



HEPBURN SHIRE COUNCIL ORDINARY MEETING OF COUNCIL PUBLIC MINUTES

TUESDAY 17 SEPTEMBER 2019

TRENTHAM NEIGHBOURHOOD CENTRE

HIGH STREET

TRENTHAM

Due to an administrative oversight in the production of these minutes, an amendment to the adopted motion at item *11.1 Planning Application 2286 for the use and development of the land for a place of assembly and a reduction in the required on-site car parking* has been made to reflect the words spoken at the meeting.

6:00PM

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MINUTES

TUESDAY 17 SEPTEMBER 2019

Trentham Neighbourhood Centre

High Street, Trentham

Commencing 6:00PM

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EVAN KING
CHIEF EXECUTIVE OFFICER
17 SEPTEMBER 2019

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2. SAFETY ORIENTATION

Emergency exits and convenience facilities at the venue to be highlighted to members of the public in attendance.

3. OPENING OF MEETING

PRESENT: Cr Don Henderson, Cr Neil Newitt, Cr Greg May, Cr Licia Kokocinski, Cr John Cottrell, Cr Fiona Robson and Cr Kate Redwood AM

IN ATTENDANCE: Mr Evan King Chief Executive Officer, Mr Bradley Thomas Director Community and Corporate Services, Mr Bruce Lucas Director Infrastructure and Development Services, Ms Alison Blacket Manager Development and Community Safety, Ms Rebecca Smith Governance and Information Officer

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS
OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS
OF THE CODE OF GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT
AND UPHOLD THE TRUST PLACED IN THIS COUNCIL BY THE
PEOPLE OF HEPBURN SHIRE”

4. APOLOGIES

Nil.

5. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

6. CONFIRMATION OF MINUTES

RECOMMENDATION

6.1.1. That the Minutes of the Ordinary Meeting of Council held on 20 August 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989

MOTION

6.1.1. That the Minutes of the Ordinary Meeting of Council held on 20 August 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

7. NOTICES OF MOTION

Nil.

8. ITEMS OF URGENT BUSINESS

Nil.

9. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Don Henderson, Creswick Ward

Last Friday Mr Lucas and myself attended a round table discussion with Minister D'Ambrosio regarding issues with recycling and rubbish disposal. The Minister was well aware of problems facing municipalities and the need to take steps to address ongoing issues into the future.

I attended meetings in Creswick involving the Creswick trails project and the treatment of the soccer pitch.

The Creswick Brass band and the Daylesford Historical Society held their AGMs along with the Creswick Scouts. The museum is in some difficulty in that the collection is suffering from being in an old building with dampness issues.

Along with Councillors Redwood and Cottrell we attended a new residents welcome at the Daylesford Neighbourhood Centre. This was extremely well attended and residents gained a great deal of local knowledge.

Cr Cottrell, Cr Kokocinski and I attended the all staff meeting at Newlyn last week and it was heart-warming to see a happy and engaged workforce.

I would also like to thank a Kingston resident Jan Worthington for organising a viewing of the film *A Plastic Ocean* which was an eye opener as to what happens to our plastics. In effect we are destroying a whole marine eco system without most of us realising the damage plastics do to the environment.

Two meetings of regional Councils including Regional South West and Central Highlands group.

An important event in Daylesford with the installation of Solar Panels on the SES building which will reduce their operating costs.

An important sod turning with Member for Macedon Mary Anne Thomas at the long-awaited East Street Bridge. This will make the lives of businesses, local residents and the tourist railway a great deal easier.

Last week we signed a Small Business Charter initiative that will ensure that small businesses are paid in a timely way and will provide other means to assist small businesses in their operation.

A dedicated group met last week to brainstorm ideas around health prevention and this session came up with some ideas to relay to our communities about the importance of maintaining and accessing healthy food and exercise as well as other ideas.

Hepburn Shire is the poorer for the passing of Marie Lewis who I believe was our oldest resident at 106 years old. Marie was a fantastic woman who made a huge community contribution.

COUNCILLOR REPORTS

Councillor Fiona Robson, Birch Ward

This month started with a strong focus on community health and wellbeing. I was pleased to be part of the walk around Lake Daylesford organised by Hepburn Health as part of Women's Health Week. There was talk of making a regular event to encourage people to meet and move together.

This was followed by the first Alliance Workshop for the Active Women and Girls Strategy. It was fabulous to be in a room with different organisations from across the shire (and beyond) coming together to work together for the health of our community. It is an honour to be an ambassador of this exciting initiative.

The first workshop for the Central Highlands Regional Partnership Health initiative pilot with Hepburn Shire was held in Creswick. Again, an exciting partnership working towards the health and wellbeing of our community.

Waste management and resource recovery is a huge challenge for our shire and across the country. I was pleased to be part of a ResourceSmart Schools session at the Daylesford Dharma School to hear about the program. The intention is school students to learn through understanding, managing and our experience use and biodiversity in their school. This is a free program available to all schools in Hepburn Shire through the Grampians Central West Waste and Resource Recovery Group.

Unfortunately, I was not able to attend the opening night of the Daylesford College production. I was very pleased to attend the closing night. This is a wonderful annual event. I love seeing so many of our young people working together to bring a wonderful experience for our community. Students, teachers and carers work together for many months to make it happen. This was Mr Pickering's 35th year of putting on the Daylesford College production. What an amazing achievement.

I have had many people contacting me from across the shire since tonight's agenda became available, expressing their concern regarding the state of our environment, climate change and the possibility of our council declaring a climate emergency. There is widespread appreciation of our council's efforts to date and a desire for us to do as much as we can, including declaring a climate emergency.

Councillor John Cottrell, Holcombe Ward

No report provided.

Councillor Neil Newitt, Cameron Ward

No report presented.

Councillor Kate Redwood AM, Birch Ward

Apart from the usual statutory meetings I have attended the following in my role as a councillor:

- 21/08/2019 Swiss Italian AGM – congrats to the new committee and to Robyn Rogers as chair
- 29/08/2019 Daylesford Indoor Aquatic Centre group meeting – I attend as an observer
- 29/08/2019 Public meeting to canvas interest in the development of a Daylesford and Hepburn Springs community newspaper. The meeting was well attended and there were about 20 apologies from interested residents. The meeting set up a working group to develop a model under the chair of Hal Swerrison. A draft proposal is being circulated with a further meeting of the working group next week.
- 30/08/2019 Grampians Waste Resource and Recovery Forum meeting. The tide seems to be turning regarding their interest in Container Deposit legislation

Sod turning for the lowering of East Street under the railway bridge – a long awaited project and now we are waiting on clearance from Central Highlands Water
- 31/08/2019 Trivia fundraiser for the Daylesford Brass Band. This is an annual event attended by 100 or so enthusiasts and raises much needed funds for our greatly loved brass band
- 02/09/2019 Circular Economy workshop held in Ballarat attended by industry and key players in the world of waste and resource recovery. The conversation seemed to be at a very early stage.
- 04/09/2019 Active Women and Girls walk for women’s health – Cr Robson and I participated as shire ambassadors. A lovely day and an opportunity to talk with other participants en route.

Active Women and Girls Alliance workshop which made good headway in collaboration with the key sporting and recreation movers and shakers in the region
- 05/09/2019 Assessment Panel for the Ballarat electorate for the SCP and CEP grants funding rounds. There were in total over 80 applications which now move to the next stage of development

of full applications. Good to have so many from Hepburn although frustrating to have to declare conflict of interest for many.

07/09/2019 Daylesford and Glenlyon New Residents' Welcome held at the Daylesford Neighbourhood Centre and attended by nearly 100. A great success. Cr Henderson and Cr Cottrell attended as did our CEO Evan King

16/09/2019 Regular catch up with CEO Evan King

Meeting with officers and circus representatives regarding the future home of the much-loved Sprung Circus

IWD advisory committee meeting – a reminder that nominations for the Honour Roll are due in a couple of weeks.

Friends of Ajax Road regular progress meeting – with the upheaval with kerbside waste collection state-wide, the residents are seeing an opportunity in the face of adversity.

Review of the Hepburn Planning Scheme meeting in Daylesford. Great to see this long-awaited process rolling out.

Councillor Licia Kokocinski, Coliban Ward

Again, this has been an eventful month. To begin my report, I along with other Councillors, attended a performance at Daylesford Secondary College. It is just so good to see the youth of the Shire putting on plays, with everything that that entails. I also attended an evening with residents in Bullarto. While this was a social occasion, it was a good way of talking to residents about matters that were important to them. I was pleased to attend the Trentham Forum AGM and both sessions that this group conducted to drill down into their community plan. As Ward Councillor, I will leave it to them to provide the priorities as determined by community input, but the issues that residents brought up ranged far and wide. One message was clear, however, and that for the projects on the drawing boards, that council should get on and get it done, whether it is the community centre or the childcare centre.

One other theme running through the sessions was about council's ability to communicate what is going on. I would like more guidance from community members about this issue - council utilises Facebook, local newspapers and newsletters, and also piggybacks on local fb pages. There is also mailouts with rate notices. Each of these types of media targets different audiences, but if any people have particular ideas, I would welcome them.

Some of the local matters that sought my advocacy relate to questionable felling of trees, planning issues, farming sustainability matters, business linkages, childcare issues, and suitable information boards in Bullarto. The

Market Street traders and Council are working closely to resolve signage issues.

Finally, it is with pleasure that tonight Council will be considering a formal process to further the construction of a Trentham Community Centre.

Councillor Greg May, Creswick Ward

No report presented.

RECOMMENDATION

9.1.1. That Council receives and notes the Mayor's and Councillors' reports.

MOTION

9.1.1. That Council receives and notes the Mayor's and Councillors' reports.

Moved: Cr John Cottrell

Seconded: Cr Fiona Robson

Carried

10. PUBLIC PARTICIPATION TIME

This part of the Ordinary Meeting of Council allows for the tabling of petitions by Councillors and Officers and 30 minutes for the purposes of:

- Responding to questions from members of our community
- Allowing members of the community to address Council

Community members are invited to be involved in public participation time in accordance with Local Law No. 1 Meeting Procedures.

Individuals may submit written questions or requests to address Council to the Chief Executive Officer by 12 noon on the day of the Council Meeting.

Some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

Questions received may be taken on notice but formal responses will be provided to the questioners directly. These responses will also be read out and included within the minutes of the next Ordinary Meeting of Council to make them publicly available to all.

BEHAVIOUR AT COUNCIL MEETINGS

Council supports a welcoming, respectful and safe environment for members of the community to participate at Council Meetings regarding issues that are important to them. Local Law No. 1 sets out guidelines for the Mayor, Councillors, and community members on public participation in meetings. It reinforces the value of diversity in thinking, while being respectful of differing views, and the rights and reputation of others.

Under the Local Law, members of the public present at a Council Meeting must not be disruptive during the meeting.

Respectful behaviour includes:

- Being courteous when addressing Council during public participation time and directing all comments through the Chair
- Being quiet during proceedings
- Being respectful towards others present and respecting their right to their own views

Inappropriate behaviour includes:

- Interjecting or taking part in the debate
- Verbal abuse or harassment of a Councillor, member of staff, ratepayer or member of the public
- Threats of violence

10.1. PETITION

No petitions have been received this month in accordance with Local Law No. 1.

A petition was received from community members and students from Daylesford Secondary College requesting that Council declare a Climate Emergency. The subject of this petition will be dealt with at Item 12.6. A written response will be provided to the head petitioner.

10.2. QUESTIONS

The Chair will read out responses to questions taken on notice from the last ordinary meeting, and then hear and respond to new questions received in accordance with Local Law No. 1.

MOTION

10.2.1. That Public Participation time be extended by 15 minutes.

Moved: Cr John Cottrell

Seconded: Cr Neil Newitt

Carried

Question 1: Ms Meg Ulman

Former Fire and Rescue NSW commissioner, Greg Mullins, recently said in relation to climate change, the horse has truly bolted. 50 fires were burning in NSW in the first week of spring and it's not even an El Nino year. 14,000 homes burnt in California last summer, 9,000 the year before. This new reality is upon us too. Hepburn Shire is rated as the second most fire prone region in the state.

Does Hepburn Shire Council unanimously agree that there is a climate emergency?

Answer 1: Mayor Don Henderson

This matter is being considered by Councillors in item 12.6 of tonight's agenda.

Question 2: Ms Meg Ulman

For the sake of our children, future generations and for the sake of life itself, will Hepburn Shire Council stand with over 1,000 other councils around the world, representing over 222 million people, and formally declare a climate emergency?

Answer 2: Mayor Don Henderson

This matter is being considered by Councillors in item 12.6 of tonight's agenda.

Question 3: Mr David Moore and Ms Kate McCray (Not present)

That Council write to Coliban Water and Central Highlands Water and GMW water authorities and the North Central Catchment Management Authority asking for statistics over the last 15 years that would represent how water is being depleted or otherwise during this period.

Answer 3: Mayor Don Henderson

Coliban Water and Central Highlands Water are water retailers and do not manage aquifers.

The responsible authority for the management of ground water is Goulburn Murray Water and in recent discussions with Officers we have advised that we have recently written to them.

Water is a finite resource and the increasing demand placed on it has been raised by Council's Mineral Spring Reserves Advisory Committee. This led to Council formally writing to Goulburn Murray Water (dated 14 June 2019) seeking information about the sustainability and long-term viability of the aquifers in this region.

This included a request to confirm the processes and procedures around frequency of water level monitoring, process if water levels are noted as reducing, any long-term sustainability plans and how these items are considered when assessing new license applications.

At this stage we have not sought historical statistics, preferring to focus on the future sustainable management of ground water resources.

Council is yet to receive a response to this correspondence and is following up Goulburn Murray Water.

Question 4: Mr David Moore and Ms Kate McCray (not present)

Is it possible that bores are being drilled without being registered or monitored for output within the users licensed entitlement?

Answer 4: Mayor Don Henderson

Yes, this could be possible.

If you have any concerns about unlicensed groundwater bores Council would encourage the community to report these to Goulburn Murray Water for follow up.

Question 5: Ms Amelia Church

In an interview on ABC Radio, the Mayor stated one reason for removal of the geese was to encourage the return of black swans to Lake Daylesford. The Council then acknowledged that "occupation of waterbodies will be affected by a range of environmental factors". One rationale for removal of the geese is negated by both the topography of the lake and Council's own recognition that the lake may not be suitable for the specific type of diversity they prefer.

What source, depth and veracity of environmental data, other than the self-authored Biodiversity Strategy, did Council draw on to inform its unanimous vote to remove the geese?

Answer 5: Mayor Don Henderson

The Biodiversity Strategy was developed using a range of data sources, proven environmental evidence, technical advice, and valuable community input. The rationale that underpins Council's decision to remove the geese was informed by the Strategy, demonstrated experience of staff, relevant experience of other councils, and feedback from community.

Question 6: Ms Amelia Church

At the last meeting, Council stated that "the issues created by the dumping and breeding of domestic geese on Lake Daylesford have understandably led to the occasional use of the word 'pest animal' in communications. These issues are not mitigated by the rarity of the geese breeds."

Given that all geese in the Daylesford flock are listed as either 'endangered' or 'critical' by the Rare Breeds Trust of Australia, and NOT listed as a pest by the Department of Agriculture Victoria, on what basis does Council claim that their use of the term 'pest' to describe the geese is "understandable"?

Answer 6: Mayor Don Henderson

In addition to my response at the last Council meeting, Council notes that many community members and visitors have supported our decision to rehome the geese and have often referred to them as pests. Council acknowledges that geese in general are valued on private land by owners as both domestic and farm animals, including the status of particular geese breeds.

Question 7: Ms Betti Reissinger

Council has stated that "some issues are determined solely by legislation and provide no opportunities for consultation."

How does it follow that the one negates the other, given that legislation is open to interpretation and does not preclude community engagement?

Answer 7: Mayor Don Henderson

Council does not routinely consult in matters where legislation provides clear direction.

Question 8: Ms Betti Reissinger

The Macedon Ranges Shire Council recently asked their community how to resolve issues of road safety caused by the flock of domestic geese at Walter J Smith Park, Riddells Creek recognising that 'the geese are a much loved and admired part of the community and for many residents a symbol of their community'. The Macedon Ranges Shire Council has not invoked the *Prevention of Cruelty to Animals Act 1986*, but instead proposes to implement the following actions:

- Advocate to VicRoads to reduce the speed limit to 50 km/h on Main Road near the intersection of Sunbury and Riddell Road (currently 70 km/h);
- Install additional warning signs on Main Rd advising of geese;
- Install signage at the park regarding the feeding of the geese focusing on education;
- Install pedestrian gates at the entrance to the park.

Why did the Hepburn Shire Council not provide or consider any opportunity for community input or consultation?

Answer 8: Mayor Don Henderson

Council does not routinely consult in matters where legislation provides clear direction. In the case of the Waterfowl rehoming at Lake Daylesford the Council did inform the community of its intention to rehome the geese and its rationale behind the decision.

Question 9: Ms Katrine Green

Council claims to have improved and to be continuing to improve its community consultation and engagement.

Given that Customer Satisfaction Surveys show that Hepburn Council has consistently poor results in this key responsibility – barely 50% over the past seven years – on what basis or metric is Council claiming to be 'making improvements' in consultation and engagement?

Answer 9: Mayor Don Henderson

Results for Community Consultation and Engagement per the Community Satisfaction Survey have increased from a low of 43 in 2015 to a high of 51 in 2019. Council has, and will continue, to undertake improvements to our community consultation and engagement processes including such items as

the Community Listening Post at Clunes on the 24 September 2019 and a significant increase in our social media presence.

We will also be offering listening posts around the shire to provide greater opportunity for the community to engage with Councillors and Council Officers.

Question 10: Ms Katrine Green

How does Council substantiate its claim to making decisions ‘it believes are in the best interests of the community’, when previous responses to public questions demonstrate a disregard for the community’s interests and concerns?

Answer 10: Mayor Don Henderson

The Public Question process is governed by Councils *Local Law 1, Meeting Procedures*. Public question time is for 30 minutes. Council extended this to the maximum allowable time of 45 minutes at the previous Council Meeting, given the significant number of questions, and in a successful attempt to ensure all were read and responded to. A written response has been provided to all questions.

Question 11: Ms Gina Lyons

At the last meeting, Council responded to concerns about effective communication between the community and Council, by repeating a claim about the ‘dumping of geese’. Council did not address the particular concern about representing the community. As the issue speaks to process rather than the removal per se, the question remains unanswered.

Section 65 of the *Local Government Act 1989* requires Councillors to:

- Represent the local community in decision making;
- Consider the diverse interests and needs of the local community;
- Observe principles of good governance and act with integrity, and
- Facilitate effective communication between the Council and the community.

Can the Council please explain how its conduct in the matter of the geese met these requirements?

Answer 11: Mayor Don Henderson

Section 65 of the *Local Government Act 1989* also states that the role of a Councillor is to provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts.

Dumping of domestic waterfowl in the wild is an offence under the Prevention of Cruelty to Animals Act 1986. Retention of the dumped domestic waterfowl, or their descendants, could not continue to be ignored, or encourage others to dump unwanted waterfowl.

Council has received many letters and emails relating to this matter including many which compliment Council on the decision and action taken. This also confirms the broad diversity of views in the community and Council has endeavoured to make an informed decision on behalf of the entire community.

Question 12: Ms Dianne Sharpe

Council claims that "removal of domestic waterfowl from Lake Daylesford will help improve water quality and reduce the likelihood and impact of future algal blooms." On what evidence does the Council make this claim?

Answer 12: Mayor Don Henderson

The quality of water in Lake Daylesford is determined by a number of factors, including the intense use by domestic animals such as geese. Investment in analysis to confirm the exact contribution of domestic waterfowl to the water quality of Lake Daylesford has not been considered reasonable or practicable for this issue.

Council does conduct regular water testing in Lake Daylesford and last summer the Lake was closed due to blue-green algae. Although we cannot determine the precise cause of this event, it does highlight water quality issues at the Lake.

