meeting.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

11.0 SUSTAINABLE COMMUNITIES

11.1 BUILDINGS AND WORKS ASSOCIATED WITH THE INSTALLATION OF SIX CONCRETE LIGHT POLES FOR THE WAHGUNYAH SPEEDWAY

File No.: PP100125 - Katie Rizzuto - Manager Planning and Sustainable Development

For Decision

RECOMMENDATION

1. That a permit be issued to develop the land at Crown Allotment 5B Section A Parish of Carlyle (Wahgunyah Racecourse and Recreation Reserve) by the erection of light poles subject to the conditions in Attachment A.
2. That the issues raised in relation to the existing use of the land (as well as copies of the objections) be communicated to Department of Sustainability and Environment (DSE).

Moved: Cr Pockley
 Seconded: Cr Graham

That a permit be refused to develop the land at Crown Allotment 5B Section A Parish of Carlyle (Wahgunyah Racecourse and Recreation Reserve) by the erection of light poles.

Reasons for include but are not limited to:

1. The proposal is inconsistent with the purposes of the Public Conservation Resource Zone and in particular:
 - a) It will have an adverse affect on the natural environment and landscape values; and
 - b) It will not assist in the public interpretation of the natural environment
2. The proposal will create an adverse amenity impact to adjoining owners/occupiers in respect to light spill and glare
3. Having regard to all objections received by letter and email
4. The implications of noise spillage
5. That this decision be notified to the Department of Sustainability and Environment

Carried

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

BACKGROUND

Application was received on 1 July 2010 for ‘buildings and works’ associated with the installation of six light poles at the Wahgunyah Speedway. As per the plan at Attachment B, the dots marked in red/orange indicate the location of poles with a height of 21.34 metres (approx) from natural ground level with a 3,000 watt capacity, and the green dots depict the location of poles with a height of 15.24 metres (approx) from natural ground level with a 1,500 watt capacity.

The lights are proposed to be installed around the existing speedway and, in essence, will allow the use of the facility for night time races. The applicant has advised that seven night races are proposed each year and during a night time event, the last race will conclude at 10pm and last no longer than 10 minutes.

The Wahgunyah Speedway has been in operation since 1952 and runs regular events as part of a national and regional car racing circuit.

The subject land is located adjacent to farming zoned land and then beyond that to the east is residential zoned land (see Attachment B for a locality plan and zone maps).

The application was advertised by formal notification to all adjoining owners/occupiers from 13 July 2010. A meeting was also held in Wahgunyah on 23 August 2010.

Sixteen objections have been received to this application (see full copy of objections to be provided to Councillors separately) and the issues raised are summarised as follows:

- Impact of proposed night meetings on amenity of surrounding area.
- Non-compliance with permit conditions should the application be approved.
- Visual amenity impacts associated with the proposed lights.
- Loss of property values associated with installation of lights and night time activity.
- Perceived proposed increase in dust as a result of activity at the raceway.
- Use of the facility for night events.
- Impact on adjoining flora and fauna as result of the raceway activity.

ZONING AND PLANNING CONTROLS

Zoning: Public Conservation and Resource Zone (PCRZ)
 Overlay/s: Flood Overlay (FO)
 Land Subject to Inundation Overlay (LSIO)
 Wildfire Management Overlay (WMO)

PERMIT REQUIREMENTS

In this instance, Clause 36.03-2 of the PCRZ provides that a permit is required to construct a building or construct or carry out works. This provision does not however apply to a building or works carried out by or on behalf of a public land manager or Parks Victoria under relevant legislation. That is, if the works were being carried out by or on behalf of the relevant Public Land Manager (DSE), a planning permit would not be required.

It is not considered that the provisions of the FO, LSIO or WMO ‘trigger’ the need for a planning permit for the proposed buildings and works in this instance.

Clause 36.03-6 of the PCRZ provides that before deciding on an application to construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

PRELIMINARY MATTER – THE EXTENT OF EXISTING USE RIGHTS

Having regard to the matters raised in objection above and the statutory requirements of the application, the concept and protection afforded by existing use rights are fundamental issues relevant to Council's consideration of the application. The following discussion in relation to existing use rights is necessary to place the proposal in context within the provisions of the Indigo Planning Scheme and needs to be addressed prior to the merits of the proposal being considered by Council.

