

## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

***Mission Statement:***

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

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**HELD:** Tuesday 8 March 2011 at 3pm

**LOCATION:** Yackandandah Sports Park, Yackandandah

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**ATTENDEES:**

Councillors:	Senior Management/Officers
Ali Pockley – Mayor	Brendan McGrath – CEO
Bernard Gaffney – Deputy Mayor	Andre M Kompler
Peter Croucher	Mark Florence
Larry Goldsworthy	Jamie Heritage
Vic Issell	SMG as required
Barbara Murdoch	

**APOLOGIES:** Peter Graham

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***Vision Statement:***

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

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## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

### 1.0 WELCOME

The Mayor welcomed all those in attendance.

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

Cr Murdoch read the opening prayer and acknowledged the traditional owners of the land.

### 3.0 APOLOGIES AND LEAVE OF ABSENCE

The Mayor acknowledged Cr Graham as an apology.

### 4.0 DECLARATION OF CONFLICT OF INTEREST

Cr Murdoch declared an indirect conflict of interest related to Item 16.1 Chiltern Quarry as she is a Director of North East Water.

Cr Croucher introduced Hamish McGuinness a Junior Councillor from Yackandandah Primary School. Hamish spoke about his trip to Melbourne on Friday 4 March 2011 with Junior Council.

### 5.0 OPEN FORUM

Robin McLeish advised he has requested on two occasions that council staff prepare a report in respect to bridge damage within the shire. He requested that council initiate a claim with NECMA for damaged incurred within the shire.

The CEO responded that bridge damage inspections are now complete and that council will be making a funding claim to the State Government. He is unable to provide an answer immediately in respect to initiating a claim with NECMA however enquiries will be made into lodging a claim.

### 6.0 CONDOLENCES

Nil.

### 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 8 FEBRUARY 2011

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

**That the minutes from Tuesday 8 February 2011 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 FINANCE REPORT – JANUARY 2011****File No.: 09/646 – Frank Bonacci – Finance Manager****For Information**

At the end of December 2010, Council conducted a mid year budget review which was adopted by Council at the February 2011 Council meeting. The January Year to Date (YTD) result has been compared against the YTD forecast of that mid year budget review, and the result shows a \$51,000 favourable variance.

The majority of this variance is timing related. The main contributor to this favourable variance is within Community Planning with a \$43,000 favourable YTD position. Of this, \$30,000 is due to delayed receipt of contractor invoices within the Youth Bushfire Response Gift project and the balance being due to high levels of annual leave taken during the month of January, which is paid from the balance sheet rather than from operational cost centres.

Council's cash position as at the 31 January 2011 remains strong at \$4.9 million.

The YTD capital works spend as at the 31 January 2011 is \$4.3 million, which indicates that Council is on track for another year of high capital works completion rates.

Attachment:  
Profit and Loss Report to 31 January 2011  
Department by Business Unit Report for January 2011  
Cash & Investment Report as at 31 January 2011

**11.0 SUSTAINABLE COMMUNITIES**

**11.1 DRAFT RURAL LAND USE STRATEGY**

File No.: Mark Florence - General Manager Sustainable Communities

For Decision

**RECOMMENDATION**

That Council, after considering the report:

1. Adopts the Draft *Rural Land Use Strategy* as the basis for further strategic analysis and assessment of the recommended amendments to the *Indigo Planning Scheme*.
2. Exhibits the Draft *Rural Land Use Strategy* for public submission and conducts further consultation with the community and interested stakeholders.
3. Prepares for a formal adoption of the *Rural Land Use Strategy* at the June 2011 Council Meeting.

Moved: Cr Goldsworthy  
 Seconded: Cr Croucher

That Council, after considering the report:

1. Adopts the *Draft Rural Land Use Strategy* as the basis for further strategic analysis and assessment of the recommended amendments to the Indigo Planning Scheme.
2. Exhibits the Draft Rural Land Use Strategy for public submission and conducts further consultation with the community and interested stakeholders.
3. Prepares for a formal adoption of the Rural Land Use Strategy at the June 2011 Council Meeting.

Carried

Carried	
<b>For:</b>	<b>Against:</b>
Cr Goldsworthy	Cr Gaffney
Cr Murdoch	Cr Issell
Cr Pockley	
Cr Croucher	

## BACKGROUND

The *Rural Land Use Strategy* was prepared initially by Coomes Consulting and, in the later stages, by CPG Australia Pty Ltd during 2008/2009. It was funded jointly by Council and DPCD.

The project was broadly designed to investigate rural planning issues in Indigo Shire and to make recommendations for changes to the *Planning Scheme* that would address the identified issues.

Within the framework of the strategy, there was significant provision for public consultation within five identified parts or phases.

The five phases were:

- Phase 1 Project inception - involving finalising project brief and appointment of consultants.
- Phase 2 Analysis – data collection, identification of issues and development principles.
- Phase 3 Development perspective - identifying broad objectives from agreed vision leading to possible development scenarios.
- Phase 4 Formulation of strategy - including recommendations for *Planning Scheme* amendments necessary to achieve the adopted strategy.
- Phase 5 Adoption of strategy by Council and *Planning Scheme* amendment preparation process.

The appointed consultant's primary role was contained in phases 2 – 4 inclusive.

## PROJECT CONSTRAINTS

The project encountered the following difficulties:

- The project brief was overly ambitious in that it attempted to require detailed and precise answers to all rural planning problems in the Shire of Indigo. This is simply not possible and while credit is due for the brave attempt, it leads to expectations that cannot realistically be achieved.
- The consultants appointed to the project had a major re-structure, staff changes and ownership change during the course of the consultancy. This resulted in some lack of cohesion in the report.
- Major changes in Council staff occurred during the consultancy period. The two principal officers in charge of this project left prior to finalisation of the report at critical stages of the report. This resulted in a lack of follow up on specific issues.