Question 13: Ms Dianne Sharpe

Council has defended its decision to remove the Daylesford flock of geese by stating, but not specifying, its obligations under the *Prevention of Cruelty to Animals Act 1986*. Council has not, however, responded to concerns about their obligations to the community, so the question bears repeating - by removing the geese in the manner that they did, with much subterfuge and with no opportunity for community input or consultation, does the Council recognise the damaging impact of its actions on the most vulnerable people in our community and the importance the geese played in their lives?

Answer 13: Mayor Don Henderson

Council understands the attachment and affection many members of our community have for these birds and acknowledges that this difficult decision of Council was not supported by all members of the community.

Council has fulfilled its responsibility to rehome the geese with regard to legislative obligations relating to the *Prevention of Cruelty to Animals Act 1986*.

Question 14: Ms Alex Mullarky

The word 'emergency' is a contentious one. It can be frightening, but gentle messaging around sustainability does not express the necessity for urgent action. I acknowledge that Council has taken many positive steps to meet the climate crisis head on, but at present Council's words do not match its actions and I believe this is contributing to a false sense of security and even scepticism in the community. Will Council acknowledge that it has a vital role in communicating the nature of the situation we are in, so that it can be realistically addressed by shire residents and all levels of government, and call it what it really is – an emergency?

Answer 14: Mayor Don Henderson

This matter is being considered by Councillors in item 12.6 of tonight's agenda.

Question 15: Ms Deborah Clarke

At the last meeting, Council stated that the timing of the removal of the geese "was scheduled to reduce impacts on the birds ahead of the breeding season". The Council had already noted that there was likely to be community distress caused by removal of the geese.

Why was the vote not scheduled earlier in the year to accommodate consultation prior to the breeding season, and why did the removal take place within a week of Council's decision despite community concerns, and complaints from regular visitors to Daylesford?

Answer 15: Mayor Don Henderson

Council considered it inappropriate to initiate a consultation process where legislative and environmental imperatives excluded the option of retaining domestic waterfowl. Operational and Council priorities constrained the ability to bring the matter of waterfowl rehoming to Council meeting earlier in the year. By the time of the Council vote, immediate rehoming was necessary to avoid the imminent breeding season.

Question 16: Ms Deborah Clarke

At the last meeting, community members asked about Council reports that they were responding to "many community complaints" about the Lake Daylesford flock of geese. As these complaints were given as one of the reasons to remove the geese, the Council must have recorded data to inform decision-making.

In statements made to Council about the geese appearing to be aggressive, how many complaints were made, who made these complaints (ie not asking

to identify individuals, but rather were they residents, visitors, business owners in the community?), and what was the substance of each complaint?

Answer 16: Mayor Don Henderson

Complaints to Council are made formally and informally and are not all recorded with the same level of detail. Council also protects the privacy rights of all complainants and as such will not go into the substance of any given complaint. On the whole, complaints focused on reduced amenity, risks to public safety, and environmental concerns.

Question 17: Ms Louise McLachlan

Council will only accept hardcopy petitions, so the online petition of more than 6,000 signatures appealing the decision to remove the Daylesford flock of geese was not received for formal consideration. The Council was aware of the petition and the growing numbers in opposition to the vote to remove the geese yet refused to engage with these concerns. Despite demonstrable opposition and action being taken to negotiate other solutions, Council expedited the removal of the Daylesford flock.

How does each Councillor claim to represent the interests of the community by refusing to acknowledge the concerns of the majority of local residents and substantial numbers of regular visitors to Daylesford?

Answer 17: Mayor Don Henderson

Council was aware of both opposition and support for rehoming of the waterfowl. Council have demonstrated acknowledgement of community concern in its community responses via direct contact, media interviews, social media, and responses to mail.

Section 65 of the *Local Government Act 1989* also states that the role of Councillors is to provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts.

Question 18: Ms Louise McLachlan

At the last meeting, Council dismissed concerns about effects on visitor perceptions due to actions of council (including media statements made by the Mayor) and possible damage to the tourism economy, by repeating the glib and dismissive statement that "the strength of our visitor economy is far broader than the 29 geese rehomed".

What research or modelling data does Council have to negate the impact the removal of the geese may have on the local economy?

Answer 18: Mayor Don Henderson

Council did not consider it appropriate to spend money on modelling or research on the specific impact of the geese removal given that the strength of our local economy is far greater than any perceived economic impact from the rehoming of geese from Lake Daylesford. Council also acknowledges the residents and visitors who are pleased with our decision and have thanked us for making it.

Question 19: Ms Diana Le Long

Council refuses to consider other viable solutions to the perceived problems reported by Council. For example, possible thinning of the flock might have been considered plus appropriate signage around the lake about feeding birds and using caution during breeding season. Appropriate signage on the road into Daylesford and a decrease in speed limit – examples of which can be seen in many communities could have been adopted. Council refuses to reinstate the geese, on the basis that this would constitute an offence under the *Prevention of Cruelty to Animals Act 1986*.

Will Council please explain how they are interpreting the Act in relation to rehoming the geese?

Answer 19: Mayor Don Henderson

Abandonment of domestic waterfowl in the wild is an offence under the *Prevention of Cruelty to Animals Act 1986* (s.9(1)(h)). Retention of the dumped domestic waterfowl, or their descendants, could not continue to be ignored, and certainly not celebrated as a tourist attraction, where it may encourage others to dump unwanted waterfowl.

Question 20: Ms Diana Le Long

What alternatives to removal of the entire flock were considered by Council?

Answer 20: Mayor Don Henderson

While reducing numbers of domestic waterfowl would temporarily reduce environmental impacts, the animal welfare concerns would remain and send a message that Council is willing to condone and even take responsibility for dumped domestic animals in the wild, which we would regard as contrary to the intent of the *Prevention of Cruelty to Animals Act 1986*.

Question 21: Ms Susanne Devine and Ms Claire Levine

At the last meeting Council dismissed concerns of prominent businesses in the community by repeating “the strength of our visitor economy is far broader than the 29 geese rehomed”. Community concerns remain about the

unreported source, volume and context of complaints made about aggressive displays from the geese. So, the question has not yet been answered.

Why was there no consultation with business owners situated on Lake Daylesford as to whether they had witnessed or had reported to them any complaints of aggressive behaviour of the geese towards visitors or asked about the value that the geese brought to the lake as a major tourist attraction before this decision was made to remove much of the fun and life from Lake Daylesford.

Since the removal of the geese the Lake has been a much quieter place, regular visitors to Daylesford refer to the lake as soulless and there has been a notable drop in the number of large family groups visiting the lake and in turn frequenting our restaurant.

Answer 21: Mayor Don Henderson

Dumping of Domestic waterfowl in the wild is an offence under the *Prevention of Cruelty to Animals Act 1986*. Retention of the dumped domestic waterfowl, or their descendants could not continue to be ignored, and certainly not celebrated as a tourist attraction, where it may encourage others to dump unwanted waterfowl.

Phone calls to some key stakeholders, including some business owners on the Lake were made to discuss the upcoming Council vote.

Question 22: Ms Susanne Devine and Ms Claire Levine

The European wasps continue, year after year during Autumn, to take over Lake Daylesford and its surrounds for months, leading to many hastily departed picnics and lake walks. The outdoor tables at The Boathouse Restaurant, which we lease for very good money from the Council, remain empty during this time of year. The wasps are aggressive and every year we have people coming in asking for medical assistance because of one or multiple stings. Nobody ever sought medical help for attacks by the geese or ducks that were removed recently.

If the Hepburn Shire Council was really concerned about bio-diversity along with the well-being of tourists then why have they not directed their energies to getting rid of European wasps instead of a few harmless geese?

Answer 22: Mayor Don Henderson

Council does accept responsibility for European Wasps on land under Councils control and Council does take steps to treat and eradicate wasp nests where these are identified on public land managed by Council and we will continue our efforts in this area.

Question 23: Mr Bill McClenaghan

At its meeting today, Council will be considering an application for a planning permit at 11 School Road Musk and we have indicated our intention to speak at the meeting regarding our lodged objection to the granting of this permit. As we cannot ask any questions in our presentation to Council the following questions are hereby submitted for Public Participation Time.

In early 2018, Council and the Daylesford Spa Country Railway entered into a 'Safety Interface Agreement for level crossing and grade separated interfaces'. For this Agreement, Council is the manager of roads that cross rail lines and DSCR is the manager of rail lines that cross Council roads. The key objective of the Agreement are risk management and safety, both requiring ongoing care and attention.

Our question to Council is to enquire what processes are followed within Council in terms of staff delegation and training that would support and uphold the Safety Interface Agreement?

A supplementary question would be to identify the triggers that alert Council staff to the existence of the Safety Interface Agreement and the need to comply with its requirements.

Answer 23: Mayor Don Henderson

Officers are aware of the Safety Interface Agreement we have with Daylesford Spa Country Railway which aims to provide clear maintenance responsibilities/demarcations at rail crossings. There has not been any specific staff training in relation to the Interface Agreement however officers are aware of the agreement and the potential need for a review should there be any material change in usage.

Question 24: Mr Bill McClenaghan

Condition 11) c) for the recommended Notice of Decision requires the provision of a formal traffic turning circle in Roddas Lane. It is assumed that this would not be at the School Road end of the Lane where street car parking is to be provided nor at the narrower east end near the railway station and winery. Hence, it is likely that this turning circle would have to be sited beyond the permit applicant's south boundary and beyond the small adjacent road reserve which would place it right beside leased railway land.

Please provide the details of this turning circle including its exact proposed location and actual dimensions.

Answer 24: Mayor Don Henderson

This relates to a planning item which is listed for consideration under Item 11.1 of tonight's agenda.

Question 25: Ms Eleonore Pierson

Regarding PA 2286 – Residential amenity is residential amenity, no matter where. That amenity is regarded as more worthy of protection in residentially zoned land, than in rural hamlet with near neighbours makes no sense and is not equitable. Why is 50m in town different to 50m in Musk?

The Planner states “whilst amenity is an important consideration....adjoining properties are in a farming zone....provides a lower expectation of residential amenity when compared to residentially zoned land”.

Music and crowds cannot be compared to the sounds of normal agriculture activity. This raises the question: does the planner understand amenity in a rural area?

Answer 25: Mayor Don Henderson

Yes, the planning officers fully understand amenity considerations and apply their understanding in the context of the Statutory Planning Process.

Question 26: Mr Michael Lynn

Regarding PA 2286 – Page 16 of the Planning Recommendation under Environmental Impacts states the following:

The subject site is located within a Bushfire Management Overlay. The application was referred to the CFA “who raised no objection to the proposal subject to a number of conditions which are contained in the recommendation of this report”. Pages 23, 24 and 25 under items numbered 15(a) to (l) number 16,17 (a) to (n) and 18 (a) to (g) provide some 31 requirements that need to be attended to in order to meet the CFA requirements.

When will the body responsible for ensuring these CFA conditions are achieved be conducted and when will the report be made available?

Does failure to comply with the aforementioned list of CFA requirements invalidate the planning application?

Answer 26: Mayor Don Henderson

This question relates to a planning item which is listed for consideration under Item 11.1 of tonight’s agenda.

Question 27: Mr Gary McIntosh

The Captain of Musk CFA has requested Council prune a minimum 4M high x 4M wide safe access clearance along Cypress Lane in Bullarto’s built up Residential Township Zone for emergency service vehicles.

Yesterday Powercor line contractors Tree Top Tower Hire also requested Council provide a 4M access clearance for their cherry picker to prune around

the 12,700 volt SWER powerlines but Council replied they do not maintain Cypress Lane.

Council's CEO Evan King, in a letter dated 25th Jan 2019, agreed Council would maintain the clearance for CFA and firefighting purposes, and yet no pruning whatsoever has been done this year with access clearance down to less than 3M with photographic evidence provided to Council.

On the 20th August I submitted a formal service request through Council's 'Closing the Loop' online request site and as yet have not received a response. That's 28 days, way longer than the average 17.95 days for Council to finalise service requests as noted in tonight's Agenda.

4M x 4M is also the minimum access clearance Council requests all landholders to maintain to their properties for safe CFA access in formal letters they send out each year from Council's Fire Prevention Officer.

Will Council prune a minimum 4M high X 4M wide access clearance along Cypress Lane in Bullarto as is required of landholders to ensure safe CFA and emergency vehicle access, access for cherry picker travel towers for essential tree and powerline maintenance works and for truck access to our property?

Answer 27: Mayor Don Henderson

Following updated advice from the local CFA, Council will undertake works to provide a 4X4 meter clearance within the road reserve to allow CFA vehicle access along Cypress Lane. Works are anticipated to be completed before 20th December.

Question 28: Mr Gary McIntosh

If Council will not prune a 4M clearance from the Cypress trees in Cypress Lane that are Council's responsibility, will Council permit qualified licenced contractors to do so?

Answer 28: Mayor Don Henderson

Council will provide a 4 metre clearance within the road reservation.

Question 29: Ms Gina Lyons

At the last Council meeting the Mayor failed to address concerns about impact on local tourism and the lack of consultation before considering the possibility of removing the geese from Lake Daylesford. The Council's response was that the agenda item was made public 5 days prior to voting to remove the geese. Why did the Council not deem it necessary to consult with major local stakeholders, local businesses involved with the local visitor economy or even with the local regional tourism board before bringing the item to a vote.

Answer 29: Mayor Don Henderson

Council did inform key stakeholders of the item in the upcoming meeting and the Council report was made available to the public on the Friday before the meeting. The timing of the rehoming also aimed to avoid the commencement of the breeding season.

While recognising the value some attribute to the geese, Council believes many other amenity and environmental values at Lake Daylesford and the region contribute to its attraction for visitors. Council believes the success of our tourism industry is a combination of efforts from many committed people over a long period, and as such is not determined by 29 domestic animals on Lake Daylesford.

Dumping of Domestic waterfowl in the wild is an offence under the Prevention of Cruelty to Animals Act 1986. Retention of the dumped domestic waterfowl, or their descendants could not continue to be ignored, and certainly not celebrated as a tourist attraction, where it may encourage others to dump unwanted waterfowl.

10.3. REQUESTS TO ADDRESS COUNCIL

Members of our community who have submitted a request in accordance with Local Law No. 1 will be heard.

No addresses were heard.

11. STATUTORY PLANNING REPORTS

11.1. PLANNING APPLICATION 2286 FOR THE USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF ASSEMBLY AND A REDUCTION IN THE REQUIRED ON-SITE CAR PARKING

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as a Senior Planner, I Anita Smith have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to determine Planning Application PA 2286 for the use and development of the land for a Place of Assembly and a reduction in the required on-site car parking at 11 School Road, Musk.

The application is being brought to Council as the application has received seven objections.

BACKGROUND

Site and Surrounds

The site is a 9535 square metre (approximately 2.3 acre) parcel of land located on the corner of School Road and Roddas Lane in Musk. The site is currently occupied by a dwelling, two studios and a double garage. The grounds surrounding the buildings have been developed with show quality gardens.

The surrounding land is zoned Farming developed with large agricultural properties or smaller allotments developed with dwellings. The Daylesford Tourist Railway adjoins the site to the north east. Passing Clouds winery is located in Roddas Lane approximately 300 metres north east of the site.

The site and surrounding land are identified as being of very high agricultural land quality. (Agricultural Land in the Hepburn Shire, Enplan Strategic Assessment, 2007).

Proposal

It is proposed to change the use of the land to a place of assembly to allow the following functions per annum:

- 7 weddings for up to 100 patrons between 12:00pm - 10:30pm
- Festival and community events including:
- 1 weekend community event up to 500 patrons per day between the hours of 10:30am - 4:30pm;
- 1 open air concert for up to 150 patrons between the hours of 4:00pm - 8:00pm; and
- 4 garden tours for up to 30 patrons between the hours of 10:30am – 3:30pm.

Renewable Restricted Liquor Licenses' will be sought for individual events where required which does not require planning permission.

It is proposed to create access from Roddas Lane to provide parking for up to 57 cars on the existing oval.

ISSUE/DISCUSSION

Zoning:	Farming Zone	
Overlays:	Environmental Significance Overlay Schedule 1 Bushfire Management Overlay Heritage Overlay Schedule 721	
Particular Provisions:	Clause 52.06 (Car Parking)	
Relevant Provisions of the PPF:	<ul style="list-style-type: none"> • Clause 13.02-1S Bushfire planning • Clause 13.05-1S <u>Noise abatement</u> • Clause 14.01-01S Protection of agricultural land • Clause 14.02-1S Catchment planning and management • Clause 14.02-2S Water quality • Clause 15.03-1S Heritage conservation • Clause 15.03-2S Aboriginal cultural heritage • Clause 17.02-01S Business • Clause 17.04-01S Facilitating tourism • Clause 18.02-4S Car parking • Clause 21.2 Key Influences • Clause 21.03 Vision and Strategic Framework • Clause 21.04 Objectives - Strategies - Implementation • Clause 21.07 Economic Development • Clause 21.08 Rural Land Use and Agriculture • Clause 21.09 Environment and Heritage • Clause 22.01 Catchment and Land Protection • Clause 22.04 Rural Land 	
Under what clause(s) is a permit required?	Clause 35.07-1, Farming Zone	Use of the land for a Place of Assembly
	Clause 35.07-1, Farming Zone	Buildings and works
	Clause 43.01-1, Heritage Overlay Schedule 721	Buildings and works (Roadworks)
	Clause 52.07 (Car Parking)	Reduction in the required on-site car parking
	Seven	

The primary considerations of this application are:

- *The appropriateness of the proposed use in a Farming Zone;*
- *The impact on the proposed use on adjoining properties;*
- *The adequacy of car parking;*
- *The heritage implications of the proposed use and development; and*
- *Environmental implications of the proposal.*

Farming Zone and agricultural issues

The purpose of the Farming Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The Farming Zone identifies that a Place of Assembly is an acceptable use subject to a planning permit.

The proposal seeks to change the use of the site to a place of assembly to allow the property to host various events including weddings and garden tours. Whilst located within a Farming Zone, the existing property has been historically developed with a non-agricultural use. The original use of the building was a school that has been converted into a residential property and accommodation.

The size of the allotment is considered to be small for a Farming Zone being well below the 20 hectare minimum suggested by the schedule to the Farming Zone. In addition, adjoining smaller rural properties adjacent to the site have been developed with dwellings and are considered to be non-agricultural lifestyle properties. The site is not directly adjoining any existing large rural properties that support an intensive agricultural use.

In addition to the zoning of the land, it is Council policy to encourage high-quality and locally appropriate commercial and tourism development. The use as proposed, will contribute to tourism and economic development within the region noting the venue has the ability to service a number of accommodation facilities within proximity of the site.

It is therefore considered that the non-agricultural use of the land as proposed is acceptable in this location as:

- The proposal will not result in permanent removal of productive agricultural land;
- The change of use is associated with an existing residential use and will not result in inappropriately dispersed urban activities in rural areas;
- The proposed place of assembly will provide a viable tourist facility that will contribute to the economic development of the region.

Amenity Considerations

The proposal seeks to use the existing gardens for functions including weddings, concerts and garden tours. Some of these uses will create noise that may be heard from the adjoining residential properties.

Whilst amenity is an important consideration, regard is given to the fact that the existing adjoining properties are located within a Farming Zone which allows the proposed use and provides a lower expectation of residential amenity when compared to residentially zoned land. It should be recognised that agricultural uses can also be noise generating.

Following consultation with Council Officers, the application was amended to address the concern relating to noise including:

- limiting the number of events to 13 per year;
- limiting the hours of operation to 10:30pm;
- Stating that no amplified music will be provided on the Chestnut Lawn after 7:00pm; and
- No amplified music will be provided on the oval after 10:00pm.

It is acknowledged that there may be some additional noise and disruption during the times patrons may be entering and exiting the property however the hours of operation are considered to be reasonable considering the number of events per calendar year.