The Planning and Environment Act 1987 sets out what a planning scheme can provide for at Section 6. Subsection 3 places limitations on this and provides that nothing in any planning scheme shall:

- (a) prevent the continuance of the use of any land upon which no buildings or works are erected for the purposes for which it was being lawfully used before the coming into operation of the scheme or amendment (as the case may be) or
- (b) prevent the use of any building which was erected before that coming into operation for any purpose for which it was lawfully being used immediately before that coming into operation or
- (c) prevent the use of any works constructed before that coming into operation for any purpose for which they were being lawfully used immediately before that coming into operation or
- (d) prevent the use of any building or work for any purpose for which it was being lawfully erected or carried out immediately before that coming into operation or
- (e) require the removal or alteration of any lawfully constructed building or works.

Clause 63 of Victorian planning schemes relates to existing uses and provides at Clause 63.01 that an existing use right is established in relation to use of land if:

- the use was lawfully carried out immediately before the approval date (the coming into force of the Indigo Planning Scheme) or
- proof of continuous use for 15 years is established under Clause 63.11.

In this instance, it has been established that the use of the land as a motor race track enjoys existing use rights as the Wahgunyah Speedway has been in operation since 1952.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Clause 63.05 relates to uses in Sections 2 or 3 of a zone for which an existing use right is established and allows such uses to continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.
- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

On first glance, it may appear that the conditions or restrictions referred to in the provisions of Clause 63.05 above would open the intensity or hours of operation of the existing use to consideration by Council as part of this application. In this instance, however, the conditions or restrictions referred to are required to be in relation to town planning, rather than other laws or limitations. In the present case, there are no such town planning restrictions on the extent or intensity of the use.

There are a number of VCAT decisions and declarations that specifically relate to this issue and are directly relevant to this application. The declaration provided by *Moorabool Shire Council v Ramsay [2006] VCAT 2425 (24 November 2006)* is attached in full at Attachment C and specifically addresses the issue of restrictions in relation to existing uses. This case is a declaration in relation to land that enjoyed existing use rights for use as a motor vehicle race track without restrictions. It made specific declarations that the use was not restricted as to the use of the land for the purpose on Sundays, the number of motor race meetings per year, the number of night race meetings per year, as to starting and finishing times, the classes of race held and the conducting of motor race meetings on days of total fire ban.

Relevant comments from *Moorabool Shire Council v Ramsay* in relation to the issues at hand include the following points.

The evidence indicates that the land in question in this case has been used as a motor racing track for well over 30 years. That use is continuing.

There is no planning permit in relation to that use of the land. The use of the land for that purpose has been carried on, and is still carried on pursuant to existing use rights provided for in Clause 63 of the Planning Scheme and, for that matter, Section 6(3) of the Planning and Environment Act 1987 (PE Act). Under those statutory provisions, a use of land which would otherwise be prohibited under the Planning Scheme, or perhaps require a permit under the Planning Scheme, can nevertheless be lawfully continued in spite of having become prohibited or, in the case of use requiring a permit, without any such permit.

The original justification for such provisions was that it would be unjust and very harsh if the imposition of a new planning scheme or a new control provision within a planning scheme suddenly made a land use unlawful where it had commenced lawfully and being carried on lawfully in the past. The responsible authority contends that the current use of the land as a motor raceway commenced lawfully before the commencement date of the planning scheme and that the land enjoys such continuing rights.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Furthermore, the current planning scheme contains further provisions whereby existing use rights to continue to use land can be established. This is pursuant to the so called “15 year rule” to be found in Clauses .63.01 and 63.11 of the Planning Scheme. Under this 15 year rule land can acquire existing use rights if the use has been carried on for 15 years subject to a couple of provisos that do not apply here. So far, as this rule is concerned, it does not matter whether the use was commenced lawfully, or unlawfully, provided that the commencement was more than 15 years ago, or at any rate that the use has continued for 15 years, and the provisos are satisfied. In other words, if you can get away with an unlawful use for 15 years, you can get away with it indefinitely.

The evidence in this case indicates the use of this land for a motor raceway for in excess of 15 years to date and continuing.

In any event, it is common ground, and admitted on all hands, that there are existing use rights to use this land as a motor racetrack.

That leaves the question as to whether there are restrictions that legally apply to the admitted existing use such as limits on the number of meetings per year or the number of night meeting, numbers in attendance and so on.

It is possible for existing use rights to be subject to conditions or restrictions. For example, if a use has become prohibited, where the use was commenced lawfully pursuant to a planning permit contained in conditions, then the continuing use will be subject to those conditions.

This is provided for in the second proviso under Clause.63.05. That provision allows the use to continue provided any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use. However, the authorities indicate that it is conditions and restrictions in relation to town planning, rather than other laws, that are in point here. For example, other laws such as Sunday observance laws or liquor licensing laws may impose restrictions, or may have done so in the past. The proviso does not mean that the continuance of the existing use right is dependent on the conditions or restrictions in these other non-planning laws.