In spite of these difficulties, the document now produced and identified as *Indigo Shire Rural Land Use Strategy – Phase 4* is a significant and worthwhile document. It does not achieve all the matters the original brief required it to achieve and this is not surprising given the overly optimistic nature of the brief.

The document contains a wealth of important background information. It identifies particular issues of importance in the rural parts of Indigo as well as opportunities. It also, most importantly, suggests several areas where the existing *Planning Scheme* should be changed.

Most significantly, DPCD officers have reviewed the document and have only identified some relatively minor areas for correction in the body of the report. DPCD broadly accepts the document as providing strategic justification for the principle of the proposed amendments to the *Planning Scheme*. This strategic justification requires further assessment to provide certainty to any proposed changes to the *Planning Scheme*. At the same time, DPCD expressed the view that some further work is necessary on the detail of the amendments and the precise location of any areas where controls are to be changed.

As part of the consideration of the background to this matter, it is important to be aware that changes to the *Planning Scheme* are only possible within the suite of controls provided by the state government. It is possible to include some local provisions into these controls and to have local input into their area of application; however, these local inputs are influenced by state policy and it is not possible to step outside this policy. The net effect of this is that there can only be limited changes to the *Planning Scheme* that can effectively be achieved. This is a further constraint on the output of the rural strategy that was not given sufficient recognition in the original consultant's brief.

CONTENT OF DRAFT RURAL LAND USE STRATEGY

*Phase 2* of the strategy has been completed and is contained in a document entitled *Issues and Opportunities Paper* October 2008 prepared by Coomes Consulting Group.

Issues were identified by a combination of community and stakeholder consultation. These included consideration of the existing *Planning Scheme* and that proposed in Amendment C24 as well as the consultant's own experience and knowledge.

The identified issues were:

- Planning Scheme flexibility
- Urban sprawl
- Changing demographic
- Visual amenity / impacts on the scenic qualities
- Dwellings on small rural allotments
- Environment
- Future land uses
- Right to farm
- Landholding sizes
- Conflicting land uses
- Environmental issues
- Economy
- Fragmentation of land
- Future settlement areas

- Protection of high quality agricultural land
- Support of specific sectors of agriculture
- Rural area housing pressure
- Diversification of agricultural sector
- Incorporation of tourism into rural areas
- Natural resource management
- Flooding and drainage
- Rural character

The issues are discussed and explored in some detail in the Phase 2 report.

*Phase 3* – It does not appear that this phase has been carried out to any extensive level. The company responsible for the report underwent the transformations listed earlier between the completion of Phase 2 and the preparation of Phase 4, and this is a possible explanation for the omission.

It is correct that some of what would be anticipated to be included in Phase 3 appears in Phase 4 where policy objectives are developed. What is lacking is the development of alternative development scenarios. Instead, what has occurred is that the identification of issues in Phase 2 leads directly to formulation of strategy in Phase 4 without any detailed investigation of different development options.

That said, the omission is not critical to the integrity of the report. This is the case because the development direction of the municipality has been largely identified in the *Planning Scheme Municipal Strategic Statement* (MSS). The current provisions, as well as those contained in the Amendment C24 version, include the following development issues relevant to the future development of the rural sections of the municipality:

- The importance of agricultural productivity and the need for planning to protect and foster this productivity.
- The desire and resultant demand for rural living opportunities should result in sufficient land supply for 10 – 15 years demand.
- The need to foster and encourage tourism opportunities in the rural areas as well as within towns.
- The need to protect and enhance the environmental and scenic values throughout the municipality.

In many places, these objectives are conflicting and the skill in dealing with them involves careful planning to place appropriate weight and balance on each one. This weight and balance will vary with different areas. For instance, rural living opportunities are not appropriate in areas of high quality agricultural land that are committed to agricultural activity. Tourism opportunities are not necessarily in conflict with hobby farm development provided that amenity issues are addressed.

*Phase 4* – This phase has been prepared by CPG Australia. The document brings together the results of the consultant’s investigations, a review of past reports and literature and a government department databases. The information collected is discussed in the body of the report and is shown in mapped format. A series of maps shows the following information:

- Consolidated map of existing *Planning Scheme* zones
- Property sizes
- Lot sizes
- Approved subdivision distribution
- Environmental characteristics summary map
- Gully and tunnel erosion susceptibility
- Land form.

The municipality is divided into 12 precincts to allow more detailed assessment of the current land use and capability and to allow different, more appropriate, recommendations. The following 12 precincts were identified:

- |                 |                          |
|-----------------|--------------------------|
| • Sandy Creek   | • Kiewa Valley           |
| • Staghorn Flat | • Yackandandah           |
| • Silver Creek  | • Black Springs          |
| • Rutherglen    | • Upper Black Dog Creek  |
| • Indigo Valley | • Chiltern – Barnawartha |
| • Reedy Creek   | • Upper Back Creek       |

Maps of each precinct are provided which detail recommended changes in zone control.

In addition, some general recommendations are made for changes and / or additions to the *Planning Scheme* for each precinct.

The report establishes three major objectives (headings). These are:

- Environmental objectives.
- Economic objectives.
- Settlement objectives.