Conditions are proposed in the officer's recommendation restricting the hours of operation, amplified music and direction signage to manage patrons.

Car Parking

The application indicates that the maximum number of patrons to be accommodated on site is approximately 150. In addition, it is proposed to host a large two-day event that will cater for large number of people throughout the day (approximately 500, or 100-150 people per hour). In this instance it is difficult to determine the maximum number of patrons on-site at one time.

The planning scheme suggests the provision of on-site car parking at a rate of 0.3 of a car space per patron. Which equates to 45 on-site car spaces associated with 150 patrons.

The initial submission proposed a waiver of on-site carparking and suggested parking may be accommodated on-street or on adjoining private property. Given the off-site parking arrangement was never formalised and following consultation with Council officers, the application was amended to propose vehicle access to the property from Rodda's Lane to provide on-site car parking on the existing oval for approximately 57 vehicles.

A number of concerns have been identified by neighbours regarding traffic and car parking including the lack of on-street parking and street lighting within proximity of the subject site and the potential impact on the existing road reserves from the parking of vehicles.

It is noted that Roddas Lane is a 'no-through' road and currently primarily provides access to Passing Clouds Winery. In addition, no formal traffic impact report has been provided by the applicant to support the proposal. In the absence of such advice, Council officers have considered the merits of the proposal and advice from Council's Engineering team and determined to impose conditions to protect the amenity of the residents in School Road, formalise on-street parking and vehicle manoeuvrability in Rodda's Lane. Whilst the application proposes on-site carparking on the existing oval, the application does not resolve how the parking will be accommodated in addition to catering for the events. In addition, it is not reasonable to expect vehicles to use the road reserve or enter the car park of Passing Clouds Winery to turn around to leave the site. Accordingly, conditions are proposed requiring the plans to be amended to show:

- The deletion of the on-site car parking;
- The location of pedestrian access; and
- The provision of on-street carparking adjacent to the subject site for the length of the southern boundary; and
- The provision of a formal turning circle in Roddas Lane.
- Where events are held that cater for more than 150 patrons, alternate transport must be organised such as buses or the adjoining tourist railway and encouraged.
- During events, no parking in School Road must be encouraged such as through the use of education and temporary signage.

Subject to the abovementioned conditions, a parking waiver associated with the proposed change of use is acceptable, considering the number of events and patron numbers per annum, in addition to the recommended formal off-site parking to be provided by the permit applicant.

Heritage Implications

The subject site is located within Heritage Overlay Schedule 721 described as the "Former Musk Creek Primary No School No.1171, Daylesford-Trentham Road, Musk"

The statement of significance for the subject site states:

The former Musk Primary School is a single room weatherboard building with a gable roof and a front porch with a skillion roof. The roofs are clad in corrugated iron. The surrounding grounds have well established garden and notably large trees. The building was originally No. 1212 Shepherds Flat which was built sometime after 1873. It appears to be a representative example of the many early education Department single room schools built between 1873 and 1890. Most were built of timber to a standard plan – one room and porch entry both with gable roofs, and windows at the front entry and rear and down one side of the main room.

It is considered that the proposal will have limited impact on the heritage significance of the subject site noting the original school building will not be impacted by the proposal and the use relies on the maintenance of the established gardens which are a feature of the site.

It is considered that the proposal to formalise off-site car parking and retain the oval is also sympathetic to the heritage significance of the site.

Environmental Impacts

The subject site is located within a Bushfire Management Overlay. The application was referred to the Country Fire Authority (CFA) who raised no objection to the proposal subject to a number of conditions which are contained in the recommendation to this report.

The proposal will not require the removal of vegetation from the site noting the recommended condition requiring deletion of the on-site car parking will ensure there is no impact on the existing gardens.

It is proposed to host functions that include temporary structures including marquees and toilets. It is therefore considered that a land capability assessment was not required to be submitted with the application. Should the owners of the land wish to construct additional permanent facilities such as toilets requiring treatment of wastewater on-site, a planning permit would be required.

Standard conditions have been included in the recommendation requiring storm water runoff to be managed on-site in accordance with Council's requirements.

The subject site is located within an area of cultural heritage sensitivity and the proposed change of use is considered to be a high impact activity. The applicant has supplied an Aboriginal Cultural Heritage Due Diligence Assessment prepared by Terra Culture Heritage Consultants who are registered Aboriginal Heritage Advisors. The report concludes that the site has undergone significant ground disturbance and the preparation of a Cultural Heritage Management Plan is not required.

In considering the above, it is determined that the proposal will not result in any significant adverse environmental impacts on the site or surrounds.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council is subject to appeal rights and may incur costs at VCAT if appealed.

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The application has been advertised by sending notification of the proposal to adjoining and adjacent owners and a notice on the land. As a result, seven objections have been received. The issues raised in the objections are addressed individually as follows.

Objectors Concerns

- Bushfire risk (access lack of water supply)

The application was referred to the CFA who have recommended conditions contained within the recommendation of this report including the provision of a dedicated water tank and preparation of relevant management plans.

- Noise

Various concerns were raised in relation to the potential impacts of noise from patrons and music from the site. As discussed in this report above, Council officers believe that appropriate conditions have been included in the recommendation that limit the number of functions, hours of operation and hours of which music can be played, to minimise the impact on adjoining properties to an acceptable level.

- Traffic/Parking

Issues relating to traffic and car parking have already been addressed in this report. Conditions have been included in the recommendation requiring the provision of on-street car parking and turning areas to ensure acceptable vehicle manoeuvrability to and from the site.

- School Road, Rodinis Rd and Trentham Daylesford Rd Intersection/Railroad crossing/Daylesford Tourist Railway/Impact on Public Transport

Whilst these are valid concerns, in considering the extent of the proposal, it is not considered to be appropriate to require the permit applicant to undertake major upgrades to arterial roads or railway crossings. As the use and development of land changes, it is often the responsibility of Council or other agencies to consider and implement changes or upgrades to infrastructure such as roads or public transport. This is outside the scope of this application.

- Lighting in the road

In considering the number of events to be held per year it is not considered to be necessary to require the provision of street lighting. In addition, it is considered that the lack of street lighting is likely to be a traffic calming measure requiring drivers to proceed with caution while driving to conditions.

- Event Management, behaviour of guests/Security/Safety/Privacy

Concern has been identified in relation to the potential impact on the safety, security and privacy of adjoining residential properties. In considering the granting of temporary liquor licences, the licence holders will have requirements to adhere to Victorian Commission for Gambling and Liquor Regulation (VCGLR). This is outside the scope of this permit.

It is acknowledged that the application is likely to result in an increase in vehicles and pedestrians to the site and surrounds, however this is common for such uses and in this instance, it is determined that the use of the site is acceptable. It is noted that given the number of events per year will be restricted to thirteen, the impacts will be minimal.

- Heritage

This has been addressed in the report above, it is considered that the proposal will not detrimentally impact on the heritage significance of the subject site.

- Damage to the property.

In considering the number and size of functions to be held per year, it is considered that the proposal will not result in any unreasonable damage to the subject property or surrounds, it is noted that conditions are contained in the recommendation requiring provision of formal off-street car parking, and 'no parking' signs, to limit any damage to existing council road reserve.

- Lack of signage

Conditions have been contained in the recommendation to require the provision of directions signage in relation to car parking and the behaviour of patrons.

- Lack of emergency plans

This has been addressed through conditions contained within the recommendation required by the CFA.

- Proposed use inconsistent with the Farming Zone/Amenity, Lifestyle, Quality of Life

This has been addressed in detail above, Council officers determine that the proposal is consistent with the zoning of the land noting:

- A Place of Assembly is an acceptable use within the Farming Zone;
 - The size of the allotment, the existing non-agricultural use of the land and the sites location within a Heritage Overlay restricts the ability not the site to be used for agricultural purposes;
 - The site is not located adjacent to any existing agricultural uses that may be impacted by the proposal.
- Inaccuracies on the plan illustrate laneway along the northern boundary and three closest residential properties.

Council officers have inspected the site and surrounds in determining this application and have considered the location of adjoining properties and dwellings.

- Environmental impact, impact on stormwater quality/effluent management, birdlife

Environmental impacts have been addressed in detail above. It is considered that the proposal will not result in any significant detrimental impact on the existing environmental qualities of the site or the surrounds.

- Impact on trees in the road reserve

Conditions have been contained in the recommendation of this report requiring the submission of plans relating to car parking in the road reserve that will be located between existing street trees. The plans will be to the satisfaction of Council's Engineering Team ensuring minimal impact on the trees.

- Lack of loading areas

The subject site retains vehicle access to the site from School Road which will allow loading and unloading of vehicles as required.

- Current non-compliance with the planning scheme (Chillout)

Council is aware that previous events have been held on the site which were in contravention of the Planning Scheme. However this application seeks to formalise the use of the land which is encouraged and is the first step in undertaking enforcement action when a breach of the planning regulations is identified.

- Compliance should a planning permit be issue

Council will be responsible for ensuring compliance with the planning permit should one be issued.

- Amendments to conditions should a planning permit be issued

It is possible for an application be made to amend a planning permit once issued. Any amendment that sought the intensification of the use such as an increase to patron numbers, hours of operation or the number of events per

year would require public notification which would allow neighbours input into the application.

- Parking on septic field

Subject to the conditions requiring parking to be provided within the adjoining road reserve, there will be no parking on any existing waste disposal fields.

CONCLUSION

The application proposes the use and development of the land for a place of assembly and a reduction in the required on-site car parking. The application was advertised and several objections were received.

The application has been assessed against and is considered to be consistent with the relevant sections of the Planning Policy Framework. In addition, the proposed use is supported by the purpose of the Farming Zone and the environmental and heritage overlays that affect the site.

Based on the above, and subject to the conditions contained in the recommendation of this report, the development is considered acceptable and warrants Councils support.

OFFICER'S RECOMMENDATION

11.1.1. That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act issues a Notice of Decision to Grant a Planning Permit PA 2286 for the use and development of the land for a Place of Assembly and a reduction in the required on-site car parking in respect of the land known as 11 School Road Musk VIC 3461, subject to the following conditions:

Amended Plans Required (Condition 1)

1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but further modified to show:

- a) The deletion of the on-site car parking;
- b) The location of pedestrian access, the provision of on-street car parking adjacent to the subject site for the length of the southern boundary, and the provision of a turning circle in Roddas Lane as required by Condition 11 of this permit.

Layout not altered

2) The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Number of functions and hours of operation

- 3) The functions held and patron numbers associated with the use of the land approved by this permit must be limited to:
 - a) Seven weddings for up to 100 patrons between the hours of 12:00pm - 10:30pm
 - b) Festival and community events including:
 - i. One, two-day weekend event for up to 500 patrons per day between the hours of 10:30am - 4:30pm
 - ii. 1 open air concert for up to 150 patrons between the hours of 4:00pm - 8:00pm
 - iii. 4 private garden tours for up to 30 patrons between the hours of 10:30am – 3:30pm

Amplified Music

- 4) The provision of amplified music associated with the use approved by this permit must be restricted as follows:
 - a) No amplified music must not be provided on the “chestnut lawn” as identified on the endorsed plan after 7:00pm
 - b) No amplified music must not be provided on the “oval” as identified on the endorsed plan after 10:00pm.
 - c) live and amplified music provided on the grounds outside the oval and chestnut lawn must not be provided after 10pm and must only be of a type and volume appropriate to background music. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

Event Management

- 5) Within one (1) month of an event that caters for more than 150 patrons, a traffic management plan must be submitted to and approved to the satisfaction of the responsible authority. The traffic management plan must describe as relevant:
 - a) Transport arrangements for attendees that does not include the parking of private motor vehicles on the site or within the surrounding road network;
 - b) The location of drop-off, pick-up areas;
 - c) The number of buses expected;
 - d) The anticipated times that buses will attend the site;
 - e) Agreement for the use of adjoining tourist railway.

- f) Any other relevant information;
- 6) During events, no parking in School Road must be encouraged such as through the use of education and temporary signage.
- 7) Prior to the commencement of the use, direction signage must be erected and maintained to:
 - a) directing patrons to car parking in Roddas Lane.
 - b) advising patrons to be mindful of the amenity of neighbours.
- 8) There must be no permanent storage of materials and vehicles within the Council reserves.

Engineering requirements

- 9) All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.
- 10) It is the responsibility of this permit holder(s) to maintain the unmaintained/unmade Roddas Lane from a maintained road network (i.e. from School Road) to the subject lands proposed access to the satisfaction of Responsible Authority.
- 11) Before commencement of the construction works associated with the provision of carparking, a detailed plan (drawn to scale and fully dimensioned) demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking', Australian Standard "AS2890: Parking Facilities" must be submitted to and approved by the Responsible Authority. The plan must include unless agreed in writing by the Responsible Authority:
 - a) The location of pedestrian access; and
 - b) The provision for on-street carparking adjacent to the subject site for the length of the southern boundary of the site including sweep paths diagrams demonstrating compliance with the requirements of Clause 52.06-9 (Design standards for car parking)
 - c) The provision of a formal turning circle in Roddas Lane.
- 12) Before the commencement of the use approved by this permit the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) surfaced with an all-weather surface and treated to prevent dust;
 - b) drained in accordance with an approved drainage plan;
 - c) provision for vehicles to pass on driveways and
 - d) constructed and completed to the satisfaction of the Responsible Authority.

Where the boundary of any car space, access lane or driveway adjoins a footpath or a garden area, a kerb or a similar barrier shall be constructed to the satisfaction of Responsible Authority

13) All works associated with Conditions 9 to 12 (inclusive) of this permit must be constructed and complete to the Satisfaction of the Responsible Authority prior to commencement of use.

14) To All costs incurred in complying with the Conditions 9 to 13 (inclusive) shall be borne by the permit holder.

Country Fire Authority

15) Defendable space (across the entire property) where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- a) Grass must be short cropped and maintained during the declared fire danger period.
- b) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- c) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- d) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- e) Shrubs must not be located under the canopy of trees.
- f) Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- g) Trees must not overhang or touch any elements of the building.
- h) The canopy of trees must be separated by at least 5 metres.
- i) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

16) Prior to the commencement of the use and development, a dedicated fire fighting water supply is provided for the site being 10,000 litres in a steel or concrete tank to the “satisfaction of the CFA

17) Prior to the commencement of the use and development, “all hazard” Emergency Management Plans including bushfire are to be submitted to and approved by the Responsible Authority. The plans should satisfactorily address the following matters:

- a) The Fire Danger Rating triggers for the closure of the facility;
- b) Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.

- c) Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable).
- d) A limitation of numbers of people allowed to attend the site
- e) Transport arrangements for staff and visitors
- f) The need for any additional arrangements for persons with special needs.
- g) Training of staff, visitors on emergency procedures.
- h) The nature and frequency of emergency procedure exercises.
- i) Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:
 - j) Management and oversight of emergency procedures.
 - k) Training of employees in emergency procedures.
 - l) Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
 - m) Accounting for all persons during the emergency procedures.
 - n) Monitoring and review of the Emergency Plans at least annually.
- 18) Prior to the commencement of the use and development, a report prepared by a qualified risk management practitioner that has recognised qualifications and experience must be submitted to and approved by the Responsible Authority. The report must conduct a full risk assessment and response plan meeting (AS/NZS) ISO 31000 Risk management – Principles and guidelines addressing the following areas (but not limited to):
 - a) Assessments of fire and other emergencies within the site and external threats impinging on the site.
 - b) Risk treatments to mitigate identified risks.
 - c) Develop an emergency management plan based on the treatment strategy.
 - d) Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA.
 - e) Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA.
 - f) Event plans for the site are to be developed using a guide document, 'Event Management – Planning Guideline for Event Managers'.
 - g) Any identified firefighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.

External Lighting

19) External lighting associated with the use allowed by this permit must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

Construction amenity

20) All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority

Stormwater Drainage

All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Permit Expiry

21) This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987

Note: Further Council approval through a Local Laws permit will be required for any construction that requires access through Council Land.

Mr Neil Haydon addressed Council in support of the application.

MOTION

11.1.1. That an extension of time be provided to Ms Helen Hayes to address Council on behalf of herself and another Objector

Moved: Cr Kate Redwood AM

Seconded: Cr Licia Kokocinski

Carried

Ms Helen Hayes addressed Council in objection to the application.

Mr Michael Lynn addressed Council in objection to the application.

Ms Eleonore Pierson addressed Council in objection to the application.

Mr Bill McClenaghan, representing the Daylesford Spa Country Railway, addressed Council in objection to the application.

MOTION

11.1.2. *That Council having caused notice of the planning application under Section 52 of The Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act issues a Notice of Decision to Grant a Planning Permit PA 2286 for the use and development of the land for a Place of Assembly and a reduction in the required on-site car parking in respect of the land known as 11 School Road Musk VIC 3461, subject to the following conditions:*

Amended Plans Required (Condition 1)

1) *Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the advertised plans but further modified to show:*

- a) *The deletion of the on-site car parking;*
- b) *The location of pedestrian access, the provision of on-street car parking adjacent to the subject site for the length of the southern boundary.*

Layout not altered

2) *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Number of functions and hours of operation

3) *The functions held and patron numbers associated with the use of the land approved by this permit must be limited to:*

- a) *Seven weddings for up to 100 patrons between the hours of 12:00pm - 10:30pm*
- b) *Festival and community events including:*
 - i. *One, two-day weekend event for up to 500 patrons per day between the hours of 10:30am - 4:30pm*

ii. 1 open air concert for up to 150 patrons between the hours of 4:00pm - 8:00pm

iii. 4 private garden tours for up to 30 patrons between the hours of 10:30am – 3:30pm

Amplified Music

4) The provision of amplified music associated with the use approved by this permit must be restricted as follows:

a) No amplified music be provided on the “chestnut lawn” as identified on the endorsed plan after 7:00pm

b) No amplified music be provided on the “oval” as identified on the endorsed plan after 10:00pm.

c) live and amplified music provided on the grounds outside the oval and chestnut lawn must not be provided after 10pm and must only be of a type and volume appropriate to background music.

Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree.

It is not background music if it is played at a level which requires patrons to shout or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

Event Management

5) Within one (1) month of an event that caters for more than 150 patrons, a traffic management plan must be submitted to and approved to the satisfaction of the responsible authority. The traffic management plan must describe as relevant:

a) Transport arrangements for attendees that does not include the parking of private motor vehicles on the site;

b) The location of drop-off, pick-up areas;

c) The number of buses expected;

d) The anticipated times that buses will attend the site;

e) Any Agreement entered into with the adjoining tourist railway.

f) Any other relevant information;

- 6) *During events, parking in School Road North of Musk Farm must be discouraged such as through the use of education and temporary signage.*
- 7) *Prior to the commencement of the use, direction signage must be erected and maintained to:*
 - a) *directing patrons to car parking in Roddas Lane.*
 - b) *advising patrons to be mindful of the amenity of neighbours.*
- 8) *There must be no permanent storage of materials and vehicles within the Council reserves.*

Engineering requirements

- 9) *All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.*
- 10) *It is the responsibility of this permit holder(s) to maintain the unmaintained/unmade Roddas Lane from a maintained road network (i.e. from School Road) to the subject lands proposed access to the satisfaction of Responsible Authority.*
- 11) *Before commencement a detailed parking plan (drawn to scale and fully dimensioned) must be submitted to and approved by the Responsible Authority. The plan must include unless agreed in writing by the Responsible Authority:*
 - a) *The location of pedestrian access; and*
 - b) *The provision for on-street car parking adjacent to the subject site for the length of the southern boundary of the site*
- 12) *All works associated with Conditions 9 to 11 (inclusive) of this permit must be constructed and completed to the Satisfaction of the Responsible Authority prior to commencement of use.*
- 13) *To All costs incurred in complying with the Conditions 9 to 12 (inclusive) shall be borne by the permit holder.*

Country Fire Authority
Subject to the satisfaction of the CFA confirm in writing a fire management plan that considers:

14) *Defendable space (across the entire property) where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:*

- a) *Grass must be short cropped and maintained during the declared fire danger period.*
- b) *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- c) *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- d) *Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- e) *Shrubs must not be located under the canopy of trees.*
- f) *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- g) *Trees must not overhang or touch any elements of the building.*
- h) *The canopy of trees must be separated by at least 5 metres.*
- i) *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

15) *Prior to the commencement of the use a ~~dedicated~~ fire fighting water supply is provided for the site being 10,000 litres to the "satisfaction" of the CFA.*

16) *Prior to the commencement of the use, "all hazard" Emergency Management Plans including bushfire are to be submitted to and approved by the Responsible Authority. The plans should satisfactorily address the following matters:*

- a) *The Fire Danger Rating triggers for the closure of the facility;*
- b) *Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.*
- c) *Details of the location/s for emergency assembly, evacuation and shelter-in place (in the event that evacuation from the site is not practicable).*
- d) *A limitation of numbers of people allowed to attend the site*

Due to an administrative oversight in the production of these minutes, the word "dedicated" has now been removed to reflect the words spoken at the meeting.

