

## ORDINARY COUNCIL MEETING MINUTES – 12 JULY 2011

***Mission Statement:***

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

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**TO BE HELD:** Tuesday 12 July 2011 at 3pm

**LOCATION:** Sandy Creek Hall, Sandy Creek

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**REQUIRED TO ATTEND:** Councillors: Senior Management/Officers

Ali Pockley – Mayor

Bernard Gaffney – Deputy Mayor

Peter Croucher

Larry Goldsworthy

Vic Issell

Barbara Murdoch

Peter Graham

Brendan McGrath – CEO

Andre M Kompler

Mark Florence

Greg Pinkerton

Robert Uebergang

David Koren

Katie Rizzuto

Frank Bonacci

**APOLOGIES:** Nil.

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***Vision Statement:***

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

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## 1.0 WELCOME

The Mayor welcomed all those in attendance.

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

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

## 3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil.

## 4.0 DECLARATION OF CONFLICT OF INTEREST

The Chief Executive Officer declared an indirect conflict of interest in respect to Item 11.2 because of conflicting duties. The nature of this conflict has been provided to the Mayor in writing.

Cr Murdoch declared an indirect conflict of interest in relation to Item 17.3 Chiltern Quarry as she is a Director of North East Water.

## 5.0 OPEN FORUM

Janelle Peacock raised questions regarding Item 11.1 Planning Permit Application PP1100-65 as follows:

- Had consideration been made that the land had actually had a non agricultural building on it for 100 years prior to being demolished. Mark Florence responded by advising that the application is assessed against the provisions of the current planning scheme requirements and zoning. Whilst history has some relevance, the primary attention in assessment is focused on current legislation and provisions.
- Notifying the applications to which Mark Florence responded that any application needs to be assessed as to whether neighbours/other parties may be affected as part of a “material detriment” test. An assessment of that test will determine if neighbours and others are notified.
- There was no mention of contact made with other statutory authorities. Mark Florence advised that referral to statutory authorities was considered and Vic Roads was formally notified. Other authorities were not considered necessary to notify. Formal response from Vic Roads was only received after the report to the Council meeting was completed and submitted.
- Do Councillors consider outcomes for both for and against claims that go to VCAT or only those in favour. Mark Florence advised that Officers provide to Councillors their own professional advice based on their assessment against the planning scheme requirements and Council policies. This advice includes cases from VCAT which are relevant.

Cr Croucher advised that due to school holidays there will be no Junior Council speaking at today's Council Meeting.

**6.0 CONDOLENCES**

Nil.

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

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

**That the Special Council Minutes from 28 June 2011 be confirmed.**

**Unanimously Carried**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**9.0 DEPUTATIONS AND PETITIONS**

Nil.

**Moved: Cr Gaffney  
Seconded: Cr Murdoch**

**That Item 17.1 be moved from confidential to open Council and Section 89 (2) of the Local Government Act does not apply in this instance.**

**Lost**

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

## 10.0 CORPORATE SERVICES

### 10.1 FINANCE REPORT – MAY 2011

File No.: 09/647 – Frank Bonacci – Finance Manager

For Decision

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

**That these reports are for information only rather than receiving and noting.**

**Unanimously Carried**

#### RECOMMENDATION

It is recommended that Council receive and endorse the Finance Report for May 2011.

#### DISCUSSION

##### **YTD Result**

The May 2011 Year to Date (YTD) result in the attached reports has been compared against the YTD forecasts prepared at the March quarterly review. The May YTD result shows a favourable variance of \$136,154. A review of this variance shows that it is mainly due to the timing of some items but does also include some permanent items.

##### **Noteworthy Items – Temporary**

The largest timing items that impact upon this variance include \$65k contract service cost for the crushing works at the quarry which was planned for May but happened in June; \$49k in delayed contract services spend within the Community Strengthening project, Youth Services and Bushfire Response Gift project; invoice not yet received for line marking (\$20k); and mulching contract services work for waste sites (\$15k). These were in turn offset by the sale of recycle metals income (\$19k) planned for May but delayed to June and the late receipt of \$21k in Operating Grants.

##### **Noteworthy Items – Permanent**

Permanent items that have impacted upon this YTD variance include additional VCAT hearing costs (\$34k); additional employee costs (\$30k) for FBT costs and Museum & Historic sites; lower than forecast VIC membership and sales income (\$10k). These are in turn offset by permanent savings of \$25k in contract service costs for the development of Asset Management Plans (as more work was performed in-house).

##### **Cash Position**

Council's Cash position as at 31 May 2011 remains strong at \$4.4 million. This is expected to remain fairly constant by year end with the recent notification from the Victorian Grants Commission that 25% (\$1.05 million) of next years funding is to be paid in June 2011.

### Capital Works Expenditure

The YTD Capital Works spend as at 31 May 2011 is \$7.04 million which indicates that Council remains on track for another year of solid capital works completion.

Attachments:  
Profit and Loss Report to 31 May 2011  
Department By Business Unit Report for May 2011  
Cash & Investment Report as at 31 May 2011

## 11.0 SUSTAINABLE COMMUNITIES

### 11.1 PLANNING PERMIT APPLICATION PP11-0065 (J & J PEACOCK/BLEUPRINT PLANNING)

#### Town Planner

#### For Decision

Moved: Cr Croucher  
Seconded: Cr Issell

That the Planning Application PP11-0065 to use and develop Crown Allotment 8A Section 15A Parish of Baranduda for the purposes of a dwelling be granted subject to the conditions that have been provided.

Unanimously Carried

#### SUMMARY

**Application No:** PP11-0065  
**Applicant:** J & J Peacock C/- Blueprint Planning  
**Subject Land:** Crown Allotment 8A Section 15A Parish of Baranduda, Wodonga-Yackandandah Rd, Staghorn Flat  
**Subject site land area:** 2.055 hectares  
**Proposal:** Dwelling  
**Recommendation:**

That Planning Application PP11-0065 to use and develop Crown Allotment 8A Section 15A Parish of Baranduda for the purposes of a dwelling be refused because:

- 1) The application is inconsistent with the objectives of Clauses 11.05-3 (*Rural Productivity*) and 14.01-1 (*Protection of Agricultural Land*) of the State Planning Policy Framework.
- 2) The application is inconsistent with the Key Issues identified in the Municipal Strategic Statement at Clause 21.02.
- 3) The application is inconsistent with the objectives of the Local Planning Policies at Clause 22.01-2 (*Rural Dwelling Siting and Design Guidelines*) and Clause 22.02-2 (*Land Use, Development and Subdivision in Rural Areas*).
- 4) The application is inconsistent with the purposes of the Farming Zone, in particular the decision guidelines in relation to agriculture and dwelling issues.
- 5) The development and use is not associated with any genuine intensive agriculture and/or rural production, and the proposal will not facilitate the agricultural use of land

## PROPOSAL

- The application seeks approval to use and develop Crown Allotment 8A Section 15A Parish of Baranduda for the purpose of a dwelling.

The subject land, the site of the former Staghorn Flat Primary School, was sold into private ownership in 1997. At the time of its sale a planning permit had been granted under the provisions of the Yackandandah Planning Scheme for a dwelling. This permit subsequently expired, and there have been no subsequent permit applications. In addition, there have been no improvements made to the land to facilitate its use for dwelling purposes.

The subject land has been identified as being of moderate to high agricultural capability as part of the North East Catchment Management Authority Land Resource Assessment (2002), due in part to its proximity to the Yackandandah Creek floodplain to the east.

The character of the surrounding area can be described as open farmland used for broad acre agriculture which is predominantly cattle grazing. Holding sizes range from approximately 1 ha to 326 ha with an average lot size of approximately 45 ha. Dwellings on surrounding properties are generally located comparatively close to the Wodonga-Yackandandah Road, and historic development patterns associated with the Staghorn Flat settlement (such as the former general store) belie the underlying character of the area. The land depicts a distinct rural character of broad acre grazing and is therefore appropriately zoned "Farming Zone".

## ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

The purposes of the Farming Zone are to:

- provide for the use of land for agriculture.
- encourage the retention of productive agricultural land.
- ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The decision guidelines of the Farming Zone relating to agricultural issues require the Responsible Authority to consider:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The decision guidelines of the Farming Zone relating to dwelling issues require the Responsible Authority to consider:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Overlay/s: None applicable

Permit Trigger: A planning permit is required under the provisions of the Farming Zone to use and develop land for the purposes of a dwelling on land less than 40 hectares in area. A planning permit is also required to create or alter access to a Road Zone, Category 1

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

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

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

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

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

## **STATE PLANNING POLICY**

### **10 Operation of the State Planning Policy Framework**

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to take into account and give effect to in planning and administering their respective areas. It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

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

#### 11.05-3 Rural Productivity

The objective of this clause is 'To manage land use change and development in rural areas to promote agriculture and rural production'. Specific strategies to achieve this include:

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas, including:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
  - Restructure old and inappropriate subdivisions.

This clause also acknowledges that dwellings on small lots in the Farming Zone can be incompatible with rural productivity, and goes so far as to state that development of isolated small lots in the rural zones for single dwellings should be discouraged.