Based on the above and the fact that the speedway enjoys existing use rights that are not subject to town planning restrictions on the extent or intensity of the use, Council’s consideration of the merits of the current application is restricted to assessing the impacts of the development (ie the light poles and associated lighting impacts such as glare) rather than the impacts of the use activities such as hours of operation, night time racing or noise.

PLANNING FRAMEWORK

In this instance, Clause 36.03-2 of the PCRZ provides that a permit is required to construct a building or construct or carry out works.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

The decision guidelines provided by the PCRZ, in addition to the decision guidelines in Clause 65, provide that the following matters must be considered where appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Given the nature of the proposal, there is little direct guidance provided by the State Planning Policy Framework or the Local Planning Policy Framework, however the following overarching strategic objectives indirectly apply to the application in-so-far as the development of the land by the erection of light towers will support the continued viability and accessibility of the use.

Clause 11.03-1 relates to open space planning and contains the following strategies:

- Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction and peace and solitude.
- Community sports facilities should be accommodated in a way that is not detrimental to other park activities.
- Ensure open space is designed to accommodate people of all abilities, ages and cultures.

Clause 11.03-2 relates to open space management and contains the following objectives and strategies:

- To provide for the long-term management of public open space.
- Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.
- Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.
- Ensure public access is not prevented by developments along stream banks and foreshores.

Clause 19.02-3 relates to cultural facilities and contains the following objectives and strategies:

- To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.
- Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres, at principal and major activity centres.
- Reinforce the existing major precincts for arts, sports and major events of state-wide appeal and establishing new facilities at locations well served by public transport.

Clause 65.01 relates to the approval of an application or plan and provides that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

DISCUSSION

As Council's consideration of the merits of the current application is essentially restricted to assessing the impacts of the development (ie the light poles and associated lighting impacts such as glare) rather than the impacts of the existing use activities such as hours of operation, night time racing or noise, a number of the above objectives and strategies, while relevant to DSE as the relevant public land manager, are of little relevance to the current proposal. Having particular regard to this and the decision guidelines of the PCRZ, it is relevant to note that DSE has advised that it has no objection to the erection of lighting poles as proposed.

In this instance, the proposal includes the erection of:

- Three light poles with a height of 21.34 metres located around the outside perimeter of the track with a 3,000 watt capacity.
- One light pole with a height of 21.34 metres located within the perimeter of the track with a 3,000 watt capacity.
- Two light poles with a height of 15.24 metres located within the perimeter of the track with a 1,500 watt capacity.

Given the context of the site including its location in relation to other sporting facilities, separation from residential properties and topography and extent (including density and height) of existing vegetation between the site and residential properties, it is not considered that the proposed development will have any direct impact on the use of nearby residential properties.

As mentioned above, 16 objections have been received to the application (see full copy of objections to be provided to Councillors separately). A brief discussion of the issues raised, depending on their relevance follows:

Impact of proposed night meetings on amenity of surrounding area

The concerns of the objectors with respect to the increase in activities on the land should not be given determining weight, as the site does not require planning approval for the use of the land. In pragmatic terms, if the cars were to race with headlights, or if temporary lighting was provided for meetings, the use could occur at night without the need for planning approval.

Non-compliance with permit conditions should the application be approved

This is not a valid planning consideration at this point in time. Should a permit issue, and be subject to conditions, such conditions could not extend to limit the existing use rights. Conditions could only validly relate to the proposed development and as they would not relate to use, it would be a relatively straightforward matter to secure compliance with such conditions.

Visual amenity impacts associated with the proposed lights

As mentioned above, given the context of the site including its location in relation to other sporting facilities, separation from residential properties, topography and extent (including density and height) of existing vegetation between the site and residential properties, it is not considered that the proposed development will have any direct visual impact on the amenity of the area.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

In this regard, it is worth noting that the sporting oval located between the speedway and Wahgunyah is already developed with lighting towers. If it was considered that the erection of lights around the speedway detrimentally affected the visual amenity of the area, it would be possible to improve this by requiring tree planting around the perimeter of the site as has occurred around the oval.

Loss of property values associated with installation of lights and night time activity

The concerns of the objectors with respect to the increase in activities on the land should not be given determining weight, as the site does not require planning approval for the use of the land. It is not considered that the installation of lights, other than potentially affecting visual amenity (discussed above) could validly affect property values. In any event, property values are not generally a valid planning consideration.

Perceived proposed increase in dust as a result of activity at the raceway

The concerns of the objectors with respect to the increase in activities on the land should not be given determining weight, as the site does not require planning approval for the use of the land.