There are several objectives listed under each of these headings as listed below:

#### ENVIRONMENTAL OBJECTIVES

- To minimise the potential adverse impact of rural land uses on areas of historic cultural and visual significance.
- To minimise the potential adverse impact of wildfire on rural property and life.
- To ensure the sustainable management of environmental assets, cultural heritage and agricultural areas.
- To prevent the adverse impacts of rural dwellings and farming practices on the environment especially regarding water, soil and biodiversity assets.
- To support land care groups and sustainable catchment management practices.
- To protect and improve water quality and health.
- To protect and ensure the sustainable use of the productive land.
- To protect and enhance the Shire's biodiversity.
- To restore and rehabilitate degraded land for production or conservation purposes.
- To anticipate the long term impacts of climate change on rural areas and facilitate adaptation of these impacts.

ECONOMIC OBJECTIVES

- To protect and support agriculture.
- To protect and support rural based activities.
- To support the development of a diversified and sustainable rural economy that ensures ongoing agricultural viability, and recreational opportunities including environmental and farm based tourism.
- To protect productive agricultural land and potentially productive agricultural land.
- To minimise the potential for land use conflict to occur.

SETTLEMENT OBJECTIVES

- To ensure rural settlement is compatible with and does not degrade the environmental characteristics of the area.
- To ensure rural settlement is compatible with surrounding land uses.
- To facilitate the development of a more sustainable rural settlement pattern.
- To recognise the potential agricultural value of small rural lots.
- To facilitate improved land management.
- To direct rural living and hobby farm development into appropriate zoned areas.
- To discourage development of dwellings in high risk areas such as fire or flood prone land.
- To ensure adequate access to public services when developing new rural dwellings.

The detailed analysis recommendations then provided for each of the precincts follow.

In summary, the recommendations involve:

- Introduction of the Rural Activity Zone to some limited areas of the municipality.
- A small new Rural Living Zone at Rutherglen.
- New and amended planning policy sections to ensure development of land in the rural zones are consistent with the individual zone purposes.
- Introduction of new overlays to protect natural assets and remnant native vegetation.
- Alterations to the existing schedules in the Farming Zone to increase the minimum lot size and default lot size for a dwelling from 40 hectares to 80 hectares in some areas. (In some small areas, the proposal is to reduce the relevant lot size to 20 hectares where the specified land use is intensive agriculture).
- Apply a Wildfire Management Overlay as appropriate.

CONSULTATION

**Public Consultation** – The public consultation at this stage of the project consisted of a series of public meetings and invitations at these meetings for interested parties to provide written comments.

The consultation involved:

- Notification of Phase 4 report in print media.
- Distribution of hard copies of Phase 4 report in a variety of locations in each town and locality.
- Public meetings in:
  - Beechworth
  - Wahgunyah
  - Kergunyah
  - Yackandandah
  - Rutherglen
  - Chiltern
  - Wooragee
  - Tangambalanga
  - Barnawartha
  - Stanley.

These meetings identified the specific recommended changes to the *Planning Scheme* relevant to that particular locality.

The following public comments were made as a result of this consultation process:

- Concerns regarding the appropriateness of the Rural Activity Zone in Stanley.
- Concerns regarding the 40 hectare limit on subdivision and default dwelling provisions in the *Planning Scheme*. These concerns were in both directions: that is some were concerned that the area of 40 hectares is too large and others felt it was too small.
- The need to protect significant ridgelines.
- Fragmentation of farming land by selling off existing crown allotments.
- Land tenement provisions and the need to reintroduce tenement controls.
- Concerns regarding the proposed Rural Living Zone location at Rutherglen.

#### NEXT STEPS

Whilst it appears that there is some or sufficient strategic justification for the recommended alterations to the *Indigo Planning Scheme*, it is considered prudent and appropriate for the Draft *Rural Land Use Strategy* to be subject to further analysis and consultation to ensure that the recommendations listed are in fact appropriate. The lengthy time that has elapsed between the last round of consultations and the issuing of the Draft Report, further increases the need for further work and engagement to be conducted.

The recommended amendments to the Indigo Planning Scheme are:

1. Introduction of new planning policy to support and amplify the purposes of the suite of rural zones.

The impact of such a policy is likely to involve clarifying that a dwelling in the Farming Zone and the new Rural Activity Zone will only be supported if it is clearly demonstrated that the dwelling is necessary to achieve the zone purposes. For instance, in the Farming Zone, dwellings on lots below the default size should only be allowed if the primary use of the land is agriculture and it is demonstrated that a dwelling is necessary to achieve this primary use. Similar issues exist in the Rural Activity Zone, but these involve a wider spread of primary uses which might for instance include tourism based establishments. Liaison with DPCD is required to further this proposal.

2. Introduction of new schedules to the Farming Zone so as to alter the minimum lot size in some areas to 80 hectares and in others 20 hectares. The minimum size would also apply to default size for dwellings. Verification with DPCD is necessary along with clear understanding of why this amendment would provide net community benefit.
3. Introduction of a new area of rural living at Rutherglen subject to “ground truthing” of the area proposed in the current report. A decision regarding appropriate lot size will also need to be made.

This proposal is likely to be contested from a variety of fronts and needs stronger justification.

4. Introduction of Rural Activity Zones in some areas of the municipality. The current version of the *Rural Land Use Strategy* specifies particular areas. There are some reservations concerning these areas and further work is necessary. It may be argued that the report establishes the strategic justification for the introduction of this zone and this is of critical importance. However, the application of the zone should in part be based on advancing the opportunities for tourist based operations in appropriate parts of the municipality. This approach is clearly justified, by the strong support for strengthening and expanding the opportunities for the tourism industry contained in the existing MSS as well as the new version proposed in C24. Care needs to be taken to ensure that these areas do not become defacto Rural Living Zones. This could be achieved by appropriate schedules to the zone and carefully crafted local policy. Liaison with DPCD on these issues is essential.
5. Inclusion in the existing Significant Landscape Overlay areas all of the land identified in the National Trust Register Landscape.
6. Investigation into use and area of application of the appropriate overlay control to protect environmental values identified in the report. This requires additional fieldwork and liaison with DPCD before the appropriate documentation can be prepared for an amendment.