#### 14.01-1 Protection of Agricultural Land

The objective of this Clause is 'To protect productive farmland which is of strategic significance in the local or regional context' with the first strategy being to 'Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes to land use.

#### 16.02-1 Rural residential development

The objective of this Clause is 'To identify land suitable for rural living and rural residential development.' Specific strategies to achieve this include:

- Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.
- Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.
- Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:
  - Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
  - Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
  - Minimising or avoiding property servicing costs carried by local and State governments.
  - Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.

## LOCAL PLANNING POLICY FRAMEWORK

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

### Municipal Strategic Statement

Relevant clauses of MSS include:

#### 21.02 Key Issues

The key issues related to land use planning as identified in consultation with the community are:

- Settlement and infrastructure
- The range of opportunities provided within the Shire for alternative residential lifestyles (both urban and rural) to those offered by nearby Albury -Wodonga and/or Wangaratta.
- The strong demand for rural living particularly in attractive areas in easy commuting distance to Albury/Wodonga.
- The need to encourage population growth to take place in the towns serviced by reticulated infrastructure to maximise existing infrastructure investment. This will create focussed demand for infrastructure improvement as well as improving and extending the range of goods, services, amenities and job opportunities within towns.
- The need to support rural living opportunities throughout the Shire in appropriate locations in particular the Yackandandah Valley (Allans Flat), Beechworth and Barnawartha areas.

#### 21.04-2-1 Agriculture

Pressure for housing development on existing Crown Allotments within the rural area is identified as an issue affecting agriculture in Indigo Shire, the objective being that the use and development of rural land is both compatible and complementary to agricultural activities. A specific strategy contained in this Clause is as follows: 'Direct rural living and hobby farming developments into established and/or fragmented areas around Allan's and Osborne's Flat, Wooragee, Fighting Gully and Barnawartha. To achieve this strategy the Rural Living Zone has been applied to the identified areas and provides clear direction for Council's settlement strategy.

### Local Planning Policies

#### 22.01-2 Rural Dwelling Siting & Design Guidelines

This policy builds on the MSS objectives and strategies in Clause 21.04.2-1 relating to the development of rural land. The development of rural land for rural living opportunities has been a major element of development in the Shire and has facilitated not only a variety of lifestyle choices but also, in many cases, more intensive use of agricultural land and/or better environmental management of land. The design and siting of dwelling houses needs to take into account the potential impact on existing agricultural activities as well as the visual quality of the rural landscape. The following are objectives identified as part of this policy:

- To ensure that dwellings in rural areas are compatible with:
  - the environmental characteristics of the area; and
  - existing and surrounding agricultural land uses.
- To ensure that appropriate infrastructure is provided.
- To ensure the character and visual quality of rural landscapes is not prejudiced by inappropriate development.
- To encourage the identification of site opportunities and constraints so as to maximise development opportunities.

This policy outlines a number of standards to help quantify the above objectives such as ensuring dwellings are located a minimum of 100m from waterways etc.

#### 22.01-2 Dwellings on Existing Small Rural Allotments

This policy, while currently existing in the Indigo Planning Scheme, is proposed to be removed as part of Amendment C24, presently with the Minister for Approval, and as such is a seriously entertained amendment to the Indigo Planning Scheme. This policy reiterates the above in that it states dwellings should not be located within 15m of a property boundary or 100m to a waterway.

#### 22.02-2 Land Use, Development and Subdivision in Rural Areas

This policy applies the objectives the SPPF to local circumstances and implements the MSS objectives in relation to the use and development of rural land. The use, development and subdivision of rural land needs to take into account the constraints and opportunities provided by the site, as well as the infrastructure and servicing requirements of the development.

#### 22.03-4 Effluent disposal and water quality

This policy applies to development that cannot be serviced by reticulated sewerage. This policy:

- implements the water supply, sewerage and drainage objective of the SPPF; and
- builds on the MSS objectives and strategies relating to the sustainable management of the Shire's natural resource base, in particular water quality.

It is policy that proposals are assessed against the following performance measures as appropriate:

- All effluent disposal systems and irrigation fields should be located at least 100 metres from any waterway including ephemeral streams and permanent water bodies (Discretion to reduce this setback is available where topographic constraints would reduce the risk of discharge of wastewater to a watercourse);
- Development proposals should clearly demonstrate that such use and development will not adversely affect the water quality in any stream or watercourse.

## **PARTICULAR PROVISIONS**

52.29 Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road

## **GENERAL PROVISIONS**

### **65 Decision Guidelines**

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

65.01 Approval of an application or plan

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

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

#### REFERRAL AUTHORITIES

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

##### VicRoads

To date, a response has not been received from VicRoads. The consultant acting on behalf of the applicant has requested Council make a decision on the matter without further delay and as such a response was not pursued prior to reporting the matter to Council. As the proposal is not considered to represent an acceptable outcome and is being reported to Council with a recommendation for refusal the response is not required from VicRoads at this stage. Should Council decide to approve the application, it will first be necessary to defer the decision and seek comment from VicRoads.

#### PUBLIC NOTICE

Similarly as with the Section 55 referral to VicRoads (above), due to the applicant requesting Council make a decision on the matter without further delay, adjoining owners and occupiers were not notified of the application. Again, should the matter proceed, the material detriment test will be applied and if necessary the application will be notified.

#### DISCUSSION

The subject land, the site of the former Staghorn Flat Primary School, was sold into private ownership in 1997. At the time of its sale a planning permit had been granted under the tenement provisions of the Yackandandah Planning Scheme for a dwelling. This permit subsequently expired, and there have been no subsequent permit applications. In addition, there have been no improvements made to the land to facilitate its use for dwelling purposes.

The intention of Victorian planning legislation is not to 'warehouse' planning permits. Permits are issued for a limited time period. "A person who has been granted a permit should recognise that development rights do not necessarily run forever and that circumstances change." (Using Victoria's Planning System, Department of Infrastructure, 2002). This is particularly the case when a Planning Scheme is superseded or a Zone is changed. It is contended therefore that despite a permit having issued under the previous Yackandandah Planning Scheme, it has no bearing on the current application, which must necessarily be assessed under the provisions of the current Indigo Planning Scheme.

The application has failed to demonstrate that the proposal will provide for the use of the land for agriculture, nor will the proposed dwelling protect or enhance natural resources of the area. While it is acknowledged the subject land has low agricultural productivity potential due to its size when viewed as a stand-alone allotment, it does not necessarily follow that the only acceptable other use of the land is for the purpose of a dwelling.

To dismiss concerns about agricultural capability due to the small area of the subject land and deem the proposal as being acceptable purely on this basis would undermine the strategic policy and direction of the Indigo Planning Scheme. Unfortunately, due to the large amount of fragmentation of land across the Shire and the numbers of existing small allotments, the removal of progressively more of these lots from agricultural production will result in eventual conversion of land to unplanned rural living purposes. In addition, the mere existence of small lots across the Shire does not provide justification for approval of a dwelling, especially when the current provisions of the planning scheme are clear in their direction in this regard.

The application has failed to respond to the site and its context as it has not demonstrated that default setbacks in relation to the location of the dwelling to boundaries and drainage lines can be met. Consequently the proposal is inconsistent with the objectives, strategies and performance measures of local policy at Clause 22.01-2 *Rural Dwelling Siting and Design Guidelines*, Clause 22.02-2 *Land Use, Development and Subdivision in Rural Areas*, and Clause 22.03-4 *Effluent Disposal and Water Quality*.

In addition to the above, the current application is inconsistent with the provisions of the Farming Zone, including agricultural issues, environment issues and dwelling issues, such as that the dwelling is not reasonably required for the operation of the agricultural activity conducted on the land.

#### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Since the introduction of the re-formatted SPPF in September 2010, there have been a number of cases that have some relevance to this application and in particular:

- the appropriateness of dwellings in the context of the Farming Zone as well as State and local policies;
- the appropriateness of using the provisions of the Farming Zone to create de-facto Rural Living areas, and;
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case ***Benham v Greater Geelong CC [2011] VCAT 722 (27 April 2011)*** the Tribunal concluded that:

*“On reviewing the Planning Scheme’s policies, there is no doubt that they send out a clear and unambiguous message that productive agricultural land is to be protected from inappropriate use and development. This would include dwellings not required to facilitate the use of the land for farming. Clause 11.05-3 supports the notion of limiting new housing in rural areas. It discourages the development of isolated small lots in the Rural Zone for use as single dwellings and rural living.”*

Member Cimino went on to say that:

*“Dwellings on small parcels of land intermixed with properties where genuine farming is undertaken can give rise to a high potential for conflict between adjoining landowners who have different expectations. Further, if farmland is given over to residential or rural lifestyle use it has two consequences. First, high quality land is being taken out of agricultural production. Secondly, it can have the dis-benefit of inflating the value of that land.”*

In the case of **Strachan v Latrobe CC [2011] VCAT 764 (2 May 2011)**, the Tribunal stated that:

*“...the character of the area (including its existing small lots) should not be determinative.”*  
*...there is no doubt that this site and all surrounding land are zoned Farming and much of the surrounding land is used for agricultural activities. I am not persuaded the context of this area is a rural residential context.”*