Use of the facility for night events

The concerns of the objectors with respect to the increase in activities on the land should not be given determining weight, as the site does not require planning approval for the use of the land.

Impact on adjoining flora and fauna as result of the raceway activity

The concerns of the objectors with respect to the increase in activities on the land should not be given determining weight, as the site does not require planning approval for the use of the land.

CONCLUSION

Having given regard to the above and the matters taken into account in the assessment of the application, it is considered that the proposal represents an acceptable outcome under the provisions of the Indigo Planning Scheme. The proposed lights are considered ancillary to the existing use of the land as a Speedway and are not considered inconsistent with surrounding sporting and recreational infrastructure. It is therefore recommended that a permit be issued for the development of the land in accordance with conditions included at Attachment A.

Advertising of the application has however indicated that there may be existing amenity impacts of the speedway on residents. Such matters should be explored with DSE as the public land manager in any management plan developed for the site. Where issues are identified relating to the existing use such as dust or noise, measures may be able to be adopted to minimise such impacts and improve the facilities. Such measures may include the sealing of gravel access roads or the construction of noise attenuation measures (noting that structures such as earth banks would require separate planning approval due to the provisions of the FO and LSIO).

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

It is therefore also recommended that the issues raised in relation to the existing use of the land (as well as copies of the objections) be communicated to DSE and that the scope of the Wahgunyah Foreshore Master Plan be reviewed to determine whether the interaction between the uses of land as well as any potential measures that may be required can be taken into account.

Attachments:

A: Conditions

B: Locality and Site Plan

C: VCAT case

Full copy of objections - provided to Councillors separately

11.2 INDIGO SHIRE COUNCIL PUBLIC ARTS POLICY AND IMPLEMENTATION PLAN**File No.: 09/ 1141 - David Koren – Manager Community Planning****For Decision****RECOMMENDATION****That Council adopts the Indigo Shire Council Public Art Policy and Public Art Policy Implementation Plan.****Moved: Cr Goldsworthy
Seconded: Cr Pockley**

- 1. That Council amend the ISC Public Art Policy and Public Art Implementation Plan by the inclusion of a Council Policy that appropriate capital works facility projects includes a percentage of the project budget allocation towards public art.**
- 2. That Council adopts the ISC Public Art Policy and Public Art Policy Implementation Plan.**

Unanimously Carried**INTRODUCTION**

The Indigo Shire Council Arts Strategic Plan 2007-2010 identified the need for a Public Arts Policy to promote community identity through public art and guide Council and the community through the process of installing public art in the Shire. A Draft Public Art Policy and Implementation Plan were prepared and made available to the community for comment and feedback. This report presents the final draft of the policy and plan for adoption by Council.

BACKGROUND

The Indigo Shire Council Arts Strategic Plan 2007-2010 was adopted by Council in March 2007. One of the key strategies from the plan was to develop an Indigo Shire Council Public Arts Policy to assist Council and the community when planning and implementing the installation of public art within the Shire.

Following a consultation process with key stakeholders, including local art and cultural groups and the Arts and Cultural Advisory Committee, a Draft Public Arts Policy and Draft Public Arts Policy Implementation Plan were developed. In July 2010, the policy and plan were made available to the public for comment and feedback. One comment was received which recommended that the process of developing public art projects should be accessible and inclusive for the whole community. The comment was considered valid and consistent with the general direction Council is advocating in regards to access and inclusion. As a result, the following paragraph was added to the Draft Policy:

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Public art projects will be accessible and inclusive to all members of our community. People of all abilities, backgrounds and social and economic situations will be encouraged to participate as artists and audience members.

KEY IMPLICATIONS

Once in place, these documents will provide Council and the community with a policy statement and an implementation plan when dealing with all forms of public art. Council and the community will have strong guidance on the steps required from planning public art through to its installation and ongoing maintenance.

FINANCIAL IMPLICATIONS

It is anticipated that there may be some financial implications in the future if Council funds or partially funds the installation of public art within the Shire. However, any financial commitment will be subject to a Council decision on a case by case basis. In making this decision, Council will also need to be aware of any potential ongoing maintenance costs of the public art.

POLICY IMPLICATIONS

The development of the Public Arts Policy and Implementation Plan is consistent with Objective 4.6 in the Council Plan - Enhance the Health and Wellbeing of the Community. Specifically, Council Actions to "Encourage community participation in a range of arts and cultural experiences" and "Implement the approved priorities of the Arts Strategic Plan 2010-2013".