- e) *Transport arrangements for staff and visitors*
- f) *The need for any additional arrangements for persons with special needs.*
- g) *Training of staff, visitors on emergency procedures.*
- h) *The nature and frequency of emergency procedure exercises.*
- i) *Emergency procedures (bushfire action statements) including the assignment of roles and responsibilities to staff. This must include assigning responsibility for the:*
- j) *Management and oversight of emergency procedures.*
- k) *Training of employees in emergency procedures.*
- l) *Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.*
- m) *Accounting for all persons during the emergency procedures.*
- n) *Monitoring and review of the Emergency Plans at least annually.*

17) *Prior to the commencement of the use and development, a report prepared by a qualified risk management practitioner that has recognised qualifications and experience must be submitted to and approved by the Responsible Authority. The report must conduct a full risk assessment and response plan meeting (AS/NZS) ISO 31000 Risk management – Principles and guidelines addressing the following areas (but not limited to):*

- a) *Assessments of fire and other emergencies within the site and external threats impinging on the site.*
- b) *Risk treatments to mitigate identified risks.*
- c) *Develop and emergency management plan based on the treatment strategy.*
- d) *Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA.*
- e) *Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA.*
- f) *Event plans for the site are to be developed using a guide document, 'Event Management – Planning Guideline for Event Managers'.*

g) Any identified firefighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event.

External Lighting

18) External lighting associated with the use allowed by this permit must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

Construction amenity

19) All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority

Stormwater Drainage

All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Permit Expiry

20) This permit will expire if one of the following circumstances applies:

a) The development is not started within two years of the date of this permit.

b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987

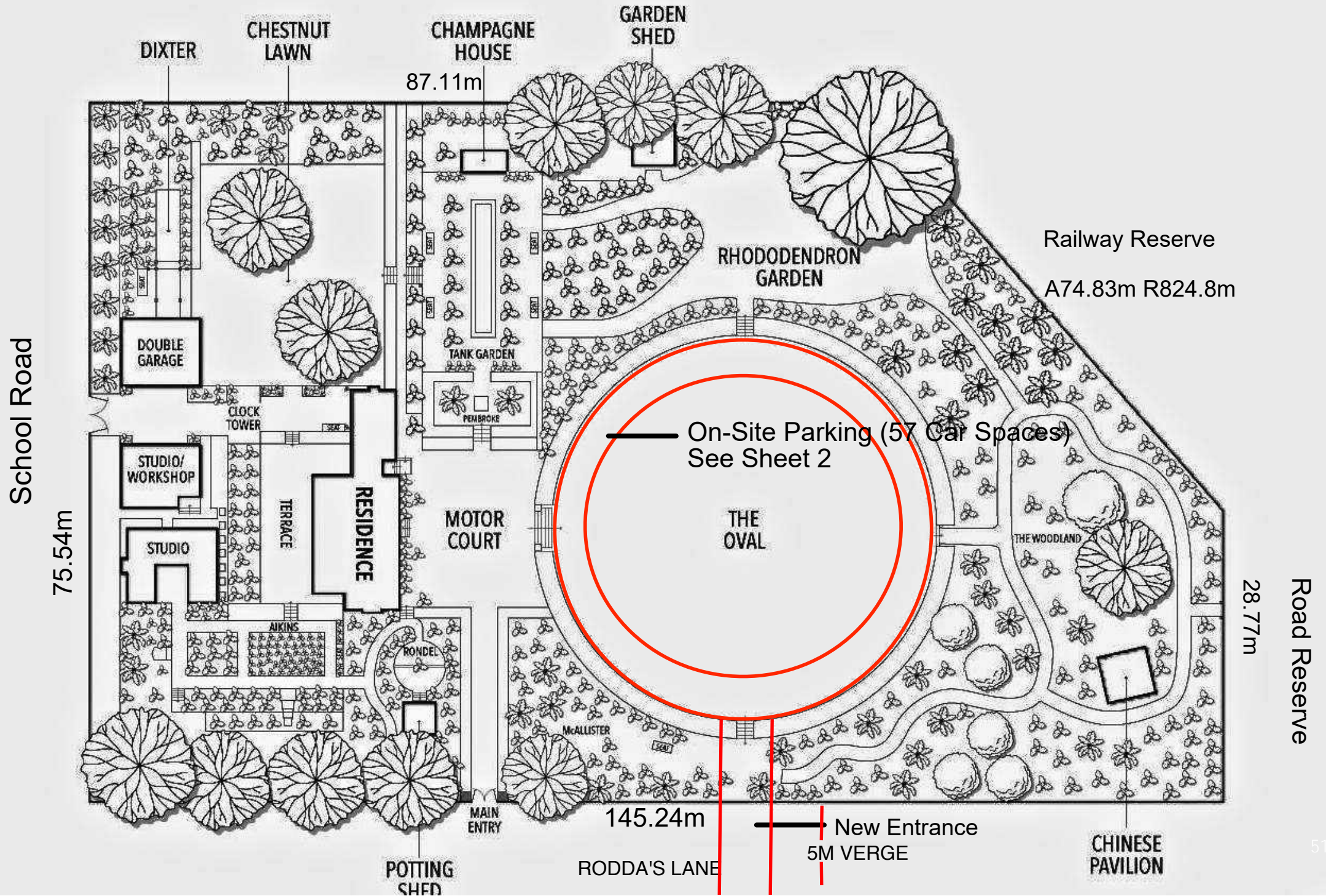
Note: Further Council approval through a Local Laws permit will be required for any construction that requires access through Council Land.

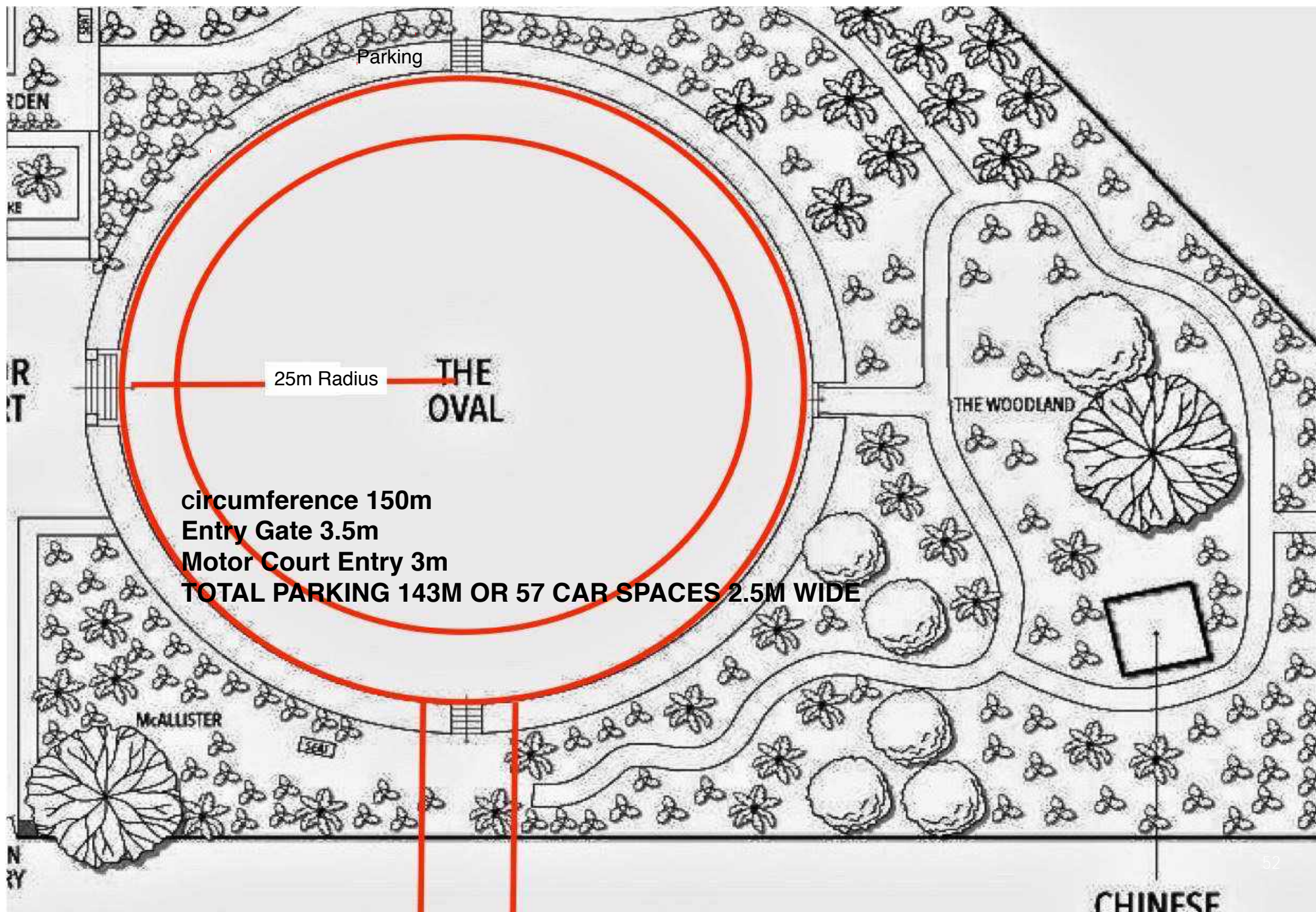
Moved: Cr John Cottrell

Seconded: Cr Licia Kokocinski

Carried

ATTACHMENT 1 - PA 2286 – PLANS – 11 SCHOOL ROAD MUSK





25m Radius

THE OVAL

circumference 150m
Entry Gate 3.5m
Motor Court Entry 3m
TOTAL PARKING 143M OR 57 CAR SPACES 2.5M WIDE

THE WOODLAND

McALLISTER

CHINESE

Application for Planning Permit - Place of Assembly
(Musk Farm – Events & Functions)
Property: No. 11 School Road, Musk, Victoria 3461
10 May 2019



Preamble

Musk Farm is a unique property that is in demand for various events and functions. Musk Farm is a 9535m² (3.5 acres) estate located only a ten-minute drive (6kms) from the restaurants, cafes, shops and spas of Daylesford and Hepburn Springs.

The house and grounds were the original Musk Primary School, founded in 1872 and then decommissioned in 1993. Since 1998 the house was renovated, expanded and the barren grounds developed into an exquisite show case garden estate.

Musk Farm provides a location, setting and opportunity for hosting of a range of intimate functions and events.

The following outline provides an overview of the various events and functions that are proposed to be undertaken at Musk Farm as a place of assembly pursuant to the relevant provisions of the Hepburn Planning Scheme.

To assist with the management of such events, an Event Management Plan has been developed to form part of the application material.

Proposed Events & Functions

Event Type	Patron No's	Max No. Events Per Annum	Time(s)
Boutique Weddings	Up to 100	7	12:00pm – 10:30pm
*No amplified Music on the Chestnut Lawn after 7.00pm			
*No Amplified Music on the Oval after 10.00pm			
Festival and Community Events			
Weekend Community Event <i>(eg French Marketplace at Chill Out Festival, 100-150 per hour)</i>	Up to 500 per day	1	10:30am-4:30pm
Open Air Concert	Up to 150	1	4.00pm-8:00pm
Garden Tours	Up to 30	4	10.30am-3.30pm
Surrounding Land Uses			
Northern Boundary	Residential Property		
Southern Boundary	Residential Property (Weekender)		
Eastern Boundary	Tourist Railway (Rail Reserve)		
	Passing Clouds Winery		
Western Boundary	Farmland		
Staff			
Catering	As required for each event		
Parking	Contractor where required		
Security	Contractor where required		
Seating requirement	Up to 150 seats		
Liquor Licence	Renewable Restricted Liquor where required		
Anticipated Noise Levels	No amplified music on the Chestnut Lawn after 7.00pm No amplified music on the Oval after 10.00pm		

On Site Car Parking on the Oval

Weekend Community Event <i>(eg French Marketplace at Chill Out Festival)</i>		50 Cars every 2 hours
Open Air Concert		50 Cars
Weddings		33 Cars
Garden Tours	Pickup and Drop off by Coach	No parking required
Event held on the Oval	Pickup and Drop off by Coach	No parking required

Emergency/Disability Access

Access for emergency service vehicles and disabled persons will be available to the site from either School Road into the 'Clock Tower' area or from Rodda's Lane into the 'Motor Court'

Event Management Plan

An Event Management Plan has been prepared for the purpose managing events and functions at Musk Farm.

Bushfire Plan

- Cancel any event where fire alert is EXTREME or above
- Install Fire Rating signs at all public entrances
- Install signage and directions to the Place of Assembly in any emergency
- State place of assembly if required (Clocktower or Motor Court dependent upon event)
- Provision of fire firefighting infrastructure to include
- Hoses on outlet points around the property (6 points)
- Signage directing the public to the place of assembly and exit point
- Appoint wardens to help direct public to assembly point
- Inspection and maintenance of Fire Extinguishers
- Education and written instruction to staff and volunteers in relation to all the above

SITE PLAN

See attached

BICYCLE and OVERFLOW CAR PARKING

- Up to 25 Bicycles may be parked in the Motor Court.
- Staff and volunteer parking in the Motor Court

Michael Wagner
muskfarm@bigpond.com
0407 264 275

10 May 2019

**ATTACHMENT 2 - PA 2286 – OBJECTIONS – 11 SCHOOL ROAD MUSK
(ISSUED TO COUNCILLORS UNDER SEPARATE COVER)**

12. OFFICERS' REPORTS

PROCEDURAL MOTION

12.1. That Council considers Item 12.6 before other Officer Reports

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

12.6. CLIMATE CHANGE DECLARATION

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Sustainability Officer, I Dominic Murphy have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide Council with supporting information so that a Climate Change Declaration can be considered.

BACKGROUND

Council and community in the Hepburn Shire have a long history of environmental leadership at a local, regional and national level.

Within Council, this is evidenced by the development and adoption of several key initiatives over many years, including the current *Towards Zero Emissions Roadmap* and the recently endorsed *Biodiversity Strategy*, that incorporates findings from the *Future Landscapes* project. Council actively participates in groups such as the Central Victorian Greenhouse Alliance, the Climate Council of Australia's *Cities Power Partnership*, or the Victorian Government's *Take2* initiative.

Within community, numerous programs and events are aimed at implementing, expanding and promoting environmental conservation and restoration. The Shire is home to several sustainability groups, Landcare groups and other volunteers who give generously of their time to ensure that the region protects and retains its natural assets into the future.

Together, Council and community have worked closely on a range of initiatives, over many years. This includes the community-led Hepburn Shire Zero Net Emissions Transition (Z-NET) project, which aims to quantify and address greenhouse gas (GHG) emissions, locally.

In light of accelerating environmental crises on a global scale, such as anthropogenic climate change and loss of biodiversity, there is currently an opportunity for Council to take stock of historical and current actions in this

space and consider its role in future. This could relate to projects, advocacy, policy, or other leadership actions.

Of particular relevance to this report is the movement '*Council Action in the Climate Emergency (CACE)*', which involves government (and some non-government) organisations declaring a 'climate emergency'. Declarations often vary between jurisdictions, however they generally outline an acknowledgement of the seriousness of climate change and a course of action(s) to respond to it. The first climate emergency declaration was passed by Darebin City Council (Melbourne, Australia) in December 2016. Since that time, this has become a global movement, with 990 jurisdictions in 18 countries having made a formal declaration as of 10 September 2019.

ISSUE/DISCUSSION

There is a global scientific consensus that climate change poses significant, acute risks to the environment, countless species, and humans. These risks relate not only to individual events such as increased heat waves, floods, droughts or fires, but also to major, irreversible changes such as sea level rise, ecological collapse, and reaching or exceeding climate 'tipping points'.

Average global temperatures have already increased and continue to rise; the impacts of climate change are already underway and being recorded by peak scientific bodies, both domestically and abroad. The 2018 Intergovernmental Panel on Climate Change's (IPCC) Special Report *Global Warming of 1.5°C* outlines the risks of excessive climate change, while highlighting that pathways to mitigate its worst impacts still exist and are achievable.

To address this, Council already proudly supports a range of climate change mitigation and adaptation programs. The Z-NET Community Transition Plan is one such program, which outlines a framework and actions to reach zero net emissions locally by 2030. Many of these actions are already underway or in planning, overseen by the Z-NET Roundtable – a group consisting of local community, industry and Council representatives. The IPCC Report shows that the next decade is critical, and that the emissions reduction trajectory achieved by 2030 will significantly impact upon GHG concentrations and the necessary future rate of action.

Hepburn Shire, with its supportive and active community, is well positioned to meet this goal; in fact, failure to meet it would not bode well for achieving global GHG reductions, given that many other regions and countries are yet to commence emission reduction activities. Targeted action to address GHG emissions is already committed through a suite of Council and community actions, positioning this Shire well to remain a 'lighthouse' community for climate change action.

While councils can develop and implement climate change projects, there is also a need for policy and funding support from higher levels of government. Actions and goals supported by government must also align with expert

scientific recommendations. Council and community can continue to advocate for this support and show leadership - a climate declaration is one action which can support these objectives.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Not Applicable

FINANCIAL IMPLICATIONS

Council has already committed significant funding towards climate change mitigation and adaptation actions. This work is ongoing and additional projects will need to be assessed, developed and funded based on their merits. No additional project funding allocation is proposed at this time.

RISK IMPLICATIONS

Climate change has the potential to be an emotive topic, for a range of reasons. Ongoing communication with community is vital in ensuring that they are engaged and informed of the reasons behind climate change actions and statements.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Projects aimed at addressing climate change are focussed on improving environmental outcomes. Existing projects will continue, while future projects will need to be assessed and prioritised based on their impact. Social justice is pivotal to the successful implementation of community-wide climate change action.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Climate Emergency Declaration requests have come from community groups, but admittedly these are from a small number of engaged individuals. Engagement with the broader community on this specific issue and its meaning/implications is yet to be carried out.

CONCLUSION

Council is already very active in climate change mitigation and adaptation actions. Community and Council already have detailed plans for reducing emissions locally, which meet and exceed the rate recommended by the IPCC.

A climate change declaration should ideally be tied to specific actions. Given that numerous projects and plans are already underway, which happen to align closely with potential climate emergency declaration actions, it is not suggested that any major additional actions are included at this time. This declaration should be seen as a statement which aligns Hepburn Shire's existing leadership with a global movement for climate change action.

OFFICER'S RECOMMENDATION

That Council:

12.6.1. Acknowledges and reiterates support for the Municipal Association of Victoria's (MAV) successful motion from 12 May 2017 which states that 'we are in a state of climate emergency that requires urgent action from all levels of government, including local councils.'

12.6.2. Acknowledges that there is a climate emergency that requires urgent action from all levels of government, including local councils.

12.6.3. Acknowledges the risks posed by climate change at a global, national and local level, and their likely immediate and future impact. This risk warrants a 'whole-of-council' response, including across core council services such as public health, emergency management, community services, economic development, infrastructure and planning.