In the case of **Austin v South Gippsland SC [2011] VCAT 849 (11 May 2011)** the Tribunal upheld Council’s decision to refuse an application for a dwelling on a 2.139ha lot in the Farming Zone, saying:

*“There is nothing that would physically prevent the review site being able to be used for agricultural purposes even though it is not intensively used in this manner today by the current owner. The proposal is solely for rural living purposes with no intent expressed by the Applicant to achieve an improved agricultural outcome...”*

In the case of **Turner v Northern Grampians SC [2011] VCAT 1103 (14 June 2011)** where the Tribunal affirmed the decision of the Responsible Authority and commented that:

*“I accept that the land is already separately owned and construction of a new dwelling will not result in further fragmentation of productive agricultural land, although it may prevent the land being used as part of a larger farming enterprise.”*

Member Bennett also went on to say:

*“...there is no justification for permitting a dwelling on this small rural lot well removed from any townships and not in an area designated in the Planning Scheme for hobby farm or rural lifestyle development.”*

## CONCLUSION

The State Planning Policy Framework was amended in September 2010 and as a result, from the clauses outlined above, there is a greater emphasis on challenging the conversion of productive agricultural land to non-agricultural uses. The local provisions of the Indigo Planning Scheme outlined above, similarly aim to build on this direction and to retain the value of agricultural land. There is no expectation that a dwelling should be permitted on every existing under-sized allotment within a rural area and without a planning permit for a dwelling, it is unlikely that the parcel of land would change hands.

The provisions of the Farming Zone, at Clause 35.07 combined with the objective and implementation actions of Clause 11.05-3 of the SPPF (relating to Rural productivity), impose a requirement to protect the State’s agricultural base from the loss of high quality productive agricultural land, and the VPP Practice Note on the application of the rural zones reinforces the expectation that a non-farming use will only be permitted if it has a functional nexus with the agricultural use on the land and that decisions will be made in favour of protecting and supporting farming.

In this regard the Responsible Authority is clearly required to consider the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

- 
- In addition to the issues outlined regarding the use of a small lot in the FZ for the purpose of a dwelling, there is doubt surrounding the present application whether or not the land is capable of satisfying policy setbacks required by the planning scheme in relation to the development. If the land cannot be developed in accordance with policy, it is clearly inappropriate to use the land for the purpose proposed.
- 
- The land has the potential to be used for agriculture at present without the need for a dwelling as proposed. In this regard, it is more likely to be used for agricultural production without a dwelling being constructed on the lot. Having particular regard to the circumstances of the case, the orderly planning of the area, it is therefore recommended that the application should be refused in its current format.

Attachment:  
A – Locality plan and proposal

**11.2 COUNCIL’S 2011/2012 COMMUNITY GRANTS PROGRAM**

**File No.: 11/2787 – David Koren – Manager Community Planning**

*The Chief Executive Officer declared an indirect conflict of interest in respect to Item 11.2 because of conflicting duties. The nature of this conflict has been provided to the Mayor in writing.*

*The Chief Executive Officer departed the meeting at 3.52pm and returned at 3.53pm.*

**For Decision**

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

**That Council adopt the recommendations of the Indigo Shire Community Grants and Awards Advisory Committee regarding Council’s 2011/2012 Community Grants Program totalling \$47,500.00 as tabled below:**

<b>NO.</b>	<b>APPLICANT NAME</b>	<b>PROJECT DESCRIPTION</b>	<b>FUNDING RECOMMENDED</b>
<b>GENERAL COMMUNITY GRANTS</b>			
1	Barkly Park CoM	Upgrade electricity switch and meter board	\$1,500.00
2	Barnawartha Golf Club	Purchase of a suitable finishing mower	\$4,000.00
3	Barnawartha Netball Club	Purchase of portable shelter	\$430.00
4	Barnawartha Soldiers Memorial Hall	Supply and installation of stage curtains	\$2,000.00
5	Beechworth Community Childcare	Purchase play and learning equipment and outdoor stage for children’s plays	\$1,000.00
6	Beechworth Community Support	Training for welfare phone volunteers	\$750.00
7	Beechworth Exercise, Activity & Training	Purchase of Defibrillator	\$1,200.00

10	Beechworth Memorial Hall Committee	Supply and installation of carpet to the Supper Room	\$1,000.00
12	Beechworth RSL	Purchase folding chairs for the hall	\$570.00
15	Chiltern Bowling Club	Clubhouse improvements, OHS and security	\$900.00
16	Chiltern Mens Shed	Provide an all-weather access to the shed and adjacent toilets for disabled members	\$1,500.00
18	Chiltern Recreation Reserve CoM	Purchase of function room seating	\$2,000.00
19	Chiltern Rodeo Club	Fabricate portable steel fencing panels	\$500.00
20	Chiltern Valley Tennis Club	Repair tennis court	\$1,500.00
21	Destination Rutherglen	Supply of outdoor facilities- paved area, shade sails, Bike racks, seating & BBQ	\$1,400.00
22	Goramadda Public Purpose & Tourist Camping Reserve CoM	Supply and installation of split system and 'Bat-proofing' materials	\$3,000.00
25	Kergunyah Hall Committee	Supply and install curtains with fire ret treatment	\$2,000.00
27	Kiewa Memorial Park Reserve Committee	Supply and installation of tank overflow pipes with underground drainage	\$500.00
28	Kiewa Sandy Creek Football Club	Purchased used mower	\$2,000.00
29	Kiewa Sandy Creek Netball Club	Supply and installation of netball court seating	\$1,250.00
31	Middle Indigo Primary School	Purchase of community conference room facilities	\$900.00
32	Rutherglen Bowling Club	Purchase of chairs	\$1,000.00
34	Rutherglen Lions Club	Supply and installation of Hot water system, kitchen cabinet, sink and mixer tap and dishwasher	\$1,200.00
35	Rutherglen Mens Shed	Provide and install concrete paths	\$600.00
37	Rutherglen Park CoM	Purchase and installation of park seating	\$1,500.00
39	Stanley Rural Community Inc.	Purchases for Community Post Office - Computer, printer and accessories, lockable steel cupboard and display shelves	\$2,000.00
41	Willows Recreation and Camping Reserve	Purchase of mower	\$2,000.00

43	Yackandandah Bowling Club	Supply and installation of carpet in clubhouse	\$2,000.00
45	Yackandandah Community Education Network	Purchase of baby change table, TV and DVD player, skype cameras and headphones	\$500.00
48	Yackandandah Lions Club	Construction of new storage shed for BBQ trailer	\$2,000.00
50	Yackandandah Netball Club	Replacement of scorers and timekeepers shelter	\$1,000.00
		<b>TOTALS (General)</b>	<b>\$43,700.00</b>

**Unanimously Carried**

**RECOMMENDATION**

That Council adopt the recommendations of the Indigo Shire Community Grants and Awards Advisory Committee regarding Council's 2011/2012 Community Grants Program totalling \$47,500.00 as tabled below:

NO.	APPLICANT NAME	PROJECT DESCRIPTION	FUNDING RECOMMENDED
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10	Beechworth Memorial Hall Committee	Supply and installation of carpet to the Supper Room	\$1,000.00
12	Beechworth RSL	Purchase folding chairs for the hall	\$570.00

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15	Chiltern Bowling Club	Clubhouse improvements, OHS and security	\$900.00
16	Chiltern Mens Shed	Provide an all-weather access to the shed and adjacent toilets for disabled members	\$1,500.00
18	Chiltern Recreation Reserve CoM	Purchase of function room seating	\$2,000.00
19	Chiltern Rodeo Club	Fabricate portable steel fencing panels	\$500.00
20	Chiltern Valley Tennis Club	Repair tennis court	\$1,500.00
21	Destination Rutherglen	Supply of outdoor facilities- paved area, shade sails, Bike racks, seating & BBQ	\$1,400.00
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29	Kiewa Sandy Creek Netball Club	Supply and installation of netball court seating	\$1,250.00
31	Middle Indigo Primary School	Purchase of community conference room facilities	\$900.00
32	Rutherglen Bowling Club	Purchase of chairs	\$1,000.00
34	Rutherglen Lions Club	Supply and installation of Hot water system, kitchen cabinet, sink and mixer tap and dishwasher	\$1,200.00
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43	Yackandandah Bowling Club	Supply and installation of carpet in clubhouse	\$2,000.00
45	Yackandandah Community Education Network	Purchase of baby change table, TV and DVD player, skype cameras and headphones	\$500.00

48	Yackandandah Lions Club	Construction of new storage shed for BBQ trailer	\$2,000.00
50	Yackandandah Netball Club	Replacement of scorers and timekeepers shelter	\$1,000.00
		<b>TOTALS (General)</b>	<b>\$43,700.00</b>

	<b>ARTS AND CULTURE GRANTS</b>		
1	Chiltern Athenaeum Trust	Re-mount three paintings	\$300.00
4	Yackandandah Historical Society	To convert old recordings to digital format	\$1,000.00
		<b>TOTALS (Arts)</b>	<b>\$1,300.00</b>
		<b>TOTALS (General and Arts and Culture)</b>	<b>\$45,000.00</b>
	<b>YOUTH INITIATIVES GRANTS</b>		
1	Beechworth First Scout Group	Supply and installation of signboard and Leader Training	\$600.00
	Beechworth-Murम्ungee Pony Club	Purchase of safety and sporting equipment	\$600.00
2	Beechworth Theatre Company	To fund 'Performing Live' program	\$700.00
3	Yackandandah First Scout Group	Upgrade of storeroom	\$600.00
		<b>TOTALS (Youth)</b>	<b>\$2,500.00</b>
		<b>GRAND TOTAL</b>	<b>\$47,500.00</b>

### INTRODUCTION

As part of the 2011/2012 Budget process, Council allocated the following funds for community groups and committees:

- |    |  |           |
|----|--|-----------|
| 1. | Council's Community Grants – General and Arts and Cultural | \$45,000  |
| 2. | Council's Community Grants – Youth Initiatives             | \$ 2,500  |
| 3. | Asset Maintenance Grants                                   | \$149,700 |

Council has delegated the assessment of Council's Community Grants Program to the Indigo Shire Community Grants and Awards Advisory Committee (ISCGAAC). This Committee assesses all applications based on the appropriate criteria and then recommends to Council how the funds should be distributed.

