

Down-To-Earth (Vic) Cooperative Society Limited

ConFest Committee Meeting

Minutes

Date: **Thursday 10 November 2010**

Time: **7:30pm** (due start time)

Venue: **CERES, Learning Centre Rm,1-2 Lee St, Brunswick East VIC**

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Meeting Commenced: 8:28pm

**1 Election Of Chair**

**Chairperson Elected:** David Cruise  
**Minute Keeper:** Corinne Armstrong  
**Online Facilitator:** Lars Nissen

**2 Attendance**

<i>First Name</i>	<i>Surname</i>	<i>* Online – screen ID</i>	<i>DTE CoOp Member</i>	<i>Workgroup Member</i>
Corinne	Armstrong		Y	OC Governance
Peter	Carty	online	Y	OC&CC Site Ops
David	Cruise		Y	Board Director
Steve	Gregory	online	Y	OC Membership, CC Market
Ian	Hales		Y	OC Finance
Matt	English		Y	Board Director, CC Ops
Lynne	Kennedy	online	n	
Malcolm	Mathews		Y	OC Finance, OC Land Management, CC Fire
Lars	Nissen	online	Y	CC Arts
Steve	Poynton		Y	OC Infrastructure
Mark	Rasmussen		Y	OC & CC Land Management
John	Reid		No	
Troy	Reid		Y	Board Director, OC ITC
Don	Royal	online	Y	OC Finance
Marty	Schwarz	online	Y	OC&CC Infrastructure
Peter	Tippet	online	No	OC Governance, OC IT&C

**Apologies:** Elle Brogan

**Quorum:** **CC Business** **YES – General Members**  
**Board Business** **NO – only 3 Directors**



- A solicitor's brief has been written and supplied to Gadens... The brief was handed out to the meeting – NB: this was not accessible to online attendees
- Gadens preliminary advice is that Councils occasionally make invalid Notices of Intention and/or Orders, and that either of those documents can be contested on procedural grounds if found to contain errors that render them invalid.
- Gadens also advise that there are precedents where Section 68 approval can be implicit within a consented Development Application, which may also explain why Section 68 approvals have never been required by Council in the past.
- Formal review of DTE's case, advice from Gadens and draft response to Council are due Monday 14 November.
- Gaden's have quoted their fee for this work at around \$4,000
- If DTE neither challenge the validity of the Notice of Intention, nor make representations to Council by Wednesday 16 November, Council will make their decision to make the order based on the concerns expressed by NSW Police and NSW Rural Fire Service only.

General discussion on the fire risk for Summer ConFest followed:

- Malcolm explained that the RFS concern is less to do with ConFest's fire suppression abilities, but are more concerned with the fire risk outside our gates. ... that a fire takes hold outside our property, builds momentum and engulfs our site. They are concerned with the increase risks of cars coming and going from our site, and that there is one road in and out for emergency evacuations.
- A question was raised about whether Summer ConFest should still proceed or not based on the legalities at hand. To which it was pointed out that there were two distinct matters at hand... One being a procedural matter seeking formal Council approval to hold the event, which sets the precedent for Summer ConFest going forward ... to which there was general agreement the legal case must continue. Then is the merit in proceeding with Summer ConFest 2016/2017 based on the environmental concerns because of the floods and forecast conditions.
- Ian congratulated Troy for the work he has done on pushing through with the legalities of having Summer ConFest approved. Ian said he also believes a good law firm has been picked to represent us. That the legal fight is about securing ConFest for future years. So worth taking the Council on, but if we lose it risks Easter ConFest being run when it falls in the Bush Fire period.
- Matt thought the council letter sounded like it was for this year only because of increased fire risk of floods. Troy said that was a good point but it is for all years.
- Matt said he wanted to emphasise that there are two letters, one from the RFS and one from Police saying they don't support a Summer ConFest, and these came in support of the Council instructed legal documents. Matt said they could be used in court to support council.
- David said his question was the dates of how long this was going to drag out and was it a risk to Easter ConFest. Lynne said will be resolved by new year.
- Ian pointed out that if we go back and present our case the council solicitors they could back down before it even goes to court.
- Mark asked if there was a situation where you could go public with the issue to garner public support to put pressure on council. He mentioned council is supposed to support the community. Matt said what Mark just described was a political strategy, but he felt that the one particular difference it is a safety concern. Mark responded saying Matt has made his view very clear in that he thinks there is no possible way we'll get a ruling to hold a Summer ConFest. Mark said that he cannot read into current situation what is possible .
- David said he is not happy with the process but it seems reasonable to attempt it.
- Troy said that unofficially he had had a good chat to key senior council people and they have indicated that following through with the legal process will tick all the boxes, and if successful takes some of the risk away from council. Troy said Council seem hamstrung by RFS and Police senior officers who do not want the increase risk burden of a Summer ConFest without challenge.