12.6.4. Commits to bi-annual reporting to community on local actions and projects which are delivering upon climate change mitigation, while ensuring that the level of activity remains consistent with the importance of the climate emergency.

12.6.5. Formally registers this declaration with the Council Action in the Climate Emergency movement.

MOTION

That Council:

12.6.1. Acknowledges that the effects of climate change pose a significant threat to our planet, and recognises that actions to mitigate this impact are a global responsibility of all governments and its peoples.

12.6.2. Has, in recognition of the effects climate change pose to our planet, supported the successful 2017 Municipal Association of Victoria (MAV) resolution:

That the MAV recognises that:

- a) we are in a state of climate emergency that requires urgent action by all levels of government, including local councils;*
- b) human induced climate change stands in the first rank of threats to humans, civilisation and other species;*
- c) it is still possible to restore a safe climate and prevent most of the anticipated long-term climate impacts – but only if societies across the world adopt an emergency mode of action that can*

enable the restructuring of the physical economy at the necessary scale and speed;

- d) the MAV has a particular role in assisting local governments in this regard.*

12.6.3. Has, in recognition of the effects climate change pose to our planet, supported the successful 2019 Municipal Association of Victoria (MAV) resolution:

That the MAV advocate to the State and Federal Governments to:

- a) acknowledge we are in a state of climate emergency;*
- b) as a matter of priority, increase funding and support for climate change adaptation and mitigation research and action, including by providing greater funding to the National Climate Change Adaptation Research Facility (NCCARF) and Commonwealth Scientific and Industry Research Organisation (CSIRO) research.*

12.6.4. Acknowledges that there is a climate emergency that requires urgent action from all levels of government, including local councils;

12.6.5. Acknowledges that the risks posed by the effects of climate change at a local level require a whole-of-council response – as reflected in core council services including public health, emergency management, community services, recreation facilities, economic development, infrastructure, and planning, and;

12.6.6. Commits to bi-annual reporting to community on local actions and projects which are delivering upon climate change mitigation, while ensuring that the level of activity remains consistent with the importance of the climate emergency;

12.6.7. Formally registers this declaration with the Council Action in the Climate Emergency movement.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

12.1. CHIEF EXECUTIVE OFFICER'S REPORT

OFFICER'S RECOMMENDATION

12.1.1. That Council receives the Chief Executive Officer's Report for September 2019

MOTION

12.1.1. That Council receives the Chief Executive Officer's Report for September 2019

Moved: Cr Greg May

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 3 - CHIEF EXECUTIVE OFFICERS REPORT FOR
SEPTEMBER 2019**

CHIEF EXECUTIVE OFFICER REPORT

Presented at the Ordinary Meeting
of Council on 17 September 2019

The CEO Report is a monthly report to inform Council and the community of current issues, initiatives and projects undertaken across Council.

CEO Update

WEEK ENDING 25 AUGUST 2019

On Monday I started the day with a Goldfields World Heritage bid meeting, followed by time in the office and a regular catch-up meeting with one of my direct reports.

Tuesday was Council meeting day, so I had a full day of pre-Council meetings, followed by the Council meeting that night.

On Wednesday, I met with the Executive Team and had a meeting relating to a Planning related matter. That afternoon I conducted a half-year performance review discussion with one of my direct reports.

On Thursday morning I attended our monthly Leadership Team and Coordinators meeting.

That afternoon, Bruce Lucas, Bradley Thomas, David Watson and I attended our regular six monthly catch-up with the Environmental Protection Agency (EPA) where we discussed relevant legislative reform, an update from Council (e.g. industrial/residential growth, new strategies – e.g. waste), key operational matters, as well as what is on the horizon.

On Friday I attended an all-day GNet meeting in Ballarat.

WEEK ENDING 1 SEPTEMBER 2019

I started the week in Bannockburn at the Municipal Association of Victoria (MAV) South Central Regional meeting.

On Tuesday, the Mayor and I attended the Central Highlands Water 2019-20 Corporate Plan launch in Ballarat and following that, we had our weekly CEO and Mayor meeting. I spent the afternoon in a number of internal meetings.

On Wednesday morning, I attended a 'Jobs and training' project team meeting in Ballarat, which was followed by a meeting with Regional Development Victoria (RDV) in Ballarat. On Wednesday afternoon I had my weekly Executive Team meeting.

On Thursday I had a meeting with Cr Cottrell which was followed by a meeting with a resident before heading to Beaufort for a Central Highlands Councils Mayor's and CEO's meeting.

I started Friday attending meetings in Ballarat, firstly at the Central Highlands Regional Partnership working group meeting, followed by a meeting with RDV regarding the Institute of Gastronomy. In the afternoon I had several one-on-one catch ups with my direct reports.



My last appointment of the day was attending the sod turning on the East Street Bridge project in Daylesford.

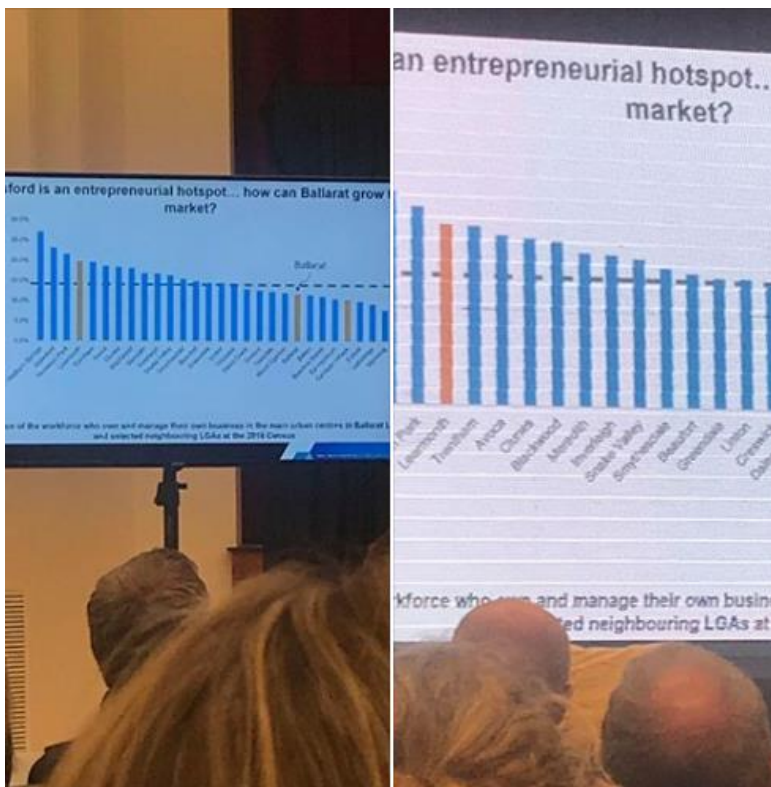
This project will increase the height clearance of the bridge by lowering the road, which will facilitate the movement of heavy vehicles into the industrial precinct and it will also make our residential streets safer.

WEEK ENDING 08 SEPTEMBER 2019

My first meeting of the day on Monday was a phone conference with auditors, HLB.

We had our usual CEO Unit catch up meeting to review diaries for the coming week, and I had some much-needed time in the office before finishing the day in an end-of-year finance wrap up meeting.

Tuesday was a full day Councillor Briefing and on Tuesday night I attended a session in Ballarat at the Digital Innovation Festival, where Bernard Salt AM was the guest speaker. Bernard is demographer, futurist and advocate for regional Australia, and he explored what Ballarat and regional Australia will look like in an increasingly technology driven and digitised world. We were thrilled to see that he considers Daylesford/Hepburn Springs to be an entrepreneurial hotspot, with Trentham, Clunes and Creswick following closely behind.



On Wednesday morning I had the Executive team meeting.

That afternoon, I participated in a Local Government Review workshop in Bendigo as the Andrews Labor Government are undertaking a review of the Local Government Rating System.

The introduction of annual property valuations has resulted in rate increases for many properties fluctuating significantly. The introduction of the rate cap has led many people to believe that their rates would only ever go up by the rate cap which has caused a lot of confusion. I look forward to seeing the recommendations from the review.

On Thursday I had a meeting with one of my direct reports followed by a Leadership Team meeting. Due to some meeting cancellations, I spent Thursday afternoon in the office catching up on correspondence.

On Friday I attended the Hepburn Prevention Lab meeting in Creswick.

Late Friday afternoon, Council signed up to the Small Business Friendly Council initiative, pledging to provide small businesses in the region with greater support.

Victorian Small Business Commissioner Judy O'Connell and Member for Macedon Mary-Anne Thomas MP visited Daylesford to sign the initiative's Charter with Mayor Cr Don Henderson and myself.

Signing the pledge signifies our commitment to:

- pay small businesses within 30 days
- work towards faster permit approvals
- help establish and grow local business networks
- work with small businesses to manage impacts of disruptive infrastructure projects.



WEEK ENDING 15 SEPTEMBER 2019

On Monday, the Directors and I reviewed draft reports for the upcoming Council meeting. Following this, I had a Project Control Group meeting for the Hepburn Hub at the Rex, a meeting with the Chair of the Audit and Risk Advisory Council, Trevor Shard, and we had the Audit, Risk & Advisory Committee all afternoon.

Due to the high volume of agenda items for Council briefings, on Tuesday we had another all-day Councillor Briefing.

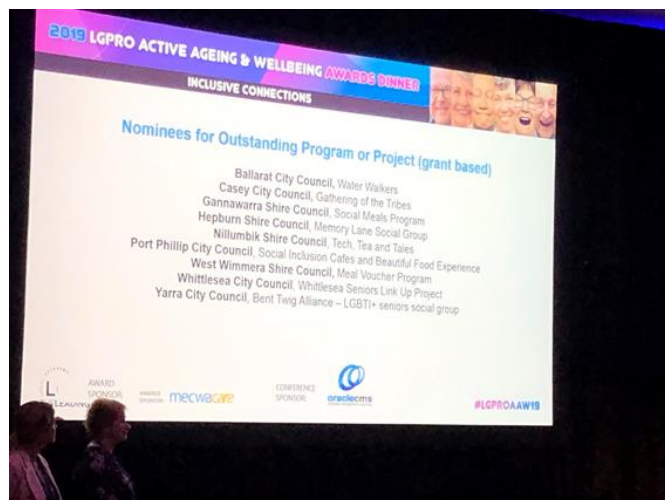
On Wednesday morning, I attended a Toolbox meeting at the Daylesford Depot followed by the Executive Team meeting. Following that I was fortunate to be invited to speak to students at the Daylesford Dharma School. I presented to students about what services Council provide to the community. There were a lot of great questions and even an election of a student Mayor.



Following my presentation, Cr Robson and I had our regular catch up, and following that, I had one further internal meeting that afternoon.

On Thursday we had our quarterly All Staff meeting at the Newlyn Recreation Reserve. The September All Staff meeting includes the presentation of Staff Service awards. At this meeting, eight staff were awarded certificates to acknowledge the significant service milestone they have achieved. Two CEO Awards were also presented and our Communications Officer, Maria Abate, and Coordinator Community Partnerships, Rachel Palmers were the recipients of these awards.

On Thursday evening, I attended the LGPro Active Ageing & Wellbeing Awards in Melbourne with several Council officers. Council placed in the top three for our Memory Lane Social Group within the Inclusive Connections category. It was a proud moment for our Planned Activity Group team who work hard to develop skills and bring enjoyment to the lives of community members living with dementia or memory loss.



On Friday, I attended an induction meeting, and a meeting for the Rural Councils Victoria (RCV) management committee. RCV is an advocacy body representing the interests of the 38 rural Victorian councils and their communities. The RCV Committee of Management is made up of a mayor or councillor and a CEO from each of the 6 MAV rural regions. The Committee meets monthly to oversee progress on a program of work to further their research, capacity building and advocacy priorities. This work is supported by the Secretariat team based at Towong Shire Council. In my newly appointed role as a member on this committee, I am required to attend monthly committee meetings in Melbourne and act as a conduit for information to the member Councils in Rural South-Central region.

▶ CEO REPORT

On Saturday as guests of City of Ballarat, my wife and I attended the regional premiere of 'Ride like a girl', the film about Ballarat local, Michelle Payne, the first female jockey to win the Melbourne Cup.



On Monday, I had my regular catch up with Councillor Kate Redwood AM followed by a Project Control Group meeting for the Hepburn Hub at the Rex, a Creswick Trails meeting and a catch up with a direct report.

The remainder of the week's activities will be included in the CEO Report which will be presented at the October 2019 Council meeting.

12.2. CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2019

MAYOR HEPBURN SHIRE COUNCIL

In providing this advice to Council as the Mayor, I Councillor Don Henderson have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to endorse the Annual Performance Appraisal for the Chief Executive Officer for the 2018/2019 year and set the key performance indicators for the 2019/2020 year. The following documents have been used and developed for the performance appraisal process:

- 2018/2019 Quarter 4 Performance appraisal document
- 2018/2019 Annual Key Performance Indicators document
- 2019/2020 Quarterly Indicators
- 2019/2020 Annual Key Performance Indicators

BACKGROUND

The Chief Executive Officer's Performance Evaluation is conducted by Council on a quarterly and annual basis. The performance evaluation reviews the performance of the Chief Executive Officer against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

The objective of the process is to provide a forum for authentic dialogue with the Chief Executive Officer on overall performance and to establish as early as possible annual Key Result Areas.

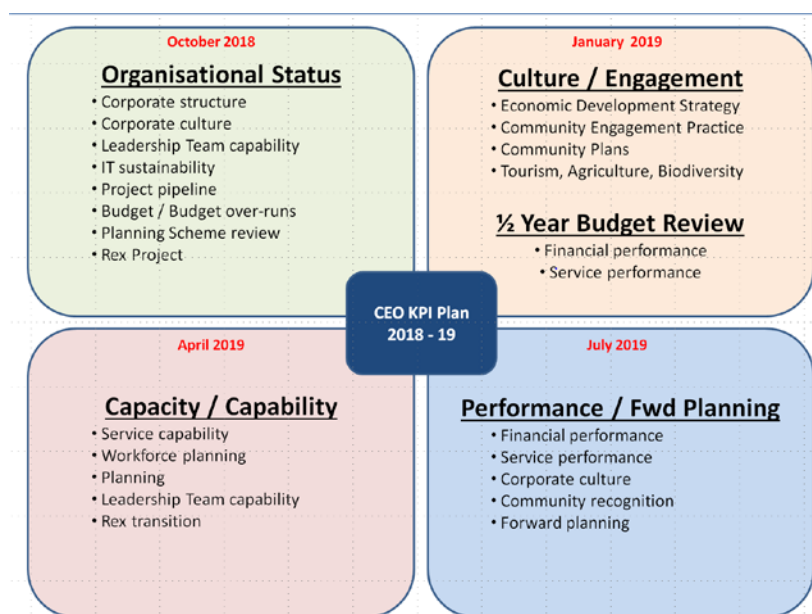
This process is documented and adopted by Council to ensure a consistent approach to the Hepburn Shire Council Chief Executive Officer review. The review process is a collaborative, constructive process that is designed to enhance performance and provide guidance for the Chief Executive Officer, using the Council Plan and/or other Strategic Documents. Councillors take a corporate view of this process. The performance review process is regarded as an opportunity to build relationships and to increase the effectiveness of individuals, systems and processes which will improve the performance and the profile of the Hepburn Shire Council.

ISSUE/DISCUSSION

Annual Review – 2018/2019

The CEO Performance Plan is divided into two components:

1. Regular Quarterly Performance Indicator presentations to Councillors on key aspects of the organisation, and
2. A Year-end performance review based on specific key qualitative and quantitative indicators



Quarterly Performance Indicators enable Council and the CEO to determine a flexible running program of key organisational, development and capability indicators.

2018/2019 Indicators

With transition to a new CEO in 2018 it is expected that much of the review period will involve broad organisational review and development programs.

Accordingly, a draft framework of quarterly performance indicators has been developed covering key aspects driving performance of the organisation – refer schematic.

The quarter 4 performance appraisal incorporating the annual review of the Chief Executive Officer was conducted on the 13 August 2019.

The quarter 4 and annual performance appraisal focused on the annual performance comparing outcomes against pre-determined key performance indicators and quarterly indicators. The focus areas for the quarter 4 appraisal were:

- Financial Performance
- Service Performance
- Corporate Culture
- Community Recognition

- Forward Planning

Financial Performance

The financial statements show that for the 2018/2019 Financial Year, Council had:

- a surplus for the year of \$4.6 million (2017/2018; \$3.1 million) against an original budget of \$3.6 million. The surplus includes capital grants of \$3.7 million (2017/2018; \$3.5 million) and monetary contributions coming from developer's contributions and community contributions for capital projects of \$0.5 million (2017/2018; \$0.2 million).
- revenue of \$35 million (2017/2018; \$32.8 million) with 59% coming from rates and charges (2017/2018; 59%).
- operating expenditure of \$30.4 million (2017/2018; \$29.7 million), with 41% attributable to employee costs (2017/2018; 41%) and 33% attributable to materials and services (2017/2018; 32%).
- \$261.0 million in capital assets (at written down value), providing community facilities, roads, bridges and other infrastructure (2017/2018; \$246.8 million).
- cash, cash equivalent and other financial assets (term deposits with an initial term greater than 90 days) of \$18.89 million (2017/2018; \$16.3 million), which after excluding external restrictions and internal allocations, provides revised cash, cash equivalent and other financial assets of \$3.7 million (2017/2018; \$4.6 million).
- \$4.4 million in loans and borrowings (2017/2018; \$4.9 million)

Service Performance

Realignment

February 2019 saw the finalisation of the realignment of the organisational structure at the management level. Over a four-month period the Leadership Team reviewed the organisational structure as it pertained to the Manager and Coordinator levels. The main goal was to improve the leadership of Councils delivery of services and activities and to review job responsibilities and change job titles in some areas to better reflect the duties of these positions.

Once the structure had been defined, the information was provided and explained to all staff to facilitate an open consultation process. All employees had the opportunity to provide their points of view and feedback was given to all contributors.

Community Satisfaction

Survey Results 2019 – This was the first year that individual survey results were requested by service area. The provision of these results will provide a baseline for future surveys.

<u>Service Area</u>	<u>2019</u>
Tourism	69
Public Space Appearance	67
Waste	64
Recreation Facilities	62
Business and Community Development	60
Environment and Sustainability	59
Local Laws Enforcement	57
Planning and Building	49
Slashing and Weed Control	48

Corporate Culture

Workshop conducted with staff on developing new values

- Revamp of all staff meetings including survey of staff to determine preferred content
- In-house model adopted for transfer stations and cleaning, further work required on swimming pools.
- Pulse survey conducted with staff to gauge the sentiment of the organization.

Attraction and Retention

Recruitment during 2018/2019 resulted in positions being filled as they became vacant. We advertised 39 positions during the year, including positions for limited tenure and casual appointments, which attracted 1098 applications. Our permanent employee turnover rate (resignations) for 2018/2019 was 9.05%, which is lower than the previous year of 12.84%.