BACKGROUND

Applications for the 2011/2012 Program closed on 8 June 2011. All applications were assessed by ISCGAAC at its meeting on the 20<sup>th</sup> June 2011 and the recommendations for funding through this Program are detailed in this report. A more detailed summary of the applications, which includes details of the project, applicant contributions and comments from ISCGAAC are contained in the attachment to this report.

KEY IMPLICATIONS

Council received fifty-eight (58) applications under the Program requesting grants totalling \$141,022 for projects valued at \$255,460. These figures were very similar to last year. In general, the majority of applications requested funding in the range of about \$500 to \$4,000.

The Committee have recommended that Council provide funding to **thirty-seven (37)** of the applications. It was also recommended that several applications be referred to more appropriate funding sources such as State government opportunities and the Foundation for Rural and Regional Renewal (FRRR).

It should be noted that several of the recommendations from ISGCAAC were not for the full amount requested in the application or had some conditions attached. In most cases the decision to reduce the grant requested was based on the Committee’s desire to see as many good projects receive funding as possible. It is also important to note that the Committee, when reducing the amount of the grant, were confident that the project could still be completed and provide positive benefits to the applicant body and the community.

FINANCIAL IMPLICATIONS

The following table details the applications for funding and the allocations recommended:

<b>Grants Program</b>	<b>Total Number of Applications</b>	<b>Total Number Funded</b>	<b>Amount Funded \$</b>
Council Community Grants – General	51	32	\$43,700.00
Council Community Grants – Arts and Culture	4	2	\$1,300.00
Council Community Grants – Youth Initiatives	3	3	\$2,500.00
<b>TOTALS</b>	<b>58</b>	<b>37</b>	<b>\$47,500.00</b>

As mentioned previously in this report, Council has made a financial commitment in its 2011/2012 budget to fund this Program and the Asset Maintenance Grants Program which will provide \$149,700 to seventy-one (71) committees managing community facilities throughout the Shire.

### POLICY IMPLICATIONS

The funding Program is guided by Council's Community Grants Program Policy and is consistent with the Council Plan Objectives 4.1 – Effective and efficient service delivery, 4.6 – Enhance the health and wellbeing of the community and Objective 4.8 - Empowering our communities, specifically the Action to: Provide resources to assist the community to implement their priorities.

### CONCLUSION

It has been Council policy for ISCGAAC to review all applications under Council's Community Grants Program and make recommendations to Council on which applications should receive funding assistance. This procedure was followed for the 2011/2012 Program and the recommendations from ISCGAAC to Council are contained in this report.

Attachment:  
2011-2012 Community Grants ISCAAGC recommendations

### 11.3 COULSTON PARK MASTERPLAN

File No.: 10/2666 – David Koren – Manager Community Planning

For Decision

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

**That Council adopt the final draft of the Coulston Park Masterplan.**

**Unanimously Carried**

#### RECOMMENDATION

**That Council adopt the final draft of the Coulston Park Masterplan.**

#### INTRODUCTION

In 2010 Council secured funding to develop a Masterplan for Coulston Park in Tangambalanga. The Plan will be the key driver in assisting Council and the Tangambalanga community plan for future recreational and social needs.

The Draft Plan was placed on public exhibition in February/March inviting comment and feedback from the community until the closing date on 22 March 2011. Additional time was then allocated to the consultation process due to location issues with the Tangambalanga skate park.

This report presents the final draft of the Coulston Park Masterplan and recommends adoption of the Plan by Council.

#### BACKGROUND

Council and the community recognised the need to develop a Masterplan for Coulston Park, a project listed in the Indigo Shire Recreation Plan adopted by Council in March 2008.

Council secured funding to develop the Plan in 2010 and, following consultation with the Coulston Park Committee of Management and user groups, completed the first Draft which was presented to Council at its February 2011 meeting. The Draft Plan was placed on public exhibition until March 22nd inviting further comments and feedback from the community.

This consultation process was then allocated additional time to allow further investigation into the precise location of the skate park planned for construction within Coulston Park. This issue has now been resolved.

The major comments from the Coulston Park Committee of Management are all included in a letter to Council, which is an attachment to this report. As a result of this feedback, some minor changes were made to the Masterplan which incorporates the specific and general feedback from the Committee of Management including:

- Support for the access roadway between the Park and the new industrial estate
- Upgrades to the main car park adjacent the bowls club
- Additional provision for storage.

There were no other significant changes to the Draft.

### KEY IMPLICATIONS

The Plan has thirteen (13) Identified Priorities, many of which will require financial resources to implement. The Coulston Park Committee of Management will continue to drive the implementation of these Priorities with the support of Council.

Some of the Identified Priorities from the Plan include:

- Acquisition of private land to the east of the Park to accommodate additional car parking, the relocation of the existing BMX track and provide more open space for the Park. Council officers will continue to work with the Committee and the private landowner on this issue with the outcomes to be reported to Council at a later meeting.
- Installation of a synthetic bowls green. External funding has been secured for this project with the project potentially being completed in 2011/2012.
- Building, sports field and oval improvements
- Governance/administration support for the Committee of Management

### FINANCIAL IMPLICATIONS

The Masterplan includes a number of priorities which, if implemented, may have financial implications for Council and the community. It will be Council's role, in conjunction with the Committee of Management and user groups to assist in the implementation of these actions, subject to appropriate budget and capital works processes.

### POLICY IMPLICATIONS

The development of the Coulston Park Masterplan is consistent with the Council Plan Objectives 4.1 – Effective and Efficient Service Delivery, 4.6 – Enhance the Health and Wellbeing of the Community and 4.8 – Empowering our Communities. The development of the Plan also delivers on one of the outcomes of the Indigo Shire Recreation Plan.

### COMMUNICATION

The development of the Masterplan involved consultation with the Committee of Management, user groups and Council staff. Comments and feedback from this process resulted in the Draft presented to Council at its February 2011 meeting. Further consultation, in the form of a public exhibition period, resulted in some final amendments to the Plan.

### CONCLUSION

The Coulston Masterplan was developed as a framework for future works and activities at the Reserve. The Plan will guide Council and the community's decision making in respect to future development at the facilities. The Plan has undertaken a strong consultation process and is being presented for adoption by Council.

Attachments:

- A: Final Coulston Master Plan June 2011
- B: Final Coulston Park Pictorial Plan June 2011
- C: Comments from Coulston Park Committee

#### 11.4 BAARMUTHA PARK FUNCTION CENTRE – FUTURE BOOKING ARRANGEMENTS

File No.: 09/1149 – DAVID KOREN – MANAGER COMMUNITY PLANNING

For Decision

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

1. That Council enter into an Agreement with the Beechworth Football and Netball Club to allow the Club to manage the bookings, marketing and maintenance of the Baarmutha Function Centre.
2. That Council authorise the Baarmutha Park Committee of Management to be the contract managers for this Agreement.
3. That the nominated person in Clause 11 of the Management Agreement be independent of the Beechworth Football and Netball Club.

**Unanimously Carried**

#### RECOMMENDATION

1. That Council enter into an Agreement with the Beechworth Football and Netball Club to allow the Club to manage the bookings, marketing and maintenance of the Baarmutha Function Centre.
2. That Council authorise the Baarmutha Park Committee of Management to be the contract managers for this Agreement.

#### INTRODUCTION

The newly completed upstairs component of the Baarmutha Park multipurpose community facility, now known as the Baarmutha Function Centre, requires significant resources to appropriately maintain and manage future use. The Baarmutha Park Committee of Management (BPCOM) have indicated that they do not have the resources to take on these tasks.

A report presented to the May meeting of Council recommended that the Beechworth Football and Netball Club (BFNC) take on this task. The recommendation was not adopted. Expressions of Interest were called from the community for interested parties to take on the bookings, and other related tasks, for the operation of the Function Centre.