KEY IMPLICATIONS

The key implications of adopting the Council recommendation are to ensure that the Draft *Rural Landscape Strategy* is properly assessed and analysed for strategic justification, and that the community and interested stakeholders have further opportunities to consider and understand the recommended actions and to make comment and input. These steps will provide for greater clarity and certainty around a document which is of high and critical importance.

### FINANCIAL IMPLICATIONS

The Council recommendation will not impose any financial impost on Council operations other than through Council officer time, including that of the Senior Strategic Planner, and in the conduct of community and stakeholder engagement.

Some financial cost will be incurred if and when the *Rural Land Use Strategy* is formally adopted and the required amendments to the *Planning Scheme* are implemented and processed.

### POLICY IMPLICATIONS

The Draft *Rural Land Use Strategy* paves the way for the development of strong policies which will provide clarity and certainty to the community and to Council in relation to a wide range of land use practices. The strategy and subsequent planning scheme amendments, once adopted, will be supported by appropriate state policies to provide additional strength to the Indigo policy position.

### COMMUNICATION

It is important that the community and those potentially affected by any planning scheme amendments have the opportunity to consider the Draft *Rural Land Use Strategy* again and contribute to its refinement. Opportunities will be provided via a range of mechanisms including individual face-to-face meetings, small group meetings, and written or verbal submissions.

### CONCLUSION

The Draft *Rural Land Use Strategy* is a worthwhile and useful strategic document. It contains a wealth of useful information. It can be used as a strategic basis for the preparation of significant and worthwhile additions to the *Indigo Planning Scheme*.

The Draft points to strategic justification for several changes to the current *Planning Scheme*. Furthermore, it forms a good basis on which to build further strategic work and community participation required to justify additional necessary changes to the *Planning Scheme* and formal adoption of the strategy by Council.

**11.2 INDIGO ENVIRONMENT ADVISORY COMMITTEE**

File No.: 09/584 – Shay Simpson – Team Leader Natural Resource Management

For Decision

**RECOMMENDATION**

That Council, in accordance with Section 86 (3) of the Local Government Act, 1989, appoints the following representatives to the Indigo Environment Advisory Committee:

- Linda Huzzey (Community – reappointment)
- Barney Foran (Community – reappointment)
- Jane Roots (Landcare – reappointment)
- Jan Palmer (Community – reappointment)
- Bernadette Cudars (Community – reappointment)
- Matthew Charles-Jones (Community – reappointment)
- Rik Thwaites (Community – reappointment)
- Graeme Missen (Landcare – reappointment)
- Wendy Hutchison (Government – Department Sustainability & Environment – reappointment)
- Jenny Indian (Community – reappointment)
- Pheona Anderson (Community – reappointment)
- Charlie Robinson (Community – reappointment)
- Sarie Los (Government – North East Water – reappointment)
- Jennifer Davidson (Landcare – reappointment)
- Greg Smith (Community – reappointment)

That Council adopts the reviewed Instrument of Delegation for the Environment Advisory Committee.

Moved: Cr Issell  
 Seconded: Cr Goldsworthy

That Council, in accordance with Section 86 (3) of the Local Government Act, 1989, appoints the following representatives to the Indigo Environment Advisory Committee:

- Linda Huzzey (Community – reappointment)
- Barney Foran (Community – reappointment)
- Jane Roots (Landcare – reappointment)
- Jan Palmer (Community – reappointment)
- Bernadette Cudars (Community – reappointment)
- Matthew Charles-Jones (Community – reappointment)
- Rik Thwaites (Community – reappointment)
- Graeme Missen (Landcare – reappointment)
- Wendy Hutchison (Government – Department Sustainability & Environment – reappointment)

- **Jenny Indian (Community – reappointment)**
- **Pheona Anderson (Community – reappointment)**
- **Charlie Robinson (Community – reappointment)**
- **Sarie Los (Government – North East Water – reappointment)**
- **Jennifer Davidson (Landcare – reappointment)**
- **Greg Smith (Community – reappointment)**

**That Council adopts the reviewed Instrument of Delegation for the Environment Advisory Committee.**

**Unanimously Carried**

### INTRODUCTION

The Environment Advisory Committee was established in late 2008 and is entering its third year of operation. A call for new nominations has been undertaken on an annual basis and existing members have been able to renominate, as per the Instrument of Delegation. This report seeks to appoint members to this committee for the 2011 period, and also seeks Council adoption of the reviewed Instrument of Delegation for this group.

### BACKGROUND

The committee continues to be a valuable resource for Council and in reflection of the activities in 2010 a summary of achievements has been compiled below:

- Development and assisted delivery of the Indigo Sustainability Awards 2010 program.
- Key advice and guidance on development of Sustainability Toolkit.
- Inclusion of conservation element providing a rebate for Trust for Nature covenants in Rating Strategy.
- Formation of issues based around strategy groups.
- Development of a template to capture priorities associated with strategy groups and possible responses.
- Opportunities for information exchange and learning through hosting of guest presentations by:
  - \*Lachlan Milne, Environmental Resource Officer, Macedon Shire Ranges – *Voluntary Environmental Resource Inventory*.
  - \*Nina Rogers, Manager Climate Change and Environment Policy, Municipal Association of Victoria – *Collaboration in the Climate Change Response*.
- Recommendation to Council to request seek a pre-election commitment from the state government to transition to a low carbon future, including call for closure of Hazelwood Power Station.
- Planning to engage youth on environment issues.
- Development of a policy statement in response to Council referral regarding the phasing out of grazing from the River Red Gum Park and other areas.
- Provision of comment on the updating of the Indigo *Roadside Management Plan*.
- Attendance at the Municipal Association of Victoria Environment Policy Forum and subsequent sharing of learnings.
- Ongoing exchange of information within the committee and to the community.

**ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011**

No new nominations to the committee were received this year and there have been two resignations. Two positions remain vacant – one community representative and one Landcare representative. The Instrument of Delegation was reviewed at the February Advisory Committee with the only notable change being removal of reference to seeking a youth representative. This is because the committee has agreed to engage youth through different means.

KEY IMPLICATIONS

No implications with regard to changes in committee composition or reviewed Instrument of Delegation.

FINANCIAL IMPLICATIONS

No financial implications with regard to changes in committee composition or reviewed Instrument of Delegation.

POLICY IMPLICATIONS

No policy implications with regard to changes in committee composition or reviewed Instrument of Delegation.

COMMUNICATION

It was noted at the February committee meeting that advertising for new members in future years should include notices on community noticeboards. In addition, subsequent calls for new nominations should target geographic areas of the Shire not represented, such as Kiewa.

CONCLUSION

There have been minimal changes to the composition of the Environment Advisory Committee for 2011 period and the committee's reviewed Instrument of Delegation.

**12.0 MAJOR PROJECTS AND PROGRAMS**

Nil.

**13.0 GOVERNANCE**

**13.1 ADVISORY AND COMMITTEES OF MANAGEMENT REPORTS**

**File No.: 09/1177 & 09/1770 – Jo Riley - Manager Governance & Risk**

**For Information**

**RECOMMENDATION**

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

<b>COMMITTEE</b>	<b>DATE OF MEETING</b>
Audit Committee	31 January 2011
Burke Museum & Historic Precinct Advisory Committee	Nil
Environmental Advisory Committee	9 February 2011
Finance Committee	2 February 2011
Indigo Arts & Cultural Advisory Committee	19 January 2011
Indigo Heritage Advisory Committee	Nil
Indigo Shire Disability Advisory Committee	Nil
Indigo Shire Grants & Awards Advisory Committee	Nil
Indigo Tourism Advisory Committee	4 February 2011

<b>COMMITTEE</b>	<b>RESOLUTION</b>	<b>MOVED</b>	<b>SECONDED</b>
Audit Committee	Minutes of Meeting – 18 October 2010. Confirmed as true and correct.	Frank Burfitt	Ian Morris
Audit Committee	To appoint WHK for another 12 months.	Klaus Baumgartel	Frank Burfitt
Finance Committee	That the minutes of the committee meeting 8 December 2010 be confirmed.	Barbara Murdoch	Bernard Gaffney
Indigo Arts & Cultural Advisory Committee	Previous minutes accepted as true and correct	Louise Hazelton	Lynden Blackman
Indigo Arts & Cultural Advisory Committee	A recommendation was made that a total of \$7,500 within the Community Grants be put aside for Arts and Culture, that the Arts and Culture Committee make a recommendation on all Arts and Cultural applications for grant funding purposes, and that if that amount is not expended in total, that it be used in the allocation of general Community Grants.	Louise Hazelton	Stephen Routledge

**ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011**

Indigo Tourism Advisory Committee	Last meeting minutes confirmed.	Bill Bell	Peter Croucher
Indigo Tourism Advisory Committee	That ITAC sends a message to Council to indicate the tourism industry is not ready for a tourism levy without further research.	Bill Bell	Peter Meade
Indigo Tourism Advisory Committee	That Sue Couttie responds to Vicroads welcoming the installation of a Beechworth sign on the Hume Freeway at Wodonga by 30 June.	Bill Bell	Peter Meade

2. That Council receive and note the attached record of an Assembly of Councillors.

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

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

COMMITTEE	DATE OF MEETING
Audit Committee	31 January 2011
Burke Museum & Historic Precinct Advisory Committee	Nil
Environmental Advisory Committee	9 February 2011
Finance Committee	2 February 2011
Indigo Arts & Cultural Advisory Committee	19 January 2011
Indigo Heritage Advisory Committee	Nil
Indigo Shire Disability Advisory Committee	Nil
Indigo Shire Grants & Awards Advisory Committee	Nil
Indigo Tourism Advisory Committee	4 February 2011

COMMITTEE	RESOLUTION	MOVED	SECONDED
Audit Committee	Minutes of Meeting – 18 October 2010. Confirmed as true and correct.	Frank Burfitt	Ian Morris
Audit Committee	To appoint WHK for another 12 months.	Klaus Baumgartel	Frank Burfitt
Finance Committee	That the minutes of the committee meeting 8 December 2010 be confirmed.	Barbara Murdoch	Bernard Gaffney

## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

Indigo Arts & Cultural Advisory Committee	Previous minutes accepted as true and correct	Louise Hazelton	Lynden Blackman
Indigo Arts & Cultural Advisory Committee	A recommendation was made that a total of \$7,500 within the Community Grants be put aside for Arts and Culture, that the Arts and Culture Committee make a recommendation on all Arts and Cultural applications for grant funding purposes, and that if that amount is not expended in total, that it be used in the allocation of general Community Grants.	Louise Hazelton	Stephen Routledge
Indigo Tourism Advisory Committee	Last meeting minutes confirmed.	Bill Bell	Peter Croucher
Indigo Tourism Advisory Committee	That ITAC sends a message to Council to indicate the tourism industry is not ready for a tourism levy without further research.	Bill Bell	Peter Meade
Indigo Tourism Advisory Committee	That Sue Couttie responds to Vicroads welcoming the installation of a Beechworth sign on the Hume Freeway at Wodonga by 30 June.	Bill Bell	Peter Meade

2. **That Council receive and note the attached record of an Assembly of Councillors.**