COMMUNICATION

Following a consultation process to develop the Draft Public Arts Policy and Draft Public Arts Policy Implementation Plan, the documents were released for public comment in July 2010 via the Indigo Shire website, direct email to artists and cultural groups in the Shire and in the local print media. One comment was received, and an amendment was made to the Draft Policy in response to the feedback. It was considered that the communication process for the development of these documents was thorough and appropriate.

CONCLUSION

The Draft Indigo Shire Council Public Arts Policy and Public Arts Implementation Plan are now ready for Council to adopt.

Attachments:

- A: Indigo Shire Council Public Arts Policy
- B: Public Arts Implementation Plan

12.0 MAJOR PROJECTS AND PROGRAMS

12.1 TENDERS, RESEALING OF VARIOUS ROADS WITHIN INDIGO SHIRE

File No.: 10/2646 – RON SNEDDON – MANAGER, CIVIL OPERATIONS

For Decision

RECOMMENDATION

That Council authorises the Chief Executive Officer (CEO) to accept the tender recommendation for the 2010/2011 Capital Works Reseal Program, up to the value \$760,000+GST, and to sign the contract with the successful tenderer.

Moved: Cr Graham
Seconded: Cr Issell

That Council authorises the Chief Executive Officer (CEO) to accept the tender recommendation for the 2010/2011 Capital Works Reseal Program, up to the value \$760,000+GST, and to sign the contract with the successful tenderer.

Unanimously Carried

INTRODUCTION

Indigo and Alpine Shire councils for a number of years have partnered in the calling of tenders for the annual resealing program. This approach has delivered value for money by offering the bitumen surfacing industry contractors a significant parcel of work within the combined municipalities. This season the joint calling of tenders has not aligned neatly with meeting dates for both councils. The closing date for the 2010/2011 road reseals tender is Tuesday 5 October 2010.

BACKGROUND

The reseal program is carried out annually to resurface a portion of the sealed road network. Council's pavement management system and good engineering practice determines the frequency and priority for these works.

To ensure the timely delivering of the full program of works, it is considered appropriate to award and sign the contract without delay. It is desirable to advise the successful tenderer at the earliest opportunity so that they have sufficient notice to schedule the works to best meet the needs of Indigo Shire.

FINANCIAL IMPLICATIONS

The recommended tenderer will be awarded the contract based on the works being carried out within Council's allocated budget for the 2010/2011 year. Council has allowed a total of \$797,128 within its Reseals Capital Works Program budget this financial year with \$527,128 of this funded from rates and the balance of \$270,000 funded through the Roads to Recovery Program.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

The tender is a schedule of rates pricing structure to allow for variations in detailed reseal design for each section of road listed in the schedule of works. This contract has provisions enabling Council to add or remove specific works accordingly to ensure that full control over the total capital expenditure is maintained throughout.

The engineers estimate for the resealing works, compiled prior to tendering, was \$753,602 with the remainder of the budget to be expended by other works directly associated with the reseals program such as seal design, preparation of schedule, works surveillance and line marking.

CONCLUSION

Indigo Shire Council has a strong history and reputation in delivering its resealing works each year and for this reason the Major Projects & Programs department is confident that this season's work will be no different. A tender recommendation report for approval based upon best value and contractor pedigree will be provided as normal to the CEO.

By not delaying the awarding of this particular contract, Council will be well placed to deliver its resurfacing requirements for this season.

13.0 GOVERNANCE

13.1 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN 2010/2011

File No.: Brendan McGrath – Chief Executive Officer

For Decision

RECOMMENDATION

That Council adopts the Chief Executive Officer Performance Plan for 2010/2011.

Moved: Cr Croucher
Seconded: Cr Pockley

That Council adopts the Chief Executive Officer Performance Plan for 2010/2011.

Unanimously Carried

INTRODUCTION

This report provides Council with the Chief Executive Officer Performance Plan 2010/2011 for adoption.

BACKGROUND

Clause 6.2.3 of the Employment Agreement between Indigo Shire Council and the Chief Executive Officer (CEO) requires that the Council and the CEO must set a plan setting out the key performance indicators for the CEO for the year and that the CEO's achievement of these KPI's be determined through an annual review process.

A workshop with Councillors was conducted on Tuesday 21 September 2010 to review the 12 month performance plan.

It is appropriate that if Council is satisfied with the KPI's and the 12 month review that these now be adopted.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

KEY IMPLICATIONS

There are no key implications associated with this report. It is a requirement of the Employment Agreement that KPI's are developed.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the work plan.

POLICY IMPLICATIONS

There are no particular policy implications resulting from this report. As has been previously stated, it is a requirement of the Employment Agreement that KPI's are developed and monitored on a six monthly and annual basis.