The Expression of Interest process resulted in three enquiries with one submission being received by the closing date.

This report makes recommendations on the future booking arrangements for the Function Centre based on the outcomes from the Expression of Interest process.

## BACKGROUND

Baarmutha Park is located on Crown land with Indigo Shire Council delegated the authority by the Department of Sustainability & Environment (DSE) to manage the land. Council has delegated this authority to the BPCOM under Section 86 of the Local Government Act. The Committee's roles and responsibilities are detailed in an Instrument of Delegation.

The new community facilities at Baarmutha Park include an upstairs function centre which will be used by the user groups at the Park and also by the broader community. Generally the upstairs function centre will be used for larger events and activities such as the weekly (throughout the football season) football/netball club social dinner and large birthday parties and wedding receptions. The Function Centre has also been designed to act as an emergency relief centre when required.

It is anticipated that the use of the facility will continue to grow and the administrative requirements for running the facility will require significant resources. The Committee of Management have expressed concern that they do not have the volunteer time or the resources to provide the administrative support and have approached Council with a proposal for the Beechworth Football and Netball Club to take on this task.

The Beechworth Football and Netball Club is the largest user group at Baarmutha Park and have a strong membership and volunteer base. The Club has a very strong presence at the Park and have made significant contributions, both in kind and financial, over the years to build and develop facilities at the Park. The Club currently maintain the oval and their club facilities at no cost to the Committee of Management.

A report was presented to the May meeting of Council recommending that the Beechworth Football and Netball Club take on the roles associated with booking and managing the Function Centre and that the Baarmutha Park Committee of Management 'oversee' the agreement for this to take place.

Council had some concerns around the process leading to this recommendation and the recommendation was not adopted.

Council resolved "That this item be deferred to the July Meeting of Council and that a draft instrument of delegation for Baarmutha Park Committee of Management be prepared for Council consideration." The new Instrument for the Committee has now been adopted by Council.

Discussion at the meeting also indicated that an Expression of Interest process for the bookings and management of the Function Centre will provide transparency and provide an opportunity to other potential bodies who may want to take on the task.

Expressions of Interest from the community were called which closed on Monday 6th June 2011.

There were three (3) enquiries received from the community.

One (1) Expression of Interest was submitted, that from the Beechworth Football and Netball Club.

The Expression of Interest was in the form of a Draft Secretariat Agreement (Attachment A to this report) which detailed the terms and conditions of the bookings and management functions the Football and Netball Club would undertake.

The Draft Agreement includes the following list of functions that would be undertaken by the Club:

i. The BFNC acts as facility managers for the MPC undertaking the following activities:

1. Marketing the facility to achieve maximum hires
2. Sole point of contact for Event Scheduling
3. Taking and organising bookings
4. Receipt of booking deposits, bonds and payment
5. Facility preparation for events including stockholding and distribution of facility consumables such as toilet paper etc. (WC), Kitchen and cleaning items
6. Post event inspection
7. Contract Cleaning (or subcontract)
8. Return of bonds etc.
9. Management of minor maintenance issues
10. Liaison with BPMC regarding major maintenance items
11. Development and maintenance of operating procedures for the Centre.
12. Minor asset management and yearly stock takes

An original assessment of the Draft Agreement from the Club highlighted some areas in need of amendment/discussion including:

- Inclusion of a clause delegating the Baarmutha Park Committee of Management as the 'contract manager'
- Reference to the Baarmutha Park Instrument of Delegation to ensure the aims and objectives of the Committee are being adhered to in the Agreement
- Clarity around the role of the Committee of Management in setting the fees and charges for the Function Centre. It is proposed that the BPCOM will control the setting of the fees but will have the opportunity to receive recommendations from the BFNC.
- The level of remuneration for the BFNC to undertake these tasks. It is proposed that the BFNC will forward 50% of all hire fees (less expenses) to the BPCOM on a quarterly basis. This level of remuneration will be reviewed by the Committee on an annual basis.
- Clarity around what is considered revenue or income eg hire fees, bar takings, catering profits. For the first twelve months it is proposed that revenue will only include hire fees. Bar takings and the potential for catering income will be determined on an event by event basis. As the BFNC hold the liquor licence for the Function Centre, they will control bar takings for events, as required. Catering for the event will be the responsibility of the event manager.
- Clarity around the level of fees and charges permanent user groups will pay for use of the Function Centre. The proposal is for permanent user Club events to be charged at an "at cost" fee, set by the Committee of Management. All other events eg private social events, corporate events, external community group/club events to be charged at the standard fees and charges rates set by the Committee of Management.
- Inclusion of reporting requirements to ensure the BPCOM have access to regular booking and financial information
- Inclusion of a Code of Conduct section ensuring issues around alcohol and smoking are addressed
- Inclusion of clauses detailing risk management and insurance requirements
- Inclusion of a clause regarding the priority use of the Function Centre as an Emergency Relief Centre when required
- Inclusion of BPCOM as a signatory on the Agreement

To address these areas of concern, a Draft Agreement for the Management of the Baarmutha Function Centre was developed and presented, along with the Secretariat Agreement from the Football and Netball Club, at a Council Briefing Meeting held on June 21st.

### KEY IMPLICATIONS

As the facilities at Baarmutha Park were built with significant Council, government and community/club funds, it is important that the process to determine the future management of the facility is equitable and transparent. Equally important is the need for an appropriate Agreement which clearly details key aspects in the management of the Function Centre, particularly, the fees and charges, priority of use and the level of income channelled back to the Committee of Management for ongoing maintenance costs, operating costs and cyclic maintenance costs (e.g. regular servicing of air conditioners, floor polishing, major equipment maintenance etc) for the facility.

The Draft Agreement gives the Baarmutha Park Committee of Management control over the important aspects of the Agreement including:

- Setting the fees and charges for the Centre
- Controlling any advertising or naming rights
- Ensuring the BFNC provide appropriate information through regular reporting of:
  - Income derived from the Baarmutha Function Centre hire fees
  - Expenditure items relating to the operation of this Agreement
  - Summary report on the events held in the preceding quarter
  - Summary report on future bookings for the Centre
  - Report on any other relevant issues

The Baarmutha Park Committee of Management will 'oversee' the Agreement and have the capacity to seek Council support if any issues arise they need assistance with.

In considering the proposal by the BFNC, the following positives and negatives need to be highlighted:

#### **Potential Positives**

- The Baarmutha Park Committee of Management, through a special meeting held earlier in the year, endorsed a recommendation to accept the proposal from the BFNC to provide secretariat services for the management of the Baarmutha Function Centre.
- It would appear that the provision of all the services detailed in the Agreement would not be a commercial, or profitable operation and a portion of the tasks would need to be undertaken by volunteers. The BFNC have access to these volunteer resources.
- Following the Expression of Interest process the BFNC are the only group offering to take on the operation. Without this proposal, the options are limited.
- The Baarmutha Park Committee of Management will 'oversee' the Agreement to ensure community expectations are being met.

### **Potential Negatives**

- If the Baarmutha Function Centre was operated by the Football/Netball Club, there may be a community perception that the Club are controlling usage or limiting access. This may extend to perceived favouritism when bookings are made or when fees are struck.

It is important to note that, if problems or issues arise, the Agreement is for an initial 1 year period only (a trial period). The level of income coming in from hire fees, the costs involved with running the Centre and potential issues/problems can only be estimated at this point in time and this first year of operation can be seen as a learning exercise for all stakeholders ie let's see how it goes in the first year, dealing with unforeseen issues as they arise and undertake a review at the end of the agreed time.

### FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of these recommendations. However, if the new facility is not appropriately maintained by Council and the Committee of Management, the significant investment by Council, state and federal government and the local community can be compromised. Council has an obligation to maintain its assets and the Agreement needs to reflect the need to financially resource the Committee to assist Council in this role.

### POLICY IMPLICATIONS

The recommendations in this report are supported by the Baarmutha Park Master Plan (Bigger Beechworth Project) recommendation numbers "18.Support for volunteers / activity development" which aims to encourage greater use of the facilities and support for the volunteers running the facility and "19.Tourism and marketing" which aims to market the facility to a broader base.

The recommendations are also consistent with the Indigo Shire Council Plan 2010 - 2013 Objective 4.6: Enhance the health and wellbeing of the community and Objective 4.8: Empowering our Communities.

### COMMUNICATION

It appears that there is considerable community interest in the new facilities at Baarmutha Park. To ensure that the community are fully aware of any decisions made regarding future management of the Function Centre it is recommended that Council, in conjunction with the Committee of Management, develop an appropriate communication plan to keep the community informed. This plan will include the following options:

- Information in feature article in Indigo Informer
- Article in Ovens and Murray Advertiser
- Information on Council's website
- Alignment with marketing initiatives undertaken by BPCOM and BFNC

### CONCLUSION

The Baarmutha Function Centre will be used by the community for a variety of purposes, including user group functions and larger functions and activities such as parties, weddings and conferences. The task of managing bookings and providing additional secretariat services for the operation of the Centre was considered by the Baarmutha Park Committee of Management as too difficult for them to manage.