- Matt read out some legal advice he had been given and an email from Steve P. supporting Matt's earlier expressed concerns over Summer ConFest. Lynne commented that this was not legal opinion.

**Motion:**

*Authority from the Board to appoint Gadens to represent DTE in this matter and authorise Troy Reid & Lynne Kennedy to be DTE representatives for interfacing with Gadens*

**Moved by: Troy  
Accepted by Consensus**

Troy

**Motion:**

Matt proposed a motion for three documents to be sent these being the council's solicitor's letter and the supporting RFS and Police documents.

**Moved by: Matt  
Denied by Consensus**

- David said he wanted to talk about the proposed Order that was bringing into question our fire preparedness. If not life threatening, how it may effect DA provisions for fire, and where we now stand in relation to it. Lynne responded by saying that we can't say until we establish the legal facts. She said it is normal practise for legal documents to be kept confidential.

**Decision on Summer ConFest Proceeding...**

Corinne noted that since Board Business was being discussed within this ConFest Committee Meeting, a decision regarding going ahead with Summer ConFest should be made.

- None was forthcoming, Board Business continued.

**5.2 Finance Report**

Troy tabled and circulated to meeting room attendees the following documents  
(not accessible to online attendees)

- Zero generated report "Advance Payments & Returns Clearing Account Transactions"
- Since last circulating this report, a number of outstanding receipts have been resolved, leaving main receipts outstanding for; C J Watkins (Uncertainty Village), Guy Wiley (Traffic), Adam (Adzy) Wallace for signage, Paul Hutchins (ICT RF Comms)
- Troy spoke of Sydney ConFest organisers Judy Quinn & Marie Sitter having \$4,500 left over from their last financial year budget of \$17,000. And sought consensus from the room to get permission to leave that money in their account to offset their budget for this financial year. Money they would effectively get back in 2-weeks anyway.
- Ian said he believed that all money should be accounted for on its own merits with in the financial year it was allotted. Mark voiced agreement with Ian. David clarified it was for the end of last financial year. Troy explained that letting Judy and Marie keep the money in their ConFest account rather than return it, would make no difference to a balance sheet. .
- Ian and Don believed firmly that unspent money should be returned.

**Motion:**

*To allow Judy Quinn & Marie Sitter to retain in their ConFest Account \$4,500 of their unspent budget for last financial year, to off-set their budget for this financial year*

**Put by Troy:  
Denied by Consensus**

Troy

Troy asked Mark to take time to explain his experience in spending time with him to learn about imputing receipts into Zero, and the use of load and go card receipts.

- Mark thought that every village coordinator should be encouraged to sit down one on one learning the system, and that it be part of the conditions to getting budget funding.
- Corinne agreed that a fundamental role of a team coordinator or facilitator should be taking administration responsibility – such management comes with the title – as such of course they should be responsible for their workgroup/teams budgets and be responsible for inputting receipts for their team.

Ian mentioned his Budget Application Form and said that in order for any budgets to be approved in time for Summer ConFest they would need to be in by 24<sup>th</sup> November. Ian advised that he had corresponded with Peter T. who is going to upload the form to the website in coming days.

**Ian &  
Peter T.**

- Ian spoke to the financial report.
- Troy said end of year financials would reflect un-receipted expenses of \$13,000. And noted that's \$1,300 worth of tax returns.
- Troy spoke of the great work of Don, Lars, and David in compiling an up to date Asset Register. Such will reflect in the end-of-year financials as \$40,000 in right offs or depression in assets.
- Don asked whether the auditors would finish our accounts in time for AGM, to which Troy responded positively.
- Discussion on finances continued.
- Mark discussed the need to have a process to quickly approve purchases for sizable assets like a tractor and other required vehicles due to coming across bargains that won't last. It was discussed that if such items are required a specs brief should be produced in advance to ensure all the boxes are ticked on what the DTE needs and what should be checked in carrying out due diligence, before jumping on to such items just because they are a bargain

**Motion:**

*Board to make a decision about retained earnings, reserved capital with retained earnings.*

**Put by Troy:  
Pending Board Quorum**

**Troy**

**Next CC Meeting:** 08/12/2016

**Meeting Closed:** 11pm