CONCLUSION

The workplan has been developed in consultation with Council and also reflects issues raised during the review of the previous 12 months.

Attachments:
CEO Performance Plan 2010/2011

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

13.2 COUNCIL ADVISORY COMMITTEE'S REPORT

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

For Decision

RECOMMENDATION

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

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

- That the following Advisory Committee resolutions be noted by Council.

Committee	Resolution	Moved	Seconded
Heritage Advisory Committee	Previous minutes confirmed – 15 July 2010	Carole O'Neill	Susan Reynolds

Moved: Cr Goldsworthy

Seconded: Cr Murdoch

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

Committee	Date of Meeting
Indigo Tourism Advisory Committee	Nil
Indigo Environmental Advisory Committee	11 August 2010
Heritage Advisory Committee	19 August 2010
Arts & Cultural Advisory Committee	Nil
Disability Advisory Committee	Nil
Finance Committee	Nil

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Audit Committee	Nil
Burke Museum & Historic Precinct Advisory Committee	Nil

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

Committee	Resolution	Moved	Seconded
Heritage Advisory Committee	Previous minutes confirmed – 15 July 2010	Carole O’Neill	Susan Reynolds

Unanimously Carried

INTRODUCTION

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

BACKGROUND

Please refer to the appended Minutes.

IMPLICATIONS

There are no key, financial or policy implications.

CONCLUSION

Not applicable.

Attachment:
 Minutes - Indigo Environmental Advisory Committee - 11 August 2010
 Minutes - Heritage Advisory Committee - 19 August 2010



14.0 NOTICES OF MOTION

Nil.

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

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

15.1 CR GAFFNEY - MAYOR

DATE	TIME	FUNCTION/EVENT	LOCATION
5	2pm	Judging of Junior Public Speaking	Albury
6	10am	Weekly Meeting with CEO	Beechworth
7	4pm	Council Briefing Meeting	Yackandandah
8	9am	Rutherglen Wine Board Meeting	Rutherglen
	6pm	Mayoral Civic Reception Murray Darling Association	Beechworth
9	All Day	Murray Darling Association Conference	Beechworth
	6.45pm	Murray Darling Association Dinner	Beechworth
10	8.30am	Murray Darling Association AGM	Beechworth
	10am	Meeting with CEO Sustainability Victoria	Beechworth
	11am	Tidy Towns Award Ceremony	Beechworth
	6pm	Rutherglen 150 th Gold Celebrations Gold Tie Ball	Rutherglen
12	All Day	Rutherglen 150 th Gold Celebrations	Rutherglen
13	10am	Weekly Meeting with CEO	Beechworth
	11.15am	Food/Wine/Tourism Meeting	Beechworth
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
16	12pm	Victorian Police Luncheon	Barnawartha
17	2pm	Upper Hume Strategy Meeting	Beechworth
19	12.30pm	Indigo Shire Council Luncheon	Rutherglen
20	10am	Weekly Meeting with CEO	Beechworth
21	4pm	Council Briefing Meeting	Yackandandah
22	9.30am	Meeting with Winemakers of Rutherglen	Rutherglen
23	9am	Meeting with Local Government Victoria	Melbourne
	7pm	Rutherglen Wine Show Presentation Awards Dinner	Rutherglen
24	10am	Indigo Tourism Advisory Committee Meeting	Beechworth

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

26	9am	Chiltern Market	Chiltern
27	6pm	Welcoming Dinner Georgie James Rutherglen Wine Board	Rutherglen
28	10am	Weekly Meeting with CEO	Beechworth
	4pm	Council Briefing Meeting	Yackandandah
29	10am	Capital Works Department Meeting	Yackandandah

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

CR POCKLEY - DEPUTY MAYOR

DATE	TIME	FUNCTION/EVENT	LOCATION
2	9am	Junior Council Kiewa Valley Primary School	Tangambalanga
7	3pm	Meeting with Burke Museum Manager and prospective committee member	Beechworth
	4pm	Council Briefing Meeting	Yackandandah
9	10am	U3A Politics Lecture	Beechworth
	12.30pm	Chair of Murray Darling Association '2010 Year of Women in Local Government' Session	Beechworth
	6.30pm	Australian Local Government Women's Association Dinner	Benalla
10	10.30am	Tidy Towns Regional Awards	Beechworth
11	Morning	Rutherglen 150 th Gold Celebrations	Rutherglen
	10.30am	Unveiling of WW11 Honour Wall	Rutherglen
12	6pm	Official Opening of Old School House Gallery Tearooms and Fashion Parade	Beechworth
13	10am	North East Regional Sustainability Alliance Meeting	Beechworth
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
16	9.15am	Yackandandah North East Region Water Authority Meeting	Yackandandah
	3pm	Indigo Heritage Advisory Committee Meeting including trip to Gold Battery	Rutherglen
17	12pm	Indigo Shire Council Community Based Meal	Yackandandah
19	12pm	Opening of Green Living Fair	Wahgunyah
	12.30pm	Indigo Shire Council Luncheon	Rutherglen
21	4pm	Council Briefing Meeting	Yackandandah
23	7pm	Rutherglen Wine Show Presentation Awards Dinner	Rutherglen
27	12pm	Indigo Shire Council Community Based Meal	Chiltern