As a result, an Expression of Interest process invited suitable individuals/groups to submit a proposal to manage the Function Centre. The process resulted in one Expression of Interest; from the Beechworth Football and Netball Club. The Club submitted a Draft Secretariat Agreement as their submission.

To address some areas of the Club's Draft Agreement which required clarity and to include important clauses in an agreement of this kind, a Draft Agreement for the Management of the Baarmutha Function Centre, prepared by Council officers, was developed.

With an appropriate Agreement in place for a twelve month 'trial' period, it is considered appropriate to enter into an agreement with the Beechworth Football & Netball Club for the Club to manage the bookings and associated management tasks for the Baarmutha Function Centre.

Attachments:

- A: BFNC Secretariat Agreement – Baarmutha Function Centre
- B: Draft Agreement for the Management of the Baarmutha Function Centre

## 12.0 MAJOR PROJECTS AND PROGRAMS

### 12.1 PARTIAL CLOSURE OF LAKE VIEW STREET IN BEECHWORTH WHERE EXISTING BUILDING EXTENDS ONTO ROAD RESERVE

File No.: S040/101 – Paul McLachlan – Project Engineer

For Decision

Moved: Cr Issell

Seconded: Cr Goldsworthy

1. In accordance with the process in Section 12 of the Road Management Act 2004, to give public notice in the Border Mail of its intention to close part (19.8m<sup>2</sup>) of Lake View Street, Beechworth, where part of the existing dwelling of 19 Hodge Street Beechworth is on the road reserve.
2. That the public notice stipulate that persons may make a submission on the proposed closure and that written submissions must be received on a date that is within 28 days of the publication of the notice.
3. That the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 12 of the Road Management Act 2004 in relation to this matter.
4. That any submissions received by Council be considered and heard at the next available Ordinary Council Meeting.

Unanimously Carried

### RECOMMENDATION

That Council resolves:

1. In accordance with the process in Section 12 of the *Road Management Act 2004*, to give public notice in the *Border Mail* of its intention to close part (19.8m<sup>2</sup>) of Lake View Street, Beechworth, where part of the existing dwelling of 19 Hodge Street Beechworth is on the road reserve.
2. That the public notice stipulate that persons may make a submission on the proposed closure and that written submissions must be received on a date that is within 28 days of the publication of the notice.
3. That the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 12 of the *Road Management Act 2004* in relation to this matter.

4. That if submissions are received:
  - a) a Special Meeting of Council be convened to hear from any person or persons who request to be heard in support of a written submission; and
  - b) a report on any submissions received by Council be provided to an Ordinary Council meeting for consideration.
5. That if no submissions are received within 28 days of the notice Council resolve to close part (19.8m<sup>2</sup>) of Lake View Street without further resolution of Council and the Chief Executive Officer be authorised to execute the necessary documents.

#### INTRODUCTION

The existing residence of 19 Hodge Street Beechworth has a verandah that extends beyond its current property boundary onto the road reserve of Lake View Street Beechworth. This verandah has been in place since the construction of the residence, thought to be some 80-100 years old. The current property owner is seeking for Council to close the portion of the road reserve currently situated under the existing building/ verandah, subsequently allowing it to be purchased from the Department of Sustainability and Environment (DSE). When purchased the road reserve land will be added to the existing title for 19 Hodge Street Beechworth.

The attached plan shows the layout and survey of the partial road closure. The area of road reserve in question is some 19.8m<sup>2</sup>.

#### BACKGROUND

In August 2008, the previous owner of 19 Hodge Street Beechworth applied to the DSE to purchase the affected portion of Lake View Street road reserve. This followed a discovery of an encroachment of the verandah onto the adjoining crown land road reserve managed by Indigo Shire Council. In August 2008, the Indigo Shire Council wrote to the owner outlining that it would in principle support the property owner purchasing the affected part of the road reserve.

In September 2008, the DSE wrote to the now current owner informing that Council and DSE had no objection to the sale of this land. The current owner has purchased the 19 Hodge Street property pursuant to this advice and applied to have the road closed.

#### KEY IMPLICATIONS

The proposed section of road is 11m x 1.8m (19.8m<sup>2</sup>), and is currently covered by the verandah of 19 Hodge Street Beechworth. The closure of this section of the road reserve will allow DSE to sell this portion of crown land to the owners of 19 Hodge Street.

As the title for this property will cover the entire building because of this sale of land, the implications include improved saleability of the property and no ambiguity in terms of maintenance and development.

The impacts of the part road closure are minimal as this part of the road reserve has been under an existing structure for many years, and no physical changes to the area will be required.

The partial closure of the road will not affect the function or operation of the adjoining roads and road reserves. The Lake View Street road reserve will be narrowed by 1.8m, leaving approximately 18m of road reserve width. The subject land is also over 14m away from the existing Hodge Street, which will allow sufficient space for any future road/intersection improvements in this vicinity.

#### FINANCIAL IMPLICATIONS

There are no anticipated direct costs to Indigo Shire associated with the road closure with surveys having been carried out at the expense of the property owner.

#### POLICY IMPLICATIONS

Council has the power to discontinue a road or part of a road under Section 3 of Schedule 10 of the *Local Government Act 1989* but it must follow the process as specified in this Act and Section 12 of the Road Management Act 2004. The proposal will need to be publicly advertised should Indigo Shire agree to proceed with the road closure.

#### COMMUNICATION

The proposed road closure would be publicly advertised and the community invited to provide submissions.

#### CONCLUSION

The partial closure of Lake View Street, Beechworth would eliminate an irregularity in the boundary of this property. The permanent structure has been in place for many years and this change will make the property boundary consistent with the building outline. The partial closure of the road will not affect the function or operation of the adjoining roads and road reserves.

Attachment:  
Site Survey

## 12.2 DRAFT ROAD ASSET MANAGEMENT PLAN & DRAFT PATHWAY ASSET MANAGEMENT PLAN

File No.: 11/2746 – Robert Uebergang – Manager Assets

For Decision

**Moved: Cr Graham**  
**Seconded: Cr Murdoch**

1. **Adopt the Draft Road Asset Management Plan and advertise seeking public submissions on the plan.**
2. **Adopt the Draft Pathway Asset Management Plan and advertise seeking public submissions on the plan.**
3. **Submission on both plans will be open for 28 days and a report will be brought back to a subsequent council meeting.**

**Unanimously Carried**

### RECOMMENDATION

That Council:

1. **Adopt the Draft Road Asset Management Plan and advertise seeking public submissions on the plan.**
2. **Adopt the Draft Pathway Asset Management Plan and advertise seeking public submissions on the plan.**
3. **Submission on both plans will be open for 28 days and a report will be brought back to a subsequent council meeting.**

### INTRODUCTION

Asset management plans detail how Council intend to manage their assets over the medium to long term.

The formulation and adoption of asset management plans for Council's major asset types is necessary to establish a framework for a core level of asset management within Council. The formulation of asset management plans for buildings, bridges, roads, pathways and drainage are significant actions outlined in Indigo Shire's Asset Management Strategy adopted in December 2010. This report provides details on the Draft Road Asset Management Plan and the Draft Pathway Asset Management Plan.

## BACKGROUND

A major part of Council's resources are expended on maintaining, renewing and creating new assets. The degree and way in which council's assets are managed are key in determining the financial position and long term sustainability of a council.

The MAV Regional Asset Management & Service Program has seen the formation of five state regional asset management (AM) groups charged with developing and implementing regional action plans to improve asset management practices. The target measure for the North East Regional Group, of which Indigo Shire is a part of, is to meet 100% score on the core asset management standards by December 2012. The core standards are defined within the National Asset Management Assessment Framework (NAMAF) which is the adopted reporting tool to measure a Councils asset management performance.

Further to Council adopting an Asset Management Policy and Asset Management Strategy in December 2010, and asset management plans for Buildings and Bridges in June 2011, one of the next major items for their consideration in 2011-12 is the adoption of asset management plans in the asset areas of:

- Roads;
- Pathways, and;
- Drainage.

The *International Infrastructure Management Manual (IPWEA, 2006) Appendix A: Asset Management Plan Structure* has dictated the structure of these draft asset management plans, with the underlying aim of achieving 100% core standard in the national asset framework assessment areas. The formulated drafts seek to keep the document as brief and simple as practical, whilst fulfilling the required national asset framework requirements.

Both the Draft Road Asset Management Plan and the Draft Pathway Asset Management Plan have been compiled and documented by Bon Consulting in conjunction with Council's asset unit.

Council's Asset Management Strategy targets the adoption of a road asset management plan by July 2011 and a pathway asset management plan by September 2011. The Draft Road Asset Management Plan was taken to a Council briefing meeting in May 2011, with the Draft Pathway Asset Management Plan taken to a Council briefing meeting in June 2011, for review and comment. Both draft plans have been now revised in accordance with Councillor and officer comments. Changes to the Draft plans taken to Council Briefing Meetings have been minor and relate to:

- A code key added for the Pathways Asset Management Plan in Appendix A: Pathway Asset Register
- Changes in descriptors of Performance Measure Process and Performance Target columns in Table 3.4.1 Roads Level of Service in the Road Asset Management Plan
- Grammar changes, typing corrections, and formatting of tables and figures.