**Unanimously Carried**

**14.0 NOTICES OF MOTION**

**14.1 TAKE NOTICE** that at a meeting of Council to be held on Tuesday 8 March 2011 I intend to move the following motion:

**That;**  
**Indigo Shire Council contact the La Trobe University Council, Heritage Victoria and the relevant Minister to obtain a written undertaking that;-**

**The heritage gardens are maintained to a standard acceptable to Indigo Shire Council (representing the people of Indigo) and as required by Heritage Victoria. A process to ensure current staff are employed by those undertaking this task should be implemented.**

**The Heritage buildings are maintained to a standard acceptable to the Indigo Shire Council, its community and as required by Heritage Victoria.**

**A proper planning process is to be undertaken for the entire site (106ha), to best determine the use and the method of selling the site, buildings and maintenance of gardens.**

**The asbestos on the site is properly recognised and assessed.**

**Prior to the sale no chattels are sold or removed.**

**The complex remains insured and any damage or graffiti is promptly acted upon.**

**Adequate security is maintained at the site.**

**Explanatory comment (if required):**

Reported in the local media “La Trobe University has commenced the proposed sale of its Beechworth Campus”.

Since 1996 La Trobe has maintained the heritage gardens on that site with an ongoing cost of \$300,000 pa. Some heritage buildings on the site have been maintained.

It is reported the complex is currently run at a loss of \$800,000 pa. Some say this amount is conservative.

All employees have been informed that their last day of employment is 29 May 2011.

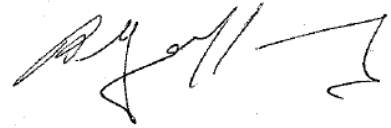
The University Council is meeting on 21 March 2011 and is expected to seek approval from the Minister for approval of the sale. One may believe the University is putting the cart before the horse.

May Day Hills is an iconic site, not just for the people of Beechworth but for all Victorians.

**ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011**

**Cr Bernard Gaffney**

**Signature:**



**Date: Friday 25 February 2011**

**Moved: Cr Gaffney  
Seconded: Cr Croucher**

**That;  
Indigo Shire Council contact the La Trobe University Council, Heritage Victoria and the relevant Minister to obtain a written undertaking that;-**

**The heritage gardens are maintained to a standard acceptable to Indigo Shire Council (representing the people of Indigo) and as required by Heritage Victoria. A process to ensure current staff are employed by those undertaking this task should be implemented.**

**The Heritage buildings are maintained to a standard acceptable to the Indigo Shire Council, its community and as required by Heritage Victoria.**

**A proper planning process is to be undertaken for the entire site (106ha), to best determine the use and the method of selling the site, buildings and maintenance of gardens.**

**The asbestos on the site is properly recognised and assessed.**

**Prior to the sale no chattels are sold or removed.**

**The complex remains insured and any damage or graffiti is promptly acted upon.**

**Adequate security is maintained at the site.**

**AMENDED MOTION**

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

**That;  
1. Indigo Shire Council contact the La Trobe University Council, Heritage Victoria and the relevant Minister to obtain a written undertaking that;-**

**The heritage gardens are maintained to a standard acceptable to Indigo Shire Council (representing the people of Indigo) and as required by Heritage Victoria. A process to ensure current staff are employed by those**

undertaking this task should be implemented.

The Heritage buildings are maintained to a standard acceptable to the Indigo Shire Council, its community and as required by Heritage Victoria.

A proper planning process is to be undertaken for the entire site (106ha), to best determine the use and the method of selling the site, buildings and maintenance of gardens.

The asbestos on the site is properly recognised and assessed.

Prior to the sale no chattels are sold or removed.

The complex remains insured and any damage or graffiti is promptly acted upon.

Adequate security is maintained at the site.

2. Council seek a meeting immediately with the three bodies

Unanimously Carried

**ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011**

**14.2 TAKE NOTICE** that at a meeting of Council to be held on Tuesday 8 March 2011 I intend to move the following motion:

**That the Indigo Shire Mayor, on behalf of council write to the relevant Minister of the Victorian State Government requesting that the Yackandandah Creek Bridge on the Kiewa Valley Highway be repaired as soon as possible.**

**Explanatory comment (if required):**

On the 9<sup>th</sup> of December 2010 flood damage caused damage to the bridge crossing the Yackandandah Creek Bridge on the Kiewa Valley Highway. There is currently a detour around the site along Lindsay Road and the Yackandandah – Wodonga Road.

Lindsay Road has a T-intersection and is not designed to carry the volumes that it is presently experiencing. There are legitimate concerns that the increased volume of traffic is a safety concern.

The Highway is a Vic Roads responsibility and the present detour affects residents of the Indigo Shire as well as residents and tourists visiting Dederang, Mount Beauty, Falls Creek and surrounds.

This issue has been raised on a number of occasions since the flood and prevailing belief is that the necessary repairs are being unnecessarily delayed. To support our community and those people passing through it we should take the opportunity to advocate for the repair of the bridge sooner than later.