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

27	2 pm	Henry Handel Richardson Society, Film show	Chiltern
	6.15 pm	Beechworth Neighbourhood Centre Board of Management Meeting	Beechworth
28	4pm	Council Briefing Meeting	Yackandandah
29	6.15 pm	Community Strengthening Meeting	Beechworth

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

15.2 CR GRAHAM

DATE	TIME	FUNCTION/EVENT	LOCATION
3	9am	Association of Victoria Regional Waste Management Group Meeting	Melbourne
6	7pm	Rutherglen RSL Meeting	Rutherglen
7	4pm	Council Briefing Meeting	Yackandandah
	7pm	RACV Road Safety Forum	Wodonga
8	10.30am	Cleanaway Meeting	Albury
	3pm	Murray Darling Association Meeting	Beechworth
	6pm	Mayoral Civic Reception Murray Darling Association	Beechworth
9	All Day	Murray Darling Association Conference	Beechworth
	6.45pm	Murray Darling Association Dinner	Beechworth
10	6pm	Rutherglen 150th Celebration Gold Tie Ball	Rutherglen
11	10am	WWII Memorial Dedication	Rutherglen
	11.30am	Murray Darling Association Luncheon	Wangaratta
12	9am	Farmers Market	Rutherglen
	11am	Rutherglen 150th Celebrations Grand Parade	Rutherglen
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
15	10am	Veterans Affairs Meeting	Wodonga
16	11.30am	North East Roadsafe AGM	Wangaratta
19	12.30pm	Indigo Shire Council Luncheon	Rutherglen
20	3pm	Veterans Affairs Meeting	Melbourne
21	All Day	Veterans Affairs Meeting	Melbourne
22	All Day	Veterans Affairs Meeting	Melbourne
23	7pm	Rutherglen Wine Show Presentation Awards Dinner	Rutherglen

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

15.3 CR CROUCHER

DATE	TIME	FUNCTION/EVENT	LOCATION
1	12pm	Indigo Shire Council Community Based Meal	Beechworth
2	9am	Junior Council Meeting	Tangambalanga
6	2.30pm	Local Council Presentation Kiewa Valley Primary School	Kiewa Valley
7	4pm	Council Briefing Meeting	Yackandandah
8	6pm	Mayoral Civic Reception Murray Darling Association	Beechworth
10	10am	Rutherglen ELF Program	Rutherglen
	6pm	Rutherglen 150th Celebrations Gold Tie Ball	Rutherglen
13	10.30am	Upper Murray Regional Library Meeting	Wodonga
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
16	3pm	Indigo Heritage Advisory Committee Meeting	Rutherglen
17	12pm	Indigo Shire Council Community Based Meal	Yackandandah
21	4pm	Council Briefing Meeting	Yackandandah
22	9.30am	Community Support Committee Meeting	Towong Shire
23	7pm	Rutherglen Wine Show Presentation Awards Dinner	Rutherglen
24	10am	Indigo Tourism Advisory Committee Meeting	Beechworth
27	12pm	Indigo Shire Council Community Based Meal	Chiltern
28	4pm	Council Briefing Meeting	Yackandandah

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

15.4 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT	LOCATION
7	4pm	Council Briefing Meeting	Yackandandah
8	4pm	Finance Committee Meeting	Beechworth
9	7pm	Lake Sambell Management Committee Meeting	Beechworth
10	10.30am	Tidy Towns Regional Awards	Beechworth
	12.30pm	High School Production	Beechworth
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
16	2.30pm	Inspection with Indigo Heritage Advisory Committee	Rutherglen
	3pm	Indigo Heritage Advisory Committee Meeting	Rutherglen
19	12.30pm	Indigo Shire Council Luncheon	Rutherglen
21	4pm	Council Briefing Meeting	Yackandandah