It is proposed that further to consideration of the draft plans and potential adoption of these draft plans by Council:

- the Draft plans be advertised for submissions from the community in the July-August period 2011, and;
- the Draft plans be reviewed in relation to submissions received and then presented to the September 2011 Council meeting for consideration of plan adoption of the road asset management plan and the pathway asset management plan.

### KEY IMPLICATIONS

The Federal Government has outlined that councils need to improve their asset and financial management. The key implications in Council not achieving core asset management practice are:

- potentially poor and unsustainable management of the community's assets, and;
- infrastructure funding from government bodies potentially being put at risk by a lack of demonstration of good asset management practice.

The formulation and adoption of Council's asset management plans are critical building blocks on the pathway to achieving core asset management by December 2012, as detailed in Councils Asset Management Strategy and the North East Regional Group's action plan.

### FINANCIAL IMPLICATIONS

Asset management plans seek to identify and document the costs associated with maintenance, renewal and planned new or upgrade works associated with an asset. The adoption of an asset management plan by Council is the recognition of the long term costs associated with that asset.

The way in which Council seeks to fund long term asset costs is integral to Council's Long Term Financial Plan. Financial information from each asset management plan are to be included in the formulation of the Long Term Financial Plan. The Long Term Financial Plan is integral to Council's Asset Management Strategy and is scheduled for completion in 2011-12 as part of this Strategy.

There are long term financial implications including appropriate staffing and software improvements that will be required to support and maintain a core standard of asset management practice within Council.

Improvement plans are included as Section 8 of the Draft Road Asset Management Plan and Draft Pathway Asset Management Plan. These detail proposed short term plan improvements and an estimate of resources required to implement these improvements.

### POLICY IMPLICATIONS

Asset management plans are key documents that are required by Council in the journey towards 100% core asset management competency. Adoption of sound asset management plans for roads and pathways support the following Council Plan objectives:

Objective 2.2: Improve the quality and maximise the long-term sustainability of the built environment: Ensure that Council's asset management practices are clearly defined and in accordance with a strong Asset Management Policy and Strategy.

Objective 2.3: Manage and maintain to a high standard assets critical to our economic prosperity:  
Identify critical assets and prioritise actions.

Objective 2.6: Maintain and enhance our parks, gardens and open spaces.

Objective 2.7: Build a network of safe roads.

Objective 2.8: Expand and promote the bicycle and pedestrian network.

### COMMUNICATION

Upon adoption of these draft plans by Council, it is proposed that the draft documents be made available to the community and publicly advertised inviting written submissions. These submissions are then to be considered in the formulation of final asset management plans for Council's consideration of adoption.

### CONCLUSION

The Council Plan outlines the goal to ensure that Council's asset management practices are clearly defined and in accordance with a strong Asset Management Policy and Strategy. Further to Council adopting an Asset Management Strategy in December 2010, the formulation and adoption of a Road Asset Management Plan and a Pathway Asset Management Plan are some of the next significant actions within this strategy.

The consideration for Council receipt of these draft asset management plans and the invitation for community comment on these plans are the next steps towards achieving the defined Council Plan objectives and the journey towards a core standard in Council's asset management practices by December 2012.

Attachments:

- (1) Draft Road Asset Management Plan
- (2) Draft Pathway Asset Management Plan

**13.0 GOVERNANCE**

**13.1 ADVISORY AND COMMITTEES OF MANAGEMENT REPORTS**

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

**For Decision**

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

- 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	Nil
Burke Museum & Historic Precinct Advisory Committee	16 May 2011
Environmental Advisory Committee	8 June 2011
Finance Committee	Nil
Indigo Arts & Cultural Advisory Committee	Nil
Indigo Heritage Advisory Committee	Nil
Indigo Shire Disability Advisory Committee	20 June 2011
Indigo Shire Grants & Awards Advisory Committee	Nil
Indigo Tourism Advisory Committee	27 May 2011

<b>COMMITTEE</b>	<b>RESOLUTION</b>	<b>MOVED</b>	<b>SECONDED</b>
Burke Museum & Historic Precinct Advisory Committee	1. That the minutes of the committee meeting 2 February 2011 be confirmed.	Carole O'Neill	Pam Davis Jones
	2. That the Director's Report be tabled and accepted.	Ali Pockley	Lesley Milne
	3. That the Advisory Committee endorses the Strategic Plan as a draft working document and supports the proposed timeline.	David Lawrence	Pam Davis-Jones
Environmental Advisory Committee	That the minutes of the previous meeting be received.	Jane Roots	Bernadette Cudars

Indigo Shire Disability Advisory Committee	1. That the minutes of the Committee meeting dated 16 May 2011 be confirmed.	Loretta Caunt	Joy Lee
	2. That the date at item 4.2 (Appointment of Committee) in the proposed Instrument of Delegation be changed from 30 June bi-annually to 27 November to bring it in line with other committees.	Peter Graham	Joy Lee
Indigo Tourism Advisory Committee	Last meeting minutes confirmed.	Bill Bell	Peter Croucher

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

**Unanimously Carried**

**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	Nil
Burke Museum & Historic Precinct Advisory Committee	16 May 2011
Environmental Advisory Committee	8 June 2011
Finance Committee	Nil
Indigo Arts & Cultural Advisory Committee	Nil
Indigo Heritage Advisory Committee	Nil
Indigo Shire Disability Advisory Committee	20 June 2011
Indigo Shire Grants & Awards Advisory Committee	Nil
Indigo Tourism Advisory Committee	27 May 2011

<b>COMMITTEE</b>	<b>RESOLUTION</b>	<b>MOVED</b>	<b>SECONDED</b>
Burke Museum & Historic Precinct Advisory Committee	4. That the minutes of the committee meeting 2 February 2011 be confirmed.	Carole O'Neill	Pam Davis Jones
	5. That the Director's Report be tabled and accepted.	Ali Pockley	Lesley Milne

COMMITTEE	RESOLUTION	MOVED	SECONDED
	6. That the Advisory Committee endorses the Strategic Plan as a draft working document and supports the proposed timeline.	David Lawrence	Pam Davis-Jones
Environmental Advisory Committee	That the minutes of the previous meeting be received.	Jane Roots	Bernadette Cudars
Indigo Shire Disability Advisory Committee	3. That the minutes of the Committee meeting dated 16 May 2011 be confirmed.	Loretta Caunt	Joy Lee
	4. That the date at item 4.2 (Appointment of Committee) in the proposed Instrument of Delegation be changed from 30 June bi-annually to 27 November to bring it in line with other committees.	Peter Graham	Joy Lee
Indigo Tourism Advisory Committee	Last meeting minutes confirmed.	Bill Bell	Peter Croucher

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

Attachments:

Minutes – Burke Museum & Historic Precinct Advisory Committee – 16 May 2011  
 Minutes – Environmental Advisory Committee – 8 June 2011  
 Minutes – Indigo Shire Disability Advisory Committee – 20 June 2011  
 Minutes – Indigo Tourism Advisory Committee – 27 May 2011  
 Assembly of Councillors – Indigo Shire Disability Advisory Committee – 20 June 2011

**14.0 NOTICES OF MOTION**

Nil.

**15.0 COMMITTEE AND DELEGATES REPORTS (ALL ARE FOR INFORMATION ONLY)**
**15.1 CR POCKLEY - MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Jun	10.30am	Community Forum Fire Affected Communities	Myrtleford
2-Jun	7pm	Yackandandah Community Education Networking Committee of Management Meeting	Yackandandah
3-Jun	10am	North East Local Government Networking Meeting	Wangaratta
4-Jun	7pm	Beechworth Lodge of St John – Opening of new extension to Supper Room	Beechworth
6-Jun	10am	Weekly Meeting with CEO	Beechworth
	10.30am	North East Region Sustainability Meeting	Beechworth
	12pm	Kerferd Oration Meeting	Beechworth
7-Jun	3pm	2030 Vision Meeting	Beechworth
	4pm	Council Briefing Meeting	Beechworth
8-Jun	6pm	Environmental Advisory Committee Meeting	Beechworth
9-Jun	12pm	CPR Leaders Exchange Lunch	Melbourne
10-Jun	7pm	Chiltern Art Exhibition	Chiltern
13-Jun	Am	Rutherglen Winery Walkabout	Rutherglen
14-Jun	1.15pm	Site Inspection at Rutherglen Swimming Pool	Rutherglen
	2pm	Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
	6.30pm	Community Forum	Rutherglen
16-June	3pm	Indigo Heritage Advisory Committee	Chiltern
17-June	6.30pm	Yackandandah Historical Society AGM	Yackandandah
19-Jun	5pm	NGA Welcome Reception & Exhibition Opening	Canberra
	7.30pm	ALGWA 60 <sup>th</sup> Anniversary Dinner	Canberra
20-22 Jun	All Day	NGA Conference	Canberra
23-Jun	All Day	Ministerial Forum	Melbourne
27-Jun	10am	Weekly Meeting with CEO	Beechworth
	12pm	Kerferd Oration Meeting	Beechworth
	7pm	Strategic Plan Review	Beechworth
28-Jun	4pm	Special Council Meeting	Beechworth