Community Recognition

- Improved community satisfaction survey results in 6 of the core measures with the seventh maintained at a consistent level.
- Positive feedback from the community regarding the realignment including the additional resources in:
 - Arts, Culture and Reconciliation

- Major Projects
- Economic Development
- Grant attraction
- Community Development
- Governance
- Commencement of the Planning Scheme Review will be received very positively
- Full service review of Planning Department will be well received
- Increased social media presence including updates on key projects
- Increased access for media both print and TV
- Improved response time for correspondence received by the CEO Unit
- Increased visibility and attendance at community events

Forward Planning

- Development of the Annual Plan and reporting process
- Master planning for recreation reserves:
 - Doug Lindsay
 - Glenlyon Recreation Reserve
 - Trentham Recreation Reserve
 - Clunes Recreation Reserve
- Undertaking a review of Community Planning
- Developing a ten-year financial plan including infrastructure spend
- Undertaking a Service Review for Planning and Building
- Commenced organization realignment for below coordinator level
- Set up a project control group with Macedon Ranges Shire, Regional Development Victoria and Hepburn Shire Council to progress the Daylesford to Hanging Rock Rail Trail
- Completed the Active Women and Girls Strategy
- Adopted the Biodiversity Strategy
- Provision of funding in budget for implementation of strategies
- Currently developing Play Space Strategy
- Working regionally and locally on waste
- Continuing to lobby for the Institute of Gastronomy
- World Heritage Listing:
 - Central Victorian Goldfields
 - City of Greater Bendigo – Gastronomy
- Development of Major Projects team and Project Management Methodology
- Detailed future planning being undertaken regarding Information Technology
- Participating in the Rural Council Transformation Project

Development of the 2019/2020 Quarterly Performance Indicators and Annual Key Performance Indicators

Quarterly Performance Indicators

Following on from the 2018/2019 Quarterly Performance Indicators which focused on organizational status, culture, engagement, organizational capacity, and capability and performance the 2019/2020 Quarterly Performance Indicators have been developed to focus on core initiatives that will be consistent throughout the year and financial management and sustainability.



A full set of annual key performance indicators has also been developed for the annual performance appraisal.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Strategic Objective – High Performing Organisation

Key Strategic Activity:

1. Deliver good governance and integrity in all our actions and take steps to improve organisational efficiency including regular process improvements.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report

RISK IMPLICATIONS

There are no risk implications associated with this report

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no environmental, social or economic implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The presentation of this report provides transparency to the community on the quarterly performance review process undertaken by Councillors with the Chief Executive Officer.

CONCLUSION

The performance review of the Chief Executive Officer is undertaken through quarterly and annual reviews against pre-determined assessment criteria and the progress towards meeting these criteria. The quarterly and annual review is reported to Council for formal consideration. Further, the Council, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas.

OFFICER'S RECOMMENDATION

That Council:

- 12.2.1. Endorses the 2018/2019 quarter 4 performance appraisal of the Chief Executive Officer
- 12.2.2. Endorses the 2018/2019 annual key performance indicators for the Chief Executive Officer
- 12.2.3. Approves the 2019/2020 quarterly indicators for the Chief Executive Officer
- 12.2.4. Approves the 2019/2020 annual key performance indicators for the Chief Executive Officer

MOTION

That Council:

- 12.2.1. Endorses the 2018/2019 quarter 4 performance appraisal of the Chief Executive Officer*
- 12.2.2. Endorses the 2018/2019 annual key performance indicators for the Chief Executive Officer*

12.2.3. Approves the 2019/2020 quarterly indicators for the Chief Executive Officer

12.2.4. Approves the 2019/2020 annual key performance indicators for the Chief Executive Officer

Moved: Cr John Cottrell

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 4 - CONFIDENTIAL - 2018/2019 QUARTER 4
PERFORMANCE APPRAISAL (DISTRIBUTED TO COUNCILLORS
UNDER SEPARATE COVER)**

**ATTACHMENT 5 - CONFIDENTIAL - 2018/2019 ANNUAL KEY
PERFORMANCE INDICATORS (DISTRIBUTED TO COUNCILLORS
UNDER SEPARATE COVER)**

ATTACHMENT 6 - 2019/2020 QUARTERLY INDICATORS

October 2019

2018/2019 Review

- Annual review – 2018/2019
- Project Update

Core Initiatives

- Community Planning
- Organisational Realignment / Culture
- Planning Scheme Review
- Economic Development
- Annual Plan

January 2020

2019/2020 ½ Year Budget Review

- Financial & Service Performance

Core Initiatives

- Community Planning
- Organisational Realignment / Culture
- Planning Scheme Review
- Economic Development
- Annual Plan

**CEO KPI Plan
2019/2020**

April 2020

2020/2021 Budget Development

- Final Draft Budget 2020/2021

Core Initiatives

- Community Planning
- Organisational Realignment / Culture
- Planning Scheme Review
- Economic Development
- Annual Plan

July 2020

Financial Sustainability

- 10-year financial plan (development)
- Strategic Resources Plan (review)

Core Initiatives

- Community Planning
- Organisational Realignment / Culture
- Planning Scheme Review
- Economic Development
- Annual Plan

**ATTACHMENT 7 - 2019/2020 ANNUAL KEY PERFORMANCE
INDICATORS**

Key Performance Indicators	Measures of Success	Current State
1. GOVERNANCE		
1.1 Relationship with Council that is based on open, honest, and timely communication and responsiveness; <ul style="list-style-type: none"> • By the CEO • By Officers 	Councillor and CEO assessment based on experiences, and perceptions of false or misleading information given to council	
1.2 Revision of values to encompass and enforce: <ul style="list-style-type: none"> • Accountability (to the residents & ratepayers) • Probity (honest dealing between the stakeholders) • Transparency (openness to allow validation and traceability) 	Introduction of revised values Staff education on the meaning and application of revised values Promotion of revised values to community Council evidence of introduction, education and promotion of revised values	
1.3 Effective management of the financial assets of HSC	Delivery of key financial indicators against budget (less than +/- 5% variance)	
1.4 Support for Council's decision making	Councillor and CEO assessment based on experiences <ul style="list-style-type: none"> • Provision of timely, sufficient and accurate briefings and reports to Council. • Quarterly reporting on budget, annual business plans, capital works and all projects in Council Plan 	

Key Performance Indicators	Measures of Success	Current State
1.5 Leading the strategic thinking, planning and direction of the organisation	Leading quarterly future focused strategic discussions with Council Completion of the Planning Scheme Review	
2.RELATIONSHIPS		
2.1 Effective Community Engagement	Demonstration of improved effective Community Engagement programs during the performance period	
2.2 Community Satisfaction	<ul style="list-style-type: none"> • Action plan presented to Council in response to 2018 Community Satisfaction Survey, and • Quarterly reporting on implementation • Positive overall trend in CSS results in 2019 	
2.3 Leading a culture where staff are engaged, achievement oriented and community focused	Positive trend in staff satisfaction survey results	
2.4 Positive relationships with: <ul style="list-style-type: none"> • Politicians • Government, Departments, • Business, • Sector and Industry partnerships 	Advocacy strategy developed and acted on with monthly verbal updates to Council Measurable outcomes reported annually	

Key Performance Indicators	Measures of Success	Current State
that deliver results for the communities of HSC		
2.5 Improved working relationship with the Audit and Risk Advisory Committee	Council evidence based on feedback from ARAC	
3. BUSINESS OPERATIONS		
3.1 Delivery of capital works program <ul style="list-style-type: none"> • on time, • on budget, and • fully informed on activity reporting 	<ul style="list-style-type: none"> • 95% projects delivered • 85% capital works budget expended • Council satisfaction with regularity and quality of activity & capex reporting 	
3.2 Efficiency and improvement opportunities identified and acted on	Demonstrated financial savings through implementation of innovation or service reviews Demonstrated activity and gains in reducing waste and energy and water consumption	
3.3 Identify and mitigate risks to Council and build a safety culture at HSC	Implementation of 100% audit committee recommendations Implementation of all changes recommended through the shift in workcover insurance	
3.4 Organisational review	Council assessment based on LT and community feedback	

Key Performance Indicators	Measures of Success	Current State
4. Stretch Targets		
<p>4.1 Revision of the Community Engagement processes, and</p> <ul style="list-style-type: none"> • Evidence implementation of improved community input and feedback • Evidence of improved community acceptance in approach and outcomes 	<p>Councillor assessment based on community feedback</p>	
<p>4.2 Review of community strategy for zero emissions stationary energy working to a goal of carbon neutrality</p>		
<p>4.3 Undertake personal and professional development to continue growth as a CEO in consultation with development opportunities identified by Council</p>	<p>Councillor and LT assessment of ability to working through the senior leadership team.</p> <p>Councillor assessment of development needs</p>	

12.3. CUSTOMER REQUESTS UPDATE

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Director Community and Corporate Services, I Bradley Thomas have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide Council an update on customer requests received and responded to through the Closing the Loop system, for the period ended 31 August 2019.

BACKGROUND

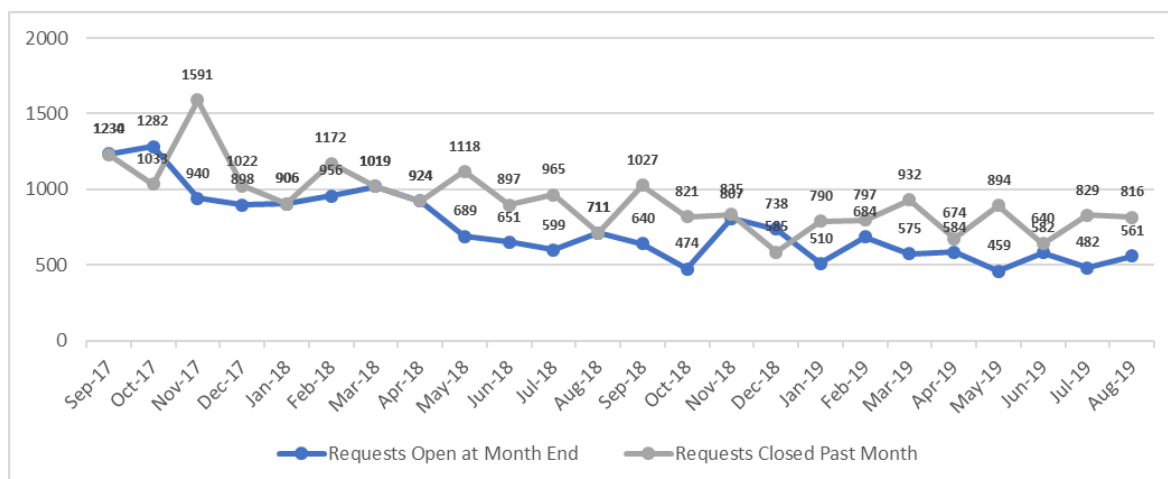
Council uses a Customer Request System *Closing the Loop* to receive and respond to a wide range of requests. The system is web-based and enables community members to directly enter requests, as well as staff to add and manage requests both in council offices as well as remotely.

In using the system, the organisation is focussed on the importance of contact with customers to close the loop on all requests and recording details of actions taken.

ISSUE/DISCUSSION

The following data provides the key indicators for the customer requests in *Closing the Loop*.

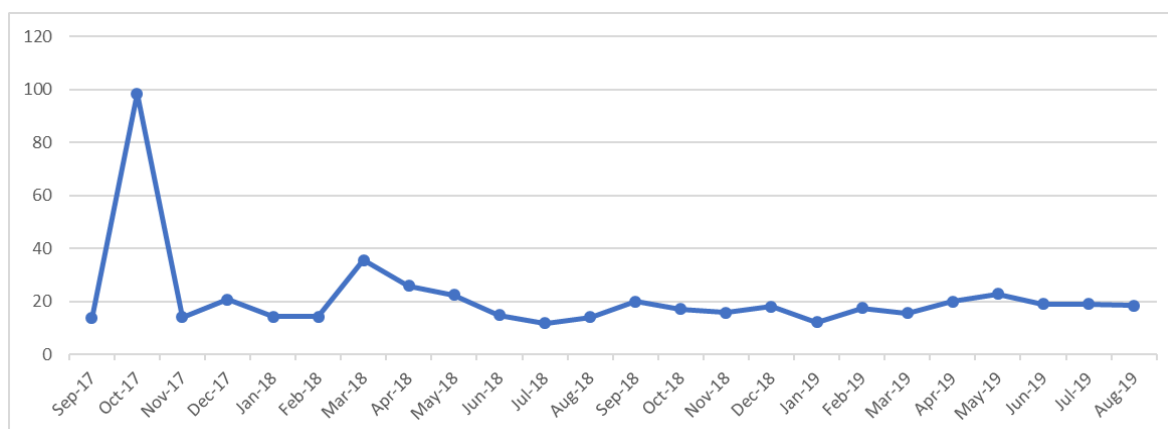
Total Requests Open and Closed Each Month



Each request is allocated a category as the type of request, with the following detailing the top categories of open requests for the last six months:

Category	March	April	May	June	July	August
Call back	171	168	155	166	174	220
Roads and Footpaths	65	72	50	68	50	60
Parks and Open Space	57	26	17	25	23	29
Information Technology (internal)	57	46	48	50	41	57
Development - Planning, Building and Septics	45	51	36	42	46	48
Other	180	155	153	231	128	147
Total	575	518	459	582	482	561

Average Days to Close Requests

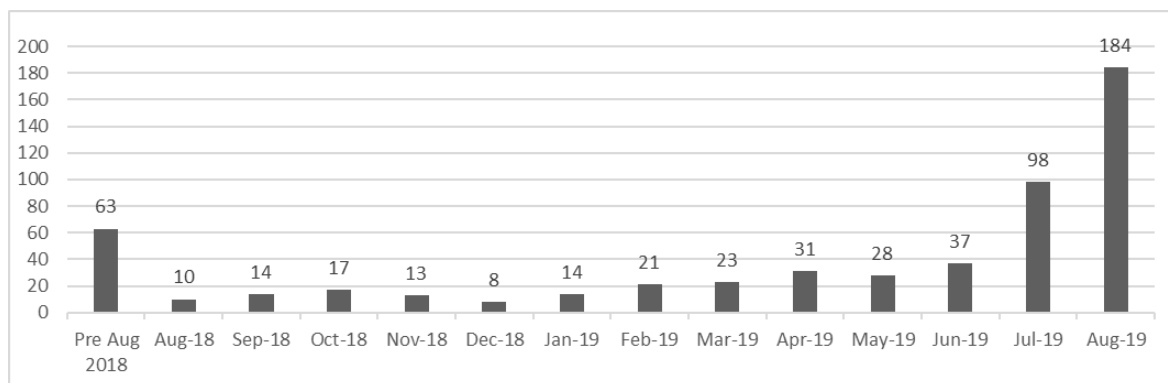


The average days to close requests in the month October 2017 was particularly high due to closing out old requests that were migrated from our old customer request system. This included a large number of waste requests that had previously been actioned, but not closed in the request system.

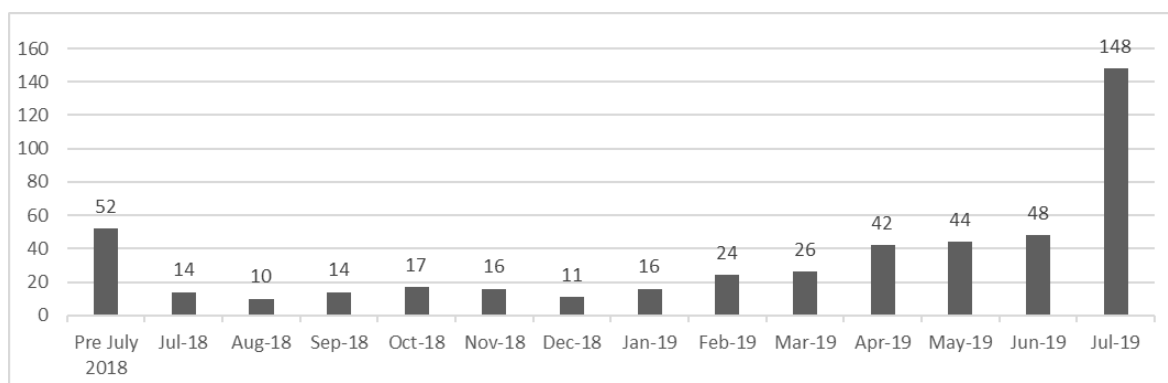
Over the last 12 months the average days to close has ranged between 12.23 and 22.83 – with an average of 17.95.

Open Requests by Month Received

Current



Last Month



COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017-2021:

Strategic Objective: High Performing Organisation

Key Strategic Activity:

12. Enhance our processes and systems to deliver Excellent Customer Service. To achieve this, we will focus on internal collaboration and new ways of working, combined with a continued focus on effective and timely communications, engagement and consultation. We will focus on achieving higher customer satisfaction through making it easier to work with Council and by closing the loop on requests received from our community and other customers.

Action: 12.06 Set improvement targets for timeframes for responding to customer inquiries and requests.

Key Strategic Indicator: Average Days to Close External Customer Requests

FINANCIAL IMPLICATIONS

Responding to customer requests is managed within the annual budget.

RISK IMPLICATIONS

Customer requests relate to a range of different matters and risks. Effective processes for managing and responding to requests is an important part of Council's control framework.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No specific matters noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Customer requests are an important mechanism to engage on a range of matters. This report enables Council to inform the community on the volumes of received and processed requests.

CONCLUSION

Council manages and responds to customer requests using the Closing the Loop system, including a focus on actively closing the loop with contacting customers. The above summary information has been provided for Council's information.

OFFICER'S RECOMMENDATION

12.3.1. That Council notes the update on customer requests for the end of August 2019.

MOTION

12.3.1. That Council notes the update on customer requests for the end of August 2019.

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

12.4. DEVELOPMENT AND COMMUNITY SAFETY REPORT
DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Manager Development and Community Safety, I Alison Blacket have no interests to disclose in this report.

PURPOSE

The purpose of this report is to update Council on the activities of the building, environmental health, community safety and the planning units of Council.