**Cr Larry Goldsworthy**

**Signature:**

**Date: Thursday 3 March 2011**

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**Moved: Cr Gaffney**

**Seconded:**

**That the Indigo Shire Mayor, on behalf of council write to the relevant Minister of the Victorian State Government asking why there is such a delay in conducting these works and when will the bridge be repaired.**

**Lapsed**

**Moved: Cr Goldworthy**  
**Seconded: Cr Croucher**

**That the Indigo Shire Mayor, on behalf of council write to the relevant Minister of the Victorian State Government requesting that the Yackandandah Creek Bridge on the Kiewa Valley Highway be repaired as soon as possible.**

**Unanimously Carried**

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

**15.1 CR POCKLEY - MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Feb	10.30am	Meeting with purchaser consortium of Ovens & Murray Hospital, Beechworth	Beechworth
	4pm	Council Briefing Meeting	Yackandandah
3-Feb	11am	Meeting with constituent	Beechworth
	12.30pm	Rostrum	Albury
	7pm	Introduction of Canon Malcolm Halford as Rector	Yackandandah
4-Feb	10am	North East Local Government Networking Meeting	Wangaratta
5-Feb	9am	Meeting with Wahgunyah constituents and view flood damage	Chiltern, Rutherglen & Wahgunyah
	11am	Beechworth Neighbourhood Centre Strategic Planning Workshop	Beechworth
	12pm	Flood Relief Service, Christ Church	Beechworth
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
9-Feb	7.15am	Business Continuity Workshop YCEN	Yackandandah
	6pm	Environmental Advisory Section 86 Committee Meeting	Wooragee
10-Feb	10.30am	Citizenship Ceremony	Beechworth
	6pm	Meeting with constituent	Yackandandah
13-Feb	6pm	Public Meeting	Stanley
14-Feb	10am	Weekly Meeting with CEO	Beechworth
	2.30pm	Meeting with Beechworth ratepayer	Beechworth
15-Feb	7.15am	Business Continuity Workshop YCEN	Yackandandah
	4pm	Council Briefing Meeting	Yackandandah
16-Feb	10.30am	Visit Wodonga Pound	Wodonga

## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

17-Feb	12.30pm	Rostrum	Albury
	3pm	Indigo Heritage Advisory Section 86 Committee Meeting	Chiltern
21-Feb	10am	Weekly Meeting with CEO	Beechworth
22-Feb	4pm	Council Briefing Meeting	Yackandandah
	7pm	YCEN Committee of Management Meeting	Yackandandah
25-Feb	12pm	Council Office Project Workshop	Beechworth
28-Feb	10am	Weekly Meeting with CEO	Beechworth
	11.30am	Meeting with CEO of WAW Credit Union Peter Challis	Beechworth
	5.30pm	Beechworth Neighbourhood Centre Committee of Management Meeting	Beechworth

**15.2 CR GAFFNEY – DEPUTY MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Feb	4pm	Council Briefing Meeting	Yackandandah
2-Feb	8.30am	Planning Meeting	Tangambalanga
	4pm	Finance Committee Meeting	Beechworth
3-Feb	12.30pm	Rostrum	Albury
4-Feb	9.30am	Indigo Tourism Advisory Committee Meeting	Chiltern
5-Feb	9am	Farmers Market	Beechworth
7-Feb	7pm	Presentation to the Beechworth Neighbourhood Watch Centre	Beechworth
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
14-Feb	2.30pm	Meeting with La Trobe	Beechworth
15-Feb	4pm	Council Briefing Meeting	Yackandandah
21-Feb	9am	Tour of La Trobe	Beechworth
22-Feb	11.15am	Meeting with CEO	Beechworth
	4pm	Council Briefing Meeting	Yackandandah
23-Feb	7pm	Neighbourhood Watch Meeting	Wooragee
25-Feb	12pm	Council Office Project Workshop	Beechworth
27-Feb	1pm	Flood Fundraiser	Yackandandah

**15.3 CR GRAHAM**

DATE	TIME	FUNCTION/EVENT	LOCATION
7-Feb	10am	Road Safety Forum	Yarrowonga
	1.30pm	Heritage Society Annual General Meeting	Rutherglen
	7.30pm	RSL Annual General Meeting	Rutherglen
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
9-Feb	3pm	Meeting with Ratepayer	Rutherglen
11-Feb	9.30am	Murray Darling Association Meeting	Wodonga
14-Feb	All Day	Road Safety Forum	Melbourne
15-Feb	8am	RACV Road Safety Forum	Melbourne
	2pm	Department Veterans Affairs Welfare Meeting	Melbourne
17-Feb	12pm	North East Road Safety Meeting	Wangaratta
21-Feb	1.30pm	Indigo Disability Advisory Committee Meeting	Yackandandah
22-Feb	1.30pm	Indigo North Health Meeting	Chiltern
23-Feb	11am	Waste Management Group Meeting	Melbourne
24-Feb	10am	Meeting with Local Member, Tim McCurdy	Rutherglen
	5pm	MAV Presidential Candidates Forum	Benalla

**15.4 CR GOLDSWORTHY**

<b>DATE</b>	<b>TIME</b>	<b>FUNCTION/EVENT</b>	<b>LOCATION</b>
1-Feb	4pm	Council Briefing Meeting	Yackandandah
4-Feb	4pm	Finance Committee Meeting	Beechworth
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
10-Feb	3pm	MAV North East Delegates' Meeting	Benalla
11-Feb	10am	Timber Towns General Meeting	Melbourne
13-Feb	6.30pm	Stanley Community Post Office Meeting	Stanley
14-Feb	7.30pm	Baarmutha Park Committee Meeting	Beechworth
15-Feb	4pm	Council Briefing Meeting	Yackandandah
17-Feb	6.15pm	Wodonga Athletic Club Annual Handicap Run	Wodonga
22-Feb	4pm	Council Briefing Meeting	Yackandandah
25-Feb	12pm	Council Office Project Workshop	Beechworth