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

15.5 CR MURDOCH

DATE	TIME	FUNCTION/EVENT	LOCATION
7	4pm	Council Briefing Meeting	Yackandandah
9	9am	Murray Darling Association Annual Conference	Beechworth
	6.30pm	Australian Local Government Women's Association Dinner	Benalla
10	10.30am	Beechworth Tidy Towns Presentation	Beechworth
	12.30pm	Tidy Towns Presentation	Chiltern
	2pm	Tidy Towns Presentation	Wahgunyah
	6pm	Rutherglen 150th Celebrations Gold Tie Ball	Rutherglen
12	12pm	Rutherglen Gold Celebrations Parade	Rutherglen
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
19	10.30am	Valhalla Winery Green Fair	Rutherglen
	12.30pm	Indigo Shire Council Luncheon	Rutherglen
21	4pm	Council Briefing Meeting	Yackandandah
	7pm	Chiltern Community Planning Committee Meeting	Chiltern
23	7pm	Rutherglen Wine Show Presentation Awards Dinner	Rutherglen
26	11am	Chiltern Recreation Committee Market	Chiltern
27	12pm	Indigo Shire Council Community Based Meal	Chiltern
	2pm	Henry Handel Richardson Film Presentation	Chiltern
28	4pm	Council Briefing Meeting	Yackandandah

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

15.6 CR ISSELL

DATE	TIME	FUNCTION/EVENT	LOCATION
3	2pm	Meeting with constituent	Beechworth
4	9pm	Welcome to Shire, Spring Migration Festival	Beechworth
7	4pm	Council Briefing Meeting	Yackandandah
8	6pm	Mayoral Civic Reception Murray Darling Association	Beechworth
9	All Day	Murray Darling Association Conference	Beechworth
10	6pm	Rutherglen 150 th Gold Celebrations Gold Tie Ball	Rutherglen
11	2pm	Tallangatta & District League Grand Final	Sandy Creek
12	5pm	Fashion Parade, Old School Gallery	Beechworth
14	2pm	Council Briefing Meeting	Beechworth
	3pm	Council Meeting	Beechworth
	6.30pm	Community Forum	Beechworth
16	6pm	Talk on Environment Policy	Wodonga
17	10am	Tour of road works	Beechworth
18	6pm	Fundraiser for Breast Cancer Research	Beechworth
19	11.30am	Green Living Fair	Wahgunyah
	12.30pm	Indigo Shire Council Luncheon	Rutherglen
21	4pm	Council Briefing Meeting	Yackandandah
23	3pm	Meeting with constituent	Yackandandah
27	5pm	Sustainability Awards Meeting	Beechworth
	7.30pm	Baarmutha Park Committee Meeting	Beechworth
28	4pm	Council Briefing Meeting	Yackandandah

16.0 GENERAL BUSINESS

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

Council accept the three MAV State Council Meeting Motions that were put up by the Indigo Shire Council.

Unanimously Carried

**Moved: Cr Graham
Seconded: Cr Croucher**

That Councillors prepare a letter to be placed into the Rutherglen Time Capsule and include Councillor and staff details involved in the refurbishment

Unanimously Carried

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

Investigate a civic function to locate time capsules at the monument in Rutherglen in conjunction with the gold battery.

Unanimously Carried

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

The Mayor invite Police, CFA and Emergency Management Committee to meet regarding Neighbourhood Safer Places

Unanimously Carried

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

<p>Moved: Cr Graham Seconded: Cr Croucher</p> <p>That the open session of Council be moved to confidential session.</p> <p style="text-align: right;">Carried</p>	
For:	Against:
Cr Gaffney	Pockley
Cr Pockley	Issell
Cr Croucher	Goldsworthy
Cr Graham	
Cr Murdoch	

ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

17.0 CONFIDENTIAL

PURSUANT TO SECTION 89 (2) (d) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO CONTRACTUAL MATTERS.



.....
Brendan McGrath

CHIEF EXECUTIVE OFFICER
12 October 2010

17.1 FIXED INTEREST LOAN FOR PURPOSE OF CONSTRUCTING CAPITAL WORKS

File No.: 09/667 - Frank Bonacci - Finance Manager

Moved: Cr Goldsworthy
Seconded: Cr Murdoch

That:

- 1. Council accept the quote from National Australia Bank for the provision of a loan facility.**
- 2. Council sign and seal documentation for provision of loan by the national Australia Bank for \$647,000 at a fixed rate of interest of 7.45%, fully redeemable over 10 years for the purpose of constructing capital works as part of the 2010/2011 Capital Works Program.**

Carried

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



ORDINARY COUNCIL MEETING MINUTES – 12 OCTOBER 2010

Meeting Concluded: 5.20pm
Next Meeting: Tuesday 9 November 2010 at 3pm
Senior Citizens Hall, Rutherglen