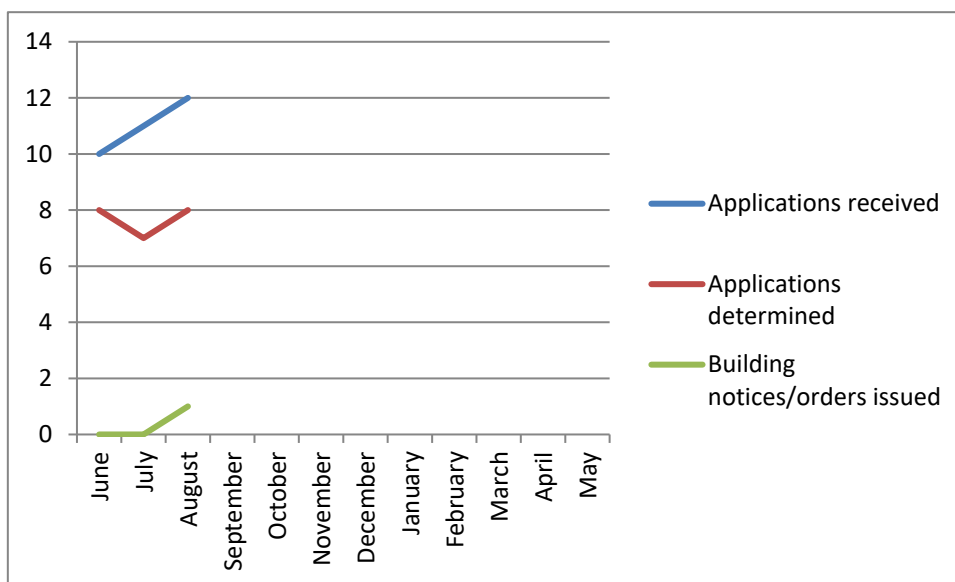
ISSUE/DISCUSSION

Building

The building activity report for August 2019 is summarised below:

Building Activity	Total
Building applications received	12
Building applications determined	8
Building notices/orders issued	1
Total development cost	\$ 915,529.00

The following graph indicates building statistics and activity for the 2019/2020 financial year. (June 2019 included)

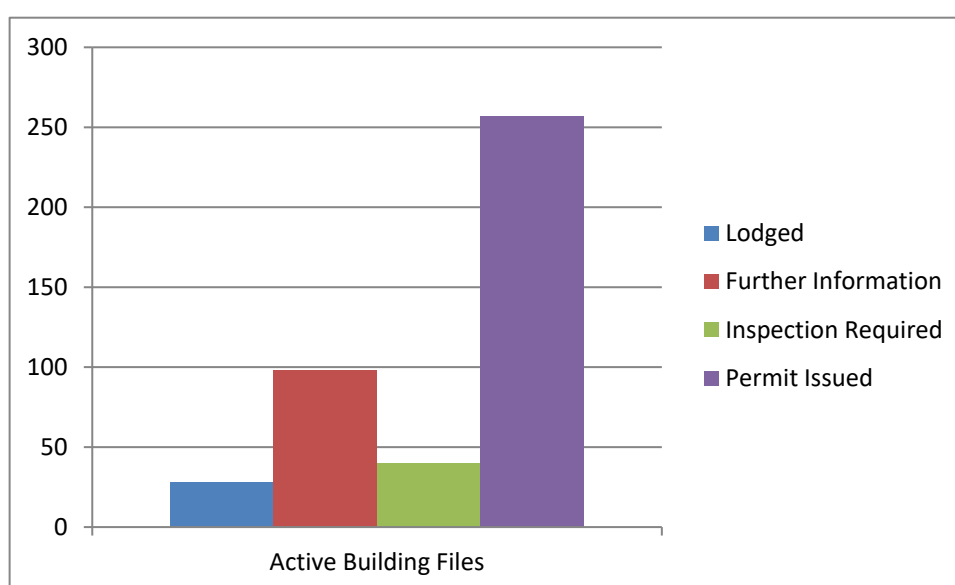


The total value of development for all Council approved building permits for the 2019/2020 financial year was \$915,529.00

Active Building Files

The building department has had 423 active building files over the month of August as summarised below:

Active Building Files	Total
Lodged	28
Further Information	98
Inspection Required	40
Permit Issued	257

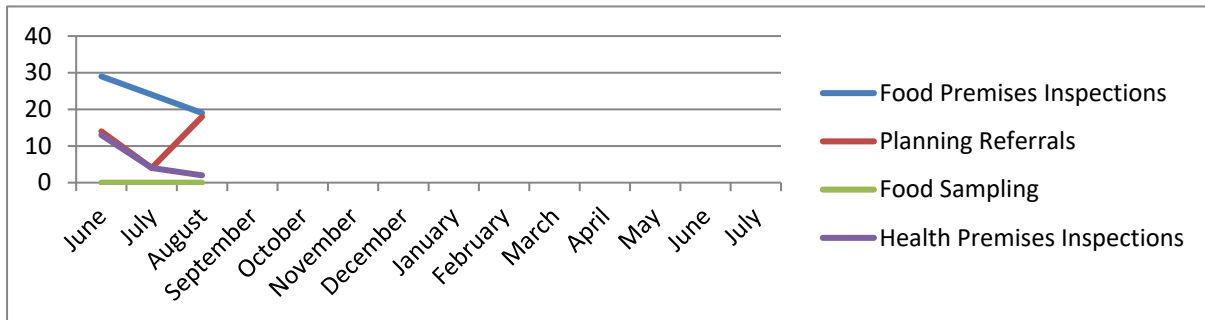


Environmental Health

The environmental health activity report for August 2019 is summarised below:

Environmental Health Activity	Total
Food Premises Inspections	19
Planning Referrals	18
Food Sampling	0
Health Premises Inspections	2

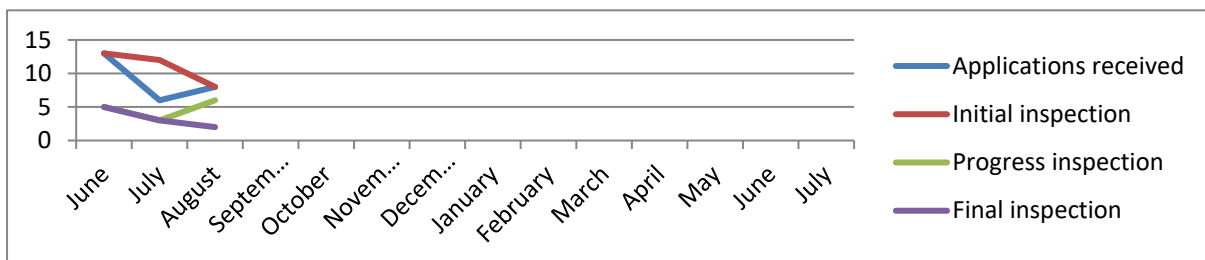
The following graph indicates environmental health statistics and activity for the 2019/2020 financial year. (June 2019 included)



The environmental health septic tank application/inspection activity report for August 2019 is summarised below:

Septic Tank applications/inspections	Total
Applications	8
Initial inspection	8
Progress inspection	6
Final inspection	2

The following graph indicates environmental health septic tank application/inspection statistics and activity for the 2019/2020 financial year. (June included)



Community Safety

The Community Safety team activity report for August 2019 is summarised below:

Local Laws Activity	Total
Cats Impounded	3
Dogs Impounded	1
Stock escaped from property	3
Infringements Issued	0
Prosecutions	0
Dog Attacks	1
Declarations of Menacing Dogs	0
Declarations of Dangerous Dogs	0

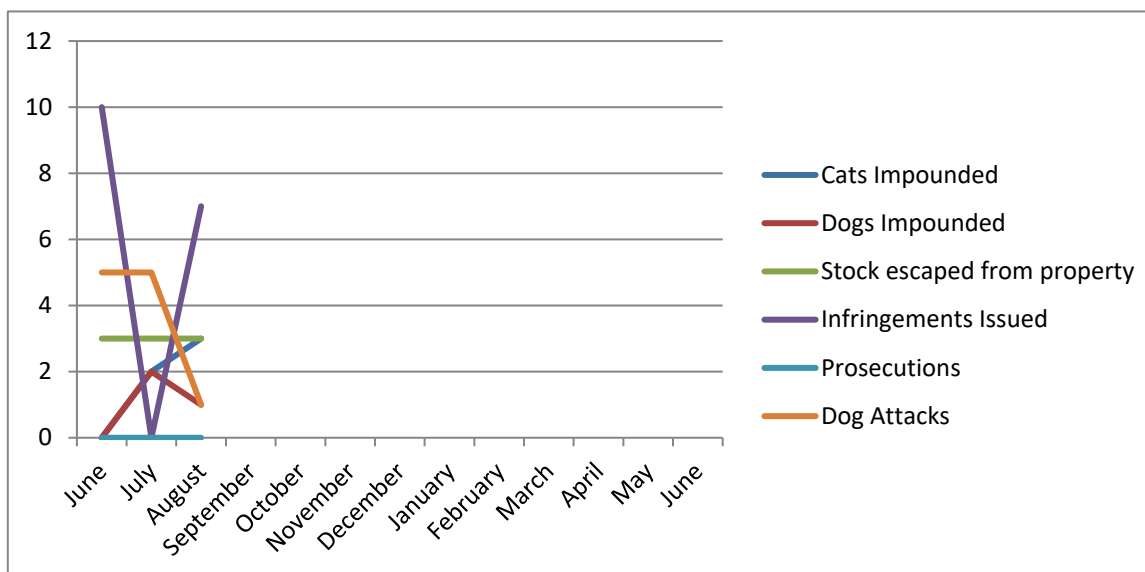
Investigations are currently underway for the reported dog attack. It is likely that the investigation will result in prosecution due to the serious nature of the attack.

Breakdown of Infringements issued in August 2019:

Infringements	Total
Parking	7
Local Law	0
Food	0
Animal	0
Fire	0

There was a decrease in the number of infringements issued during the month of August due to the recruitment of new staff and periods of leave.

The following graph indicates local laws statistics and activity for the 2018/2019 financial year (June 2019 included).

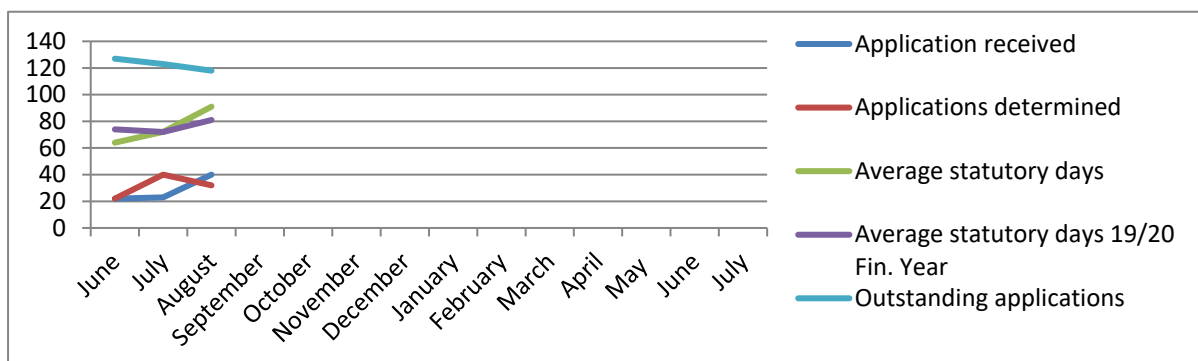


Planning

The planning activity report for August 2019 is summarised below:

Planning Activity	Total
Applications received	40
Applications determined	32
Average statutory days for month	91
Average statutory days 19/20 financial year	81
Average statutory days 18/19 financial year	74
Outstanding applications	118

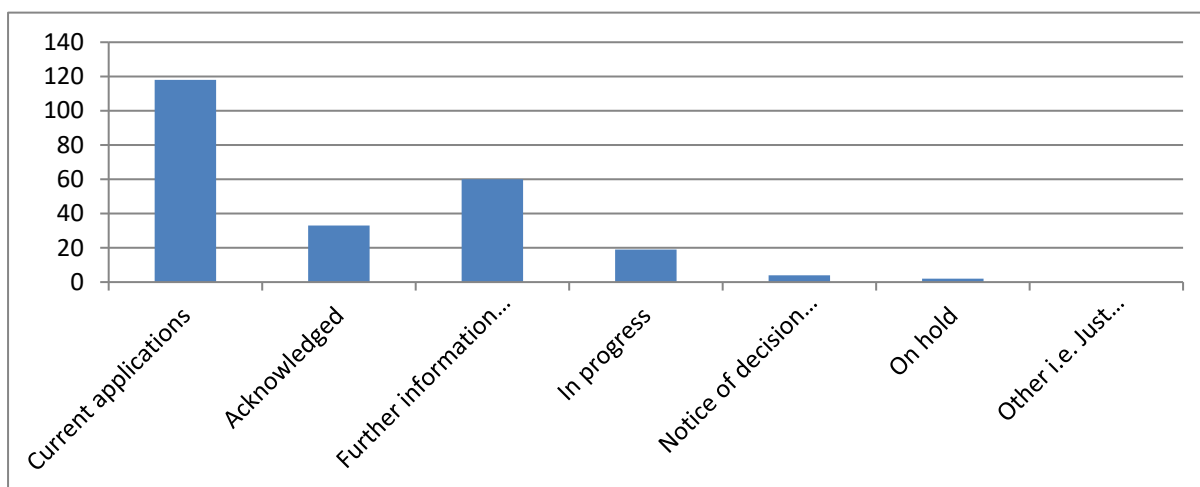
The following graph represents planning activity for the 2019/2020 financial year. (June 2019 included)



The average assessment time in statutory days is just above the statutory 60 day target. There were a number of older applications that were withdrawn or a decision made on which negatively skewed the average statutory days. An exceptionally high number of applications were lodged in August but the total number of outstanding applications continues to fall.

The status of all active applications as at August 2019 is summarised below:

Status of all active applications as at August 2019	Total
Current applications	118
Acknowledged	33
Further information request	60
In progress	19
Notice of decision pending	4
On hold	2
Other i.e. Just submitted, referred	0



Applications determined in August 2019 under delegation.

A list of applications issued under delegation is included as an attachment. The breakdown of permits issued under delegation by category is listed in the table below, this includes those applications deemed as not required or withdrawn by the delegated officer.

Permits Issued by Delegated Officers	21
Notice of Decision by officer	4
Withdrawn etc.	5
Refused by Council	2

OFFICER'S RECOMMENDATION

12.4.1. That Council receives and notes the report for information.

MOTION

12.4.1. That Council receives and notes the report for information.

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

**ATTACHMENT 8 - PLANNING PERMITS ISSUED UNDER DELEGATION
IN AUGUST 2019**

Planning Permits issued under delegation - August 2019

Application ID	Primary Property	Full Details	Decision
PlnPA002200	304 Estate Lane, SMEATON VIC 3364	Construction of greenhouse, processing building, office and amenities buildings, onsite carparking	Withdrawn
PlnPA002072	323 Kangaroo Hills Road, BLAMPIED VIC 3364	Two lot subdivision	Refused
PlnPA002344	40 Table Hill Road, DAYLESFORD VIC 3460	Change permit conditions relating to Bushfire Management	Withdrawn
PlnPA002357	321 Chanters Lane, FERN HILL VIC 3458	Construction of a dwelling	Refused
PlnPA002377	399 Mollongghip Road, MOLLONGGHIP VIC 3352	Use and development of the land for a dwelling	PrmIssued
PlnPA002363	Thomas Road, EGANSTOWN VIC 3461	Use and Development of land for the construction of a dwelling on Lot 2 PS 643493, creation of carriageway easement on Lot 1PSA 703525	PrmIssued
PlnPA002402	6815 Midland Highway, GUILDFORD VIC 3451	Use and Development of land for a Place of Assembly (annual three day Hot Rod & Motorcycle Music Festival) and associated works (subject to	Withdrawn
PlnPA002399	57 Cosmo Road, TRENTHAM VIC 3458	Staged four lot subdivision, construction of 3 new dwellings and associated works	NOD
PlnPA002404	7 Leslies Road, MOUNT FRANKLIN VIC 3461	Use and development of land for group accommodation, construction of two dwellings (cottages), pool house, pool, site cut greater than 1m in	NOD
PlnPA002288	66A West Street, DAYLESFORD VIC 3460	Re-subdivision of three lots into two lots	PrmIssued
PlnPA002427	48 Ridge Road, MUSK VALE VIC 3461	Construction of a replacement dwelling	PrmIssued
PlnPA002428	3 Battery Crescent, CRESWICK VIC 3363	Two lot subdivision	PrmIssued
PlnPA002285	104 Mulcahys Road, TRENTHAM VIC 3458	Change of use to a dwelling, buildings and works to include a bathroom and carport, vegetation removal	PrmIssued
PlnPA002403	500 Kingston-Newlyn Road, KINGSTON VIC 3364	Consolidation of 5 lots, construction of a dwelling and shed	PrmIssued
PlnPA002454	Leslies Road, PORCUPINE RIDGE VIC 3461	Construction of a dwelling and associated works	PrmIssued
PlnPA002389	4 Gamble Street, TRENTHAM VIC 3458	Construction of two dwellings on a lot (Lot 1)	PrmIssued
PlnPA002430	238 Dairy Flat Road, MUSK VIC 3461	Extension to existing building and increase of amount of people to 12 people for Bed and Breakfast	PrmIssued
PlnPA002437	3A Lakeside Drive, HEPBURN VIC 3461	Boundary realignment, construction of two dwellings	PrmIssued
PlnPA002093.01	25 Vincent Street North, DAYLESFORD VIC 3460	Construction of a dwelling and vegetation removal	PrmIssued
PlnPA002436	234 Main Road, HEPBURN VIC 3461	Two lot subdivision, construction and associated works of the development of one dwelling	PrmIssued
PlnPA002443	104 Central Springs Road, DAYLESFORD VIC 3460	Three lot subdivision	PrmIssued
PlnPA002409	4010 Creswick-Newstead Road, ALLENDALE VIC 3364	Use and construction of a dwelling and outbuilding, and associated works	PrmIssued
PlnPA002420	22 Loddon Drive, GLENLYON VIC 3461	Use and development of a Telecommunications Facility	PrmIssued
PlnPA002444	1 Hepburn Road, DAYLESFORD VIC 3460	Use and development of the land for the purpose of a residential aged care facility and associated car parking and the variation of access to a Road Zone Category 1	PrmIssued
PlnPA002475	Sullivan Street, DAYLESFORD VIC 3460	use and development of land for a dwelling and associated works	NOD
PlnPA002347	16 Feeleys Lane, TRENTHAM VIC 3458	Two lot subdivision	NOD
PlnPA002412	16 Ajax Road, DAYLESFORD VIC 3460	Construction of a storage shed associated with an existing refuse disposal and transfer station (recycling centre and sorting facility)	PrmIssued
PlnPA002146	140 Victoria Road, NEWLYN VIC 3364	Construction of a dwelling, garage and associated earthworks	Withdrawn
PlnPA002280.01	12 Rogers Street, CRESWICK VIC 3363	Remove deck, replace door with window; Construction of garden room and decking	PrmIssued
PlnPA002499	20 Creswick Road, CLUNES VIC 3370	Works associated with the installation of a shipping container and use as a warehouse (store)	Withdrawn
PlnPA002297	82A Central Springs Road, DAYLESFORD VIC 3460	Buildings and works for the construction of a double storey dwelling including site cut greater than 1 metre in depth	PrmIssued
PlnPA002413	19 Second Street, HEPBURN SPRINGS VIC 3461	Demolition of existing dwelling, construction of a new dwelling	PrmIssued

12.5. ANNUAL FINANCIAL REPORT AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2019

DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager Financial Services, I Danielle How have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to give in principle approval of the Financial Report and Performance Statement for the year ended 30 June 2019 and authorise two Councillors to certify them once they are finalised.

BACKGROUND

Council has prepared the annual financial report and performance statement for the year ended 30 June 2019. The Victorian Auditor-General's Office (VAGO), as Council's appointed external auditors undertook the audit of the during the week of 19-23 August 2019. The draft annual financial report, performance statement and VAGO's closing report were tabled at Hepburn Shire Council's Audit and Risk Advisory Committee meeting on 9 September 2019. The Committee's recommendation to Council was as follows:

11.1.1 That that Audit and Risk Advisory Committee recommends that Council authorises two Councillors to approve the Financial Statements and Performance Statements in their final form after any changes recommended or agreed to by the auditor have been made in accordance with the Act.

ISSUE/DISCUSSION

The Annual Financial Report has been prepared in accordance with the Local Government Better Practice Guide, Model Financial Report and the Local Government Better Practice Guide - Performance Reporting template. The following statements are contained in the report:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements

The financial statements provide information on current and prior year balances and information as required by accounting standards, the Local Government Act and Regulations.

The performance statement has been prepared in accordance with the Local Government Better Practice Guide, Performance Reporting Framework Indicator Workbook and includes the results of the prescribed sustainable

capacity, service performance and financial performance indicators and measures as developed by the Victorian Government under the local government performance reporting framework. This is the fourth year for reporting in this manner and as such comparative data back to 2015/2016 is also reported with commentary on variations.

KEY ISSUES

The financial statements show that for the 2018/2019 financial year, Council had:

- a surplus for the year of \$4.6 million (2017/2018; \$3.1 million) against an original budget of \$3.6 million. The surplus includes capital grants of \$3.7 million (2017/2018; \$3.5 million) and monetary contributions coming from developer contributions and community contributions for capital projects of \$0.5 million (2017/2018; \$0.2 million). Note 1.1 provides a description of major budget variances.
- revenue of \$35.0 million (2017/2018; \$32.8 million) with 59% coming from rates and charges (2017/2018; 59%).
- operating expenditure of \$30.4 million (2017/2018; \$29.7 million), with 41% attributable to employee costs (2017/2018; 41%) and 33% attributable to materials and services (2017/2018; 32%).
- \$261.0 million in capital assets (at written down value), providing community facilities, roads, bridges and other infrastructure (2017/2018; \$246.8 million).
- cash, cash equivalent and other financial assets (term deposits with an initial term greater than 90 days) of \$18.89 million (2017/2018; \$16.3 million), which after excluding external restrictions and internal allocations, provides revised cash, cash equivalent and other financial assets of \$3.7 million (2017/2018; \$4.6 million).
- \$4.4 million in loans and borrowings (2017/2018; \$4.9 million)

A selection of performance statement indicators is included below:

Indicator / Measure	2015	2016	2017	2018	Comments
Efficiency Expenses per property assessment	\$2,491.00	\$3,532.07	\$2,677.44	\$2,718.89	Very minor increase of 1.55% which reflects increased operating cost of Council, however increases have remained financially responsible and been minimised where possible, while the number of rateable properties increase.
Liquidity Working Capital Current assets compared to current liabilities	320.00%	295.83%	337.99%	380.90%	Council has maintained a strong liquidity ratio. The increase in 2018/2019 reflects the Commonwealth Governments decision to pre-pay 50% of grant funding from the 2019/2020 financial year into June 2019.
Indebtedness Non-current liabilities compared to own source revenue	14.00%	24.92%	20.78%	18.36%	Loans and borrowings are expected to decrease in accordance with repayment schedules. And no new borrowings have been entered in to in the past 2 years.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Under Section 131 of the *Local Government Act 1989*:

- 1) A Council must prepare an annual report in respect of each financial year.
- 2) An annual report must contain the following, in respect of the financial year reported on -
 - a) a report of operations of the Council;
 - b) an audited performance statement;
 - c) audited financial statements;
 - d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - e) a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
 - f) any other matter required by the regulations.