**15.5 CR ISSELL**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Feb	4pm	Council Briefing Meeting	Yackandandah
4-Feb	8am	Murray to Mountains Rail Trail Meeting	Beechworth
4-Feb	10am	Meeting with Senior Manager	Beechworth
4-Feb	11am	Official Launch Emergency Market Project	Beechworth
7-Feb	5pm	Burke Museum Planning Workshop	Beechworth
8-Feb	7.15am	Business Workshop	Beechworth
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
9-Feb	6pm	Environmental Advisory Committee Meeting	Wooragee
10-Feb	11am	Murray Arts	Wodonga
11-Feb	9.30am	Murray Darling Association Meeting	Wodonga
11-Feb	4pm	Meeting with CEO	Beechworth
13-Feb	6pm	Community Meeting re: Post Office	Stanley
15-Feb	4pm	Council Briefing Meeting	Yackandandah
16-Feb	7.15am	Business Workshop	Beechworth
22-Feb	4pm	Council Briefing Meeting	Yackandandah
25-Feb	9.30am	Community Strengthening Meeting	Beechworth
	12pm	Council Office Project Workshop	Beechworth

**15.6 CR MURDOCH**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Feb	4pm	Council Briefing Meeting	Yackandandah
2-Feb	4pm	Finance Committee Meeting	Beechworth
4-Feb	1.30pm	MAV Professional Development Committee Meeting	Melbourne
7-Feb	11am	2030 Vision Meeting	Yackandandah
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
9-Feb	9.15am	Business Continuity Course	Rutherglen
10-Feb	10.30am	Citizenship Ceremony	Beechworth
11-Feb	10am	Murray Darling Association Meeting	Wodonga
15-Feb	4pm	Council Briefing Meeting	Yackandandah
22-Feb	4pm	Council Briefing Meeting	Yackandandah
23-Feb	5pm	MAV Presidential Candidates Forum	Benalla
25-Feb	12pm	Council Office Project Workshop	Beechworth
27-Feb	9am	Chiltern Market	Chiltern

**15.7 CR CROUCHER**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Feb	4pm	Council Briefing Meeting	Yackandandah
2-Feb	9am	Meeting with constituent	Red Bluff
	2pm	Meeting with Chris Westwood	Kiewa
3-Feb	12.30pm	Rostrum	Albury
	7pm	Induction of Canon Malcolm Halford as Rector	Yackandandah
4-Feb	9.30am	Indigo Tourism Advisory Committee Meeting	Chiltern
5-Feb	7pm	ACMI Movie	Tangambalanga
7-Feb	11am	2030 Vision Meeting	Yackandandah
8-Feb	2pm	Council Briefing Meeting	Stanley
	3pm	Council Meeting	Stanley
	6.30pm	Community Forum	Stanley
10-Feb	10.30am	Citizenship Ceremony	Beechworth
	12pm	Meeting with Kergunyah Hall Committee	Kergunyah
11-Feb	2pm	Meeting with Beechworth Health	Beechworth
	3pm	Meeting with CEO	Beechworth
14-Feb	9am	Presentation of SRC Badges Kiewa Valley Primary School	Kiewa Valley
15-Feb	4pm	Council Briefing Meeting	Yackandandah
17-Feb	12.30pm	Rostrum	Albury
18-Feb	3pm	Indigo Heritage Advisory Committee Meeting	Chiltern
22-Feb	9.30am	Upper Murray Regional Library Meeting	Wodonga
	4pm	Council Briefing Meeting	Yackandandah
23-Feb	6.30pm	Official Launch Albury Wodonga Carers Association	Albury
24-Feb	10am	Junior Council Meeting	Yackandandah



## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

25-Feb	12pm	Councillor Office Project Workshop	Beechworth
27-Feb	12pm	Lions Youth of the Year Zone Final	Albury

**Moved: Cr Gaffney**  
**Seconded: Cr Croucher**

**That Council move into confidential session.**

**Unanimously Carried**

16.0 CONFIDENTIAL

16.1 PLANNING APPLICATION VCAT HEARING

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

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



.....  
**Brendan McGrath**

**CHIEF EXECUTIVE OFFICER**

**8 March 2011**

16.2 EXTERNAL MANAGEMENT CONTRACT

File No.: **Mark Greene – Civil Works and Waste Management Coordinator**

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**

**8 March 2011**

**17.0 GENERAL BUSINESS**

<b>COUNCILLOR</b>	<b>ITEM</b>
Cr Croucher	<p><b>Fruit Fly Issue</b> Cr Croucher asked if council is liaising with other parts of the shire in respect to the fruit fly issue. The CEO responded this comes under the jurisdiction of Department Primary Industries who have attended Indigo Shire community forums in the past. Cr Pockley asked if fallen fruit from trees on council land can be removed. CEO responded yes.</p>
Cr Gaffney	<p><b>Beechworth Neighbourhood Centre</b> Approximately six months ago Beechworth Neighbourhood Centre were presented with a cheque to assist with renovations. Mark Florence advised that an application has been lodged with Council and the building permit will be issued within the next week.</p>
Cr Pockley	<p><b>Request for extension to Rutherglen pool hours</b> David Koren, Manager Community Planning will make contact with Mark Eltringham to discuss a possible extension for the upcoming pool season as part of the budget process. Cr Goldsworthy suggested if an extension is approved that it should be considered for all pools within the shire.</p>

**Moved: Cr Issell  
Seconded: Cr Croucher**

**The following motion relates to business discussed during the confidential session:**

**That Council approve the proposed legal process and associated costs which will be incurred in relation to the upcoming VCAT hearing for the Chiltern Quarry.**

**Unanimously Carried**

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

**The following motion relates to business discussed during the confidential session:**

**That Council approve the sale of assets not required by Indigo Shire Council that have formed part of our East Gippsland's Transfer Station operations, to East Gippsland Shire Council.**

**Unanimously Carried**



## ORDINARY COUNCIL MEETING MINUTES – 8 MARCH 2011

**Meeting Concluded:** 4.45pm  
**Next Meeting:** Tuesday 12 April 2011 at 3pm  
Supper Room, Beechworth