	7pm	Opening of Fabric Award Night	Beechworth
29-Jun	All Day	Future of Local Government National Summit	Melbourne
30-Jun	All Day	Future of Local Government National Summit	Melbourne

**15.2 CR GAFFNEY – DEPUTY MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
2-June	12.30pm	Rostrum	Albury
4-June	10am	Farmers Market	Beechworth
6-June	10am	Meeting with Stanley Residents	Stanley
7-June	9am	Winemakers of Rutherglen Wineboard Meeting	Rutherglen
	4pm	Council Briefing Meeting	Beechworth
8-June	6pm	Environmental Committee Meeting	Beechworth
11-June	10am	Visual Arts Exhibition	Chiltern
12-June	9.30am	Farmers Market	Rutherglen
12-June	11am	Winery Walkabout	Rutherglen
14-June	2pm	Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
	6.30pm	Community Forum	Rutherglen
16-June	12.30pm	Rostrum	Albury
	3pm	Meet with Principal Wooragee Primary School	Wooragee
19-June	2pm	Meeting with Stanley Residents	Stanley
20-June	6pm	Community Grants Committee Meeting	Chiltern
21-June	4pm	Special Council Meeting	Yackandandah
	4.30pm	Council Briefing Meeting	Yackandandah
22-June	5pm	Opening of Women and Children Exhibition	Beechworth
	7pm	Wooragee Neighbourhood Watch Meeting	Wooragee
24-June	10.30am	Opening of Murray Goulburn Yoghurt Plant	Tangambalanga
	12pm	Community Meal	Tangambalanga
28-June	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth

**15.3 CR GRAHAM**

DATE	TIME	FUNCTION/EVENT	LOCATION
6-Jun	All Day	Veterans Affairs Forum	Melbourne
7-Jun	All Day	Veterans Affairs Forum	Melbourne
8-Jun	All Day	Veterans Affairs Forum	Melbourne
9-Jun	All Day	Veterans Affairs Forum	Melbourne
12-Jun	12pm	Rutherglen Winery Walkabout	Rutherglen
14-Jun	1.15pm	Site Inspection at Rutherglen Swimming Pool	Rutherglen
	2pm	Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
	6.30pm	Community Forum	Rutherglen
15-Jun	5.30pm	Rural Business Networking Meeting	Rutherglen
16-Jun	10am	North East Roadsafe Meeting	Wangaratta
	4.30pm	CEO Assessment	Beechworth
20-Jun	1.30pm	Indigo Disability Advisory Committee Meeting	Yackandandah
21-June	11am	Neighbourhood Watch Meeting	Rutherglen
	4pm	Special Council Meeting	Yackandandah
	4.30pm	Council Briefing Meeting	Yackandandah
22-June	10am	nevRwaste Special Meeting	Wangaratta
24-Jun	10am	North East Roadsafe Meeting	Wangaratta
28-Jun	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth
29-Jun	12.30pm	nevRwaste Administration	Rutherglen
	3.30pm	Art Exhibition	Rutherglen
	4pm	Gold Battery Meeting	Rutherglen
30-Jun	9am	Murray Darling Association Administration	Rutherglen
	4.30pm	CEO Discussion	Yackandandah

## 15.4 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT	LOCATION
7-Jun	4pm	Council Briefing Meeting	Beechworth
9-Jun	7pm	Lake Sambell Management Committee	Beechworth
14-Jun	1.15pm	Site Inspection at Rutherglen Swimming Pool	Rutherglen
	2pm	Council Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
16-June	3pm	Indigo Heritage Advisory Committee	Chiltern
21-Jun	4pm	Special Council Meeting	Yackandandah
	4.30pm	Council Briefing Meeting	Yackandandah
24-Jun	10.30am	Danone Factory Opening	Tangambalanga
28-Jun	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth
	6.30pm	Beechworth Rotary Club Change Over Dinner	Beechworth

## 15.5 CRISSELL

DATE	TIME	FUNCTION/EVENT	LOCATION
2-June	3pm	Murray to Mountains Rail Trail	Wangaratta
7-June	4pm	Council Briefing Meeting	Beechworth
8-23 June		On leave with illness	
24-June	1.30pm	Indigenous Constitutional Recognition	Shepparton
28-June	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth
	6.30pm	Rotary Handover	Beechworth
29-June	3.30pm	Rutherglen Art Exhibition opening	Rutherglen

## 15.6 CR MURDOCH

DATE	TIME	FUNCTION/EVENT	LOCATION
7-Jun	4pm	Council Briefing Meeting	Beechworth
	3pm	20/30 Vision Meeting	Beechworth
8-Jun	6pm	Indigo Environment Committee Presentation	Beechworth
10-Jun	6.30pm	Chiltern Visual Arts Opening	Chiltern
14-Jun	1.15pm	Site Inspection at Rutherglen Swimming Pool	Rutherglen
	2pm	Council Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
	6.30pm	Community Forum	Rutherglen
15-Jun	7pm	Chiltern Residential Growth Committee Meeting	Chiltern
19-Jun	6.30pm	ALGWA 60 <sup>th</sup> Anniversary Dinner	Canberra
21-Jun	3pm	20/30 Vision Meeting	Yackandandah
	4pm	Special Council Meeting	Yackandandah
	4.30pm	Council Briefing Meeting	Yackandandah
23-Jun	7.15pm	Business Networking Meeting	Chiltern
28-Jun	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth
29-Jun	7pm	Open Day Meeting	Chiltern

**15.7 CR CROUCHER**

DATE	TIME	FUNCTION/EVENT	LOCATION
2-June	12.30pm	Rostrum	Albury
7-June	3pm	2030 Vision Meeting	Beechworth
	4pm	Council Briefing Meeting	Beechworth
8-June	6pm	Beechworth Environment Committee Meeting	Beechworth
9-June	12pm	Junior Council Meeting	Rutherglen
14-June	1.15pm	Site Inspection at Rutherglen Swimming Pool	Rutherglen
	2pm	Council Briefing Meeting	Rutherglen
	3pm	Council Meeting	Rutherglen
	6.30pm	Community Forum	Rutherglen
15-June	9.30am	Advisory Group for Hume to Yarrawonga Waterway Management Meeting	Howlong
16-June	9am	Economic Development Strategic Workshop	Kergunyah
20-June	6pm	Community Grants Program	Chiltern
21-June	11am	Meeting with CEO	Beechworth
	3pm	2030 Vision Meeting	Yackandandah
	4pm	Special Council Meeting	Yackandandah
	4.30pm	Council Briefing Meeting	Yackandandah
22-June	5pm	Launching of Historic Women Display	Beechworth
23-June	5pm	Kerferd Oration Lead in Event 'A Prison Town'	Beechworth
24-June	10.30am	Opening of Danone Murray Goulburn Factory	Tangambalanga
	1pm	Community Luncheon	Tangambalanga
27-June	11am	Tallangatta Secondary College re: Newspaper	Tallangatta
28-June	4pm	Special Council Meeting	Beechworth
	4.30pm	Council Briefing Meeting	Beechworth
	7pm	Opening of Fabrics Awards	Beechworth
29-June	All Day	Future of Local Government National Summit	Melbourne
30-June	All Day	Future of Local Government National Summit	Melbourne

**16.0 GENERAL BUSINESS**

Nil.

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

**That Council move into confidential session.**

**Carried**

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

**17.0 CONFIDENTIAL**

**17.1 COUNCIL OFFICE ACCOMMODATION**

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

**This matter was considered in Confidential session and the following resolution was passed in open session.**

**Moved: Cr Gaffney  
Seconded: Cr Murdoch**

**To defer this item to the September Council Meeting for more information to be provided.**

**Carried**

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

**17.2 CHIEF EXECUTIVE OFFICER ANNUAL REVIEW 2010/11, PERFORMANCE PLAN 2011/12 AND EMPLOYMENT AGREEMENT**

File No: Cr Ali Pockley, Mayor

This matter was considered in Confidential session and the following resolution was passed in open session.

Moved: Cr Goldsworthy  
Seconded: Cr Croucher

That Council:

1. Adopt the 2010/11 CEO Performance Review report
2. Adopt the 2011/12 Performance Plan and
3. Give notice that at the August Council Meeting on 9 August 2011, Council intends to reappoint the CEO for a four year term (with a one year option) without advertising this position

**Carried**

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

**17.3 CHILTERN QUARRY**

File No: Brendan McGrath – Chief Executive Officer

This matter was considered in Confidential session and the following resolution was passed in open session.

Moved: Cr Graham  
Seconded: Cr Croucher

That Council agree on a financial cap for legal costs relating to the Chiltern Quarry.

Carried

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

**Explanatory Note:**

The Councillors voting against this motion supported the concept of a cap in principle, but only voted against the motion because they disagreed with the amount of the proposed cap.

Meeting Concluded: 6.29pm

Next Meeting: Tuesday 9 August 2011 at 3pm  
School of Arts, Wahgunyah