Under Section 132 of the *Local Government Act 1989*;

- 1) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
 - a) 2 Councillors authorised by the Council for the purposes of this subsection

Under Section 133 of the *Local Government Act 1989*;

- 1) A Council must submit the annual report to the Minister—
 - a) within 3 months after the end of the financial year reported on

FINANCIAL IMPLICATIONS

Not applicable to this report

RISK IMPLICATIONS

None noted

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Once the final statements have been certified by the nominated Councillors and the independent auditors report received from VAGO, they will form part of Council's annual report which will be forwarded to the Minister by 30 September 2019. After the annual report has been submitted to the Minister, Council must give public notice that the annual report has been prepared and can be inspected at the Council offices and on Council's website.

CONCLUSION

'In principle' approval of the statements at this Meeting and authorisation of Councillors to certify the final copy will enable the statements to be finalised and lodged with the Minister within the required timeframe.

OFFICER'S RECOMMENDATION

That Council:

12.5.1. Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2019.

12.5.2 Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors Don Henderson and John Cottrell to certify the 2018/2019 annual financial report and performance statement in their final

forms after any changes recommended, or agreed to, by the auditors have been made.

MOTION

That Council:

12.5.1. Pursuant to Section 132(2) of the Local Government Act 1989, gives in principle approval to the financial statements and performance statement for the year ended 30 June 2019.

12.5.2. Pursuant to Section 132(2) of the Local Government Act 1989, Council authorises Councillors Don Henderson and John Cottrell to certify the 2018/2019 annual financial report and performance statement in their final forms after any changes recommended, or agreed to, by the auditors have been made.

Moved: Cr Kate Redwood AM

Seconded: Cr Licia Kokocinski

Carried

**ATTACHMENT 9 - ANNUAL FINANCIAL REPORT AND PERFORMANCE
STATEMENT (ISSUED UNDER SEPARATE COVER)**

12.7. DRAFT GENERAL LOCAL LAW NO. 2 – COMMUNITY AMENITY AND MUNICIPAL PLACES 2019

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Coordinator Community Safety, I David George have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to release for public exhibition, the *Draft Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* in accordance with Section 119 of the *Local Government Act 1989*.

BACKGROUND

Local Laws must be reviewed regularly to ensure they remain relevant and reflect contemporary expectations of Council. Section 122 of the *Local Government Act 1989* determines that all Local Laws sunset after 10 years. Council's *General Local Law No. 2 – Community Amenity and Municipal Places* operates until 19 November 2019. The review of General Local Law No. 2 began in early 2019 and has resulted in the *Draft Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* be prepared.

ISSUE/DISCUSSION

Consultation undertaken in the development of this *Draft Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* gave opportunity for stakeholders and organisations to identify and raise emerging issues, workshop ideas and identify areas for improvement.

The final draft of the Proposed *Local Law No. 2 – Community Amenity and Municipal Places 2019* is a combination of the work completed by Macquarie Lawyers, our internal reviews and community consultation.

A detailed draft Community Impact Statement has also been prepared and will be made available to the community as part of the statutory notice process.

The primary issues that emerged during the review and community engagement process include:

- The desire to make the local law clear and concise to ensure Council officers have the relevant powers required to fulfil their duties and provide improved community amenity and provide for safe municipal places.
- The desire to regulate the use of short stay accommodation to improve the community amenity for residents. Whilst it is identified as an emerging issue, the requirement to regulate this has not been included in the local law and a separate project will be undertaken to identify the most appropriate management practices for short stay accommodation.

- The need to improve regulations for burning of garden waste and other items outside of the fire danger period as declared by the Country Fire Authority and align it with State Government requirements.
- The need to regulate the collection of resources, including firewood, blackberries, truffles, flowers etc) within road reserves and Council managed Land, to ensure the safety of the community.
- The need to update definitions and terminology to be current and consistent. Legal advice received has recommended that the definition of Public Place be the same as the Summary Offences Act 1966. This definition extends Council powers beyond that of the current local law.
- The need to regulate the use of temporary dwellings, such as Tiny Houses.
- The desire to provide guidelines and clarity around the meaning of unsightly land.
- The need to protect Council assets and infrastructure, including drainage, footpaths and pits.
- The desire to regulate the numbers of animals permitted to ensure the welfare of animals kept is upheld and the overpopulation of cats is addressed.
- Penalty units were reviewed to reflect an appropriate penalty.
- Many of the clauses in the reviewed Local Law remained relevant and necessary and only required minor amendments.

Enforcement Guidelines and Good Practice Guidelines will be developed in conjunction with the adoption of this local law. These guidelines will structure the way Council operates and provide clear expectations of community and Authorised Officers, including the power to apply discretion in certain situations.

In addition to the consultation undertaken during the review process, public exhibition of the *Draft Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* gives the community a further opportunity to consider the proposed Local Law No. 2 and if it addresses and responds to the concerns raised and optimises community safety and amenity needs.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Active and Engaged Communities

Key Strategic Activity:

4. Improve community amenity and accessibility in all public places, through effective local laws review and enforcement, implementation of Access and Inclusion Plan actions and monitoring property owner's compliance with the planning scheme and heritage requirements.

Under Section 119 of the Local Government Act 1989, before Council makes a local law it must comply with the procedure set out under this section.

Under Section 223 of the Local Government Act 1989, a person has the right to make a submission within the time period specified in the public notice which must not be less than 28 days after the public notice is published. A person is also entitled to request in the submission to appear in person at a meeting to be heard in support of the submission.

FINANCIAL IMPLICATIONS

There are no major financial implications involved in making the Local Law.

There will be minor costs incurred for the publishing costs associated with a public notice in local papers and the Victorian Government Gazette.

RISK IMPLICATIONS

There are no risk implications.

Council has developed the draft Local Law in accordance with the correct procedure for making the local law in accordance with Section 119 of the *Local Government Act 1989*.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Not applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A range of stakeholders and organisations, including Hepburn Shire Council staff, Councillors, residents, business owners, community groups and Government Agencies, were engaged with and contributed to the review of Council's Local Law No. 2 and provided an opportunity to raise emerging issues, workshop ideas and identify where processes could be improved or simplified to reduce regulatory burden.

The *Draft Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* will be placed in the Government Gazette and local newspapers in a public notice. Any person affected by the proposed *Hepburn Shire Council Local Law No. 2 – Community Amenity and Municipal Places 2019* may make a submission relating to the proposed Local Law for consideration by council.

CONCLUSION

Council is required to adopt a new *General Local Law No. 2 - Community Amenity and Municipal Places* as the current local law is set to expire in November 2019.

The proposed *General Local Law No. 2* is ready for community feedback and approval is sought to formally invite submissions pursuant to Section 82A, Section 119 and Section 223 of the Local Government Act 1989.

OFFICER'S RECOMMENDATION

That Council:

12.7.1. Gives public notice of its intention to make a new General Local Law No. 2 – Community Amenity and Municipal Places 2019.

12.7.2. Makes the draft General Local Law No. 2 – Community Amenity and Municipal Places 2019 and the community Impact Statement available for public inspection for a minimum of 28 days at Council Offices in Daylesford, Creswick and Clunes; at Libraries in Daylesford and Trentham and on Council's website.

12.7.3. Invites any person to make a written submission, addressed to the Chief Executive Officer, in accordance with Section 223 of the Local Government Act 1989.

MOTION

That Council:

12.7.1. Gives public notice of its intention to make a new General Local Law No. 2 – Community Amenity and Municipal Places 2019.

12.7.2. Makes the draft General Local Law No. 2 – Community Amenity and Municipal Places 2019 and the community Impact Statement available for public inspection for a minimum of 28 days at Council Offices in Daylesford, Creswick and Clunes; at Libraries in Daylesford and Trentham and on Council's website.

12.7.3. Invites any person to make a written submission, addressed to the Chief Executive Officer, in accordance with Section 223 of the Local Government Act 1989.

Moved: Cr Fiona Robson

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 10 -DRAFT GENERAL LOCAL LAW NO. 2 – COMMUNITY
AMENITY AND MUNICIPAL PLACES 2019 (ISSUED UNDER
SEPARATE COVER)**

ATTACHMENT 11 -COMMUNITY IMPACT STATEMENT

HEPBURN SHIRE COUNCIL LOCAL LAWS COMMUNITY IMPACT STATEMENT

General Local Law No. 2 of 2019 Community Amenity & Municipal Places

PART A – GENERAL COMMENTS

Council's existing Local Law titled General 'Local Law No. 2 – Community Amenity and Municipal Places' will expire in November 2019 having served the Hepburn Shire Community since its commencement in 2009. In order to promote the efficient and effective enforcement and administration of Council's Local Law, Council is proposing to repeal the abovenamed law and replace it with a revised Local Law which will continue to address all aspects of amenity regulation. By removing unnecessary duplications, administrative matters and refining Council's requirements, the proposed Local Law is a user-friendly document which does not compromise Council's enforcement powers and functions.

The purpose of the proposed Local Law is to provide for the peace, order and good government of the municipal district by:

- (a) managing, regulating and controlling activities on and uses of land which may be dangerous, cause a nuisance or be detrimental to the amenity of the area or the environment;
- (b) promoting a healthy and safe environment in which residents and visitors to the municipal district can enjoy;
- (c) regulating and controlling behaviour which causes detriment to the amenity and environment of the municipality or could compromise public safety on Council land and assets; and
- (d) providing uniform and fair administration of the Local Law.

Prior to the Local Laws review commencing in February 2019, Council had become aware of a number of issues not being adequately regulated with the existing Local Law. Interactions between Councillors, executive, operational staff and the Hepburn Shire community considered possible solutions to those issues. Areas identified as community concern included:

- Consumption of alcohol in public places
- Dogs on / off leash areas
- Cat curfew / controls
- Short stay accommodation

- Enforcement of unsightly properties
- Placement of shipping containers on land

A series of targeted stakeholder consultations were undertaken during February, May and July 2019 during which Council officers consulted with:

- Members of the community via online submissions and community workshops;
- Agency stakeholder groups including, Victoria Police, Local Veterinaries, Country Fire Authority, RSPCA and local businesses;
- Staff and contractors of Hepburn Shire Council including CEO, Directors, Managers and operational staff; and
- Hepburn Shire Councillors.

PART B – COMMENTS ON PROPOSED LOCAL LAW

Measuring Success	<p>Council will measure the success of the Local Law by -</p> <ul style="list-style-type: none"> • monitoring the level of compliance; • comparing the level of compliance with the previous year's monitoring; and • assessing the resources required to administer and enforce the local law. <p>Council will report annually to the community on the operation of the Local Law.</p>
Existing Legislation	<p>The local law will supplement existing state legislation administered and enforced by Council.</p>
State Legislation	<p>In circumstances where Council has considered State legislation is more appropriate to deal with particular issues, such clauses of the current local law have been removed in favour of relying on State legislation.</p>
Overlap of existing legislation	<p>Council does not consider that any provision of the proposed Local Law overlaps with existing State legislation.</p>
Overlap of Planning Scheme	<p>Council does not consider any provision of the proposed Local Law overlaps, duplicates or creates an inconsistency with Council's Planning Scheme.</p>
Risk Assessment	<p>Council has adopted a risk management approach to the review and development of the proposed Local Law.</p>

<p>Legislative approach adopted</p>	<p>Council believes in the minimum imposition on the community with Local Laws. The proposed Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> • reasonable penalties; • minimum possible number of provisions which create offences; and • where possible, provision for permits rather than prohibition of activities. <p>Council will also look to develop an Enforcement Policy to provide for the consistent administration and enforcement of the Local Law which will also consider:</p> <ul style="list-style-type: none"> • reasonable and appropriate permit conditions which will be relied on if a decision is made to issue a permit under the local law; and • reasonable enforcement procedures including provision for the giving of warnings where appropriate, provision of an internal review process for infringement notices and refusal of permit applications. <p>Council has ensured that the proposed Local Law –</p> <ul style="list-style-type: none"> • is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria; • is not inconsistent with the principles, objectives or intent of the enabling <i>Local Government Act 1989 (Act)</i>; • does not make unusual or unexpected use of the powers conferred by the Act under which the local law is made having regard to the general objectives, intention or principles of that Act; • does not embody principles of major substance or controversy or contain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation; • does not unduly trespass on rights and liberties of the person previously established by law; • does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions; • is not inconsistent with principles of justice and fairness; and • does not duplicate, overlap or conflict with other statutory rules or legislation.

Restriction of Competition	<p>Council has conducted a review of the proposed Local Law in accordance with National Competition Principles.</p> <p>Competition will be restricted in some instances because –</p> <ul style="list-style-type: none"> • The benefits of the restriction to the community as a whole outweigh the costs; and • The objectives of the proposed local law can only be achieved by restricting competition.
Penalties	<p>Maximum Penalty - \$2000.00 (Court Imposed)</p> <p>Infringement Notice Penalty - \$200.00</p>
Permits	<p>A number of provisions in the proposed Local Law require permits for various activities to be obtained.</p>
Fees	<p>The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.</p>
Performance standards or prescription	<p>Where appropriate and possible, Council has adopted a performance-based approach to Local Law provisions.</p>
Comparison with neighbouring Councils	<p>In drafting the proposed Local Law, Council examined the local laws of the following Councils – Mt Alexander, Pyrenees, Ballarat, Alpine, Campaspe, Macedon, Mornington Peninsula, Bendigo, Wodonga, Warnambool, Moorabool, Brimbank, Moreland and Melton</p> <p>The purpose of conducting this exercise was to assess the similarities and differences between the Councils so as to ensure a best practice approach was adopted in the drafting of Council's proposed Local Law.</p>
Charter of Human Rights & Responsibilities	<p>Council regards the Victorian Charter of Human Rights and Responsibilities as an important reference in the development of local laws to ensure that such laws do not encroach upon a person's basic human rights, freedoms and responsibilities. As a public authority, Council appreciates its obligation to ensure that local laws are interpreted and applied consistently with human rights. Council has assessed the proposed local law for compatibility with the Charter and has found no inconsistencies</p>
Submissions	<p>A submission process will be conducted in accordance with the legislative requirements prescribed under section 223 of the <i>Local Government Act 1989</i>. In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed local law. Those submissions are then considered by the Council as part of the consultation process.</p>

Topical provisions	Council does not regard the proposed Local Law as containing any provisions that may cause concern or controversy within the local community.
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12.8. RESPONSE TO PETITION REQUESTING FORMAL APOLOGY FROM COUNCIL IN RELATION TO THE DECISION TO RE-HOME THE DAYLESFORD GEESE

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Director, Infrastructure and Development services, I Bruce Lucas have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to respond to the petition “To receive a formal apology from Council in relation to the decision to re-home the Daylesford geese without due process or community engagement” as tabled at the August 2019 Ordinary Meeting of Council.

BACKGROUND

Council received the petition, which contains approximately 375 signatures of which approximately 35% provided an address located in the Hepburn Shire.

The petition states:

The petitioners whose names, addresses and signatures appear hereunder, petition the Hepburn Shire Council as follows: to formally apologise for the following issues raised in their process of re-homing of the Lake Daylesford geese – an acknowledged icon of local tourism for decades and much cherished by the majority of the local community.

This petition condemns Council for acting with no consideration for ratepayer and stakeholder consultation, no due process and total denial of opportunity for conversation around possible alternative solutions. The pushing through of this decision by stealth and the unseemly and cruel haste in the removal of the geese against an overwhelming tide of concern, demonstrates blatant disrespect for the community in which we live and considerable disregard for associated risk to tourism and the economic health of this area.

We ask that HSC offer a public apology and be prepared, as is its role, to engage fully and transparently with the community in matters demonstrated as being critical to stakeholders.

ISSUE/DISCUSSION

At the July 2019 Ordinary Meeting, Council considered a report titled “Relocation of Domestic Waterfowl from Lake Daylesford” and determined:

That Council:

- *Acknowledges the community concerns and the impact of the domestic waterfowl on the ecological function of the lake.*

- Approves the removal and re-homing of the domestic geese and waterfowl from Lake Daylesford and the proposed community engagement plan.
- Approves the installation of signage at Lake Daylesford to reinforce the messages and encourage responsible animal ownership.

Council understands the attachment and affection many members of our community have for these birds and this decision of Council was made following considerable investigation and discussion.

Whilst there were a number of reasons supporting the report, the primary objectives of the relocation were: the welfare of the geese, to allow Lake Daylesford to support a diversity of local wild birds and natural vegetation and to avoid impairing water quality, thus increasing the amenity and ecological function of the Lake.

The re-homing fulfils Council's obligations towards biodiversity protection and its 'Sustainable Environment' goal of taking proactive steps to 'protect, maintain and enhance biodiversity' as supported by Council's Biodiversity Strategy.

It is also consistent with supporting the objectives of the *Prevention of Cruelty to Animals Act 1986*, where abandonment of domestic animals is an offence.

Council believes it has a responsibility to address animal welfare concerns and to protect and enhance biodiversity. Accordingly, Council formed the view that community consultation would not have changed Council's responsibility and obligations to address these issues or its responsibility to address the issue of the health and safety of domestic waterfowl in a 'wild' context.

While appreciated for their beauty by some, the domestic waterfowl also reduce amenity of the lake for some community members. It is also understood that Council's decision has not been popular with all of the community however we hope that the entire community will come to understand Council's rationale for the difficult decision.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2021:

Strategic Objective – Sustainable Environment

Key Strategic Activity:

9. Take proactive steps to protect, maintain and enhance biodiversity, including rare/endangered species and wildlife corridors and reduction of weeds on council managed land while minimising herbicide use. Partner with other stakeholders to achieve greater weed management outcomes shire wide.

Action 9.1 Implement the Hepburn Shire Biodiversity Strategy Action Plan

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report.

RISK IMPLICATIONS

There are no risk implications resulting from this report

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no environmental/social/economic implications resulting from this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There was some stakeholder engagement prior to Council considering this matter and at the time of the Council meeting agenda being published.

In addition, as part of implementing the Council decision, there was discussions with key stakeholders, community information available on social media and through Customer Service, staff on site to answer queries during the re-homing of the geese and 'post relocation' information of the geese in their new surrounds.

Council is also intending to install signage at Lake Daylesford to deter the feeding of waterfowl.

Council has received significant correspondence and comment on this decision, both in support of and objecting to the decision and has invested significant resources to ensure that responses have been provided to all correspondence on this issue.

There has not been any further community engagement in the preparation of this report.

CONCLUSION

Council understands the attachment and affection many members of our community have for these birds and that the decision of Council was made following considerable investigation and discussion.

Council believes it has a responsibility to address animal welfare concerns and to protect and enhance biodiversity. Accordingly, Council formed the view that community consultation would not have changed Council's responsibility to address these issues, or our responsibility to address the issue of the health and safety of domestic waterfowl in a 'wild' context.

The re-homing fulfils Council's obligations to biodiversity protection and its 'Sustainable Environment' goal of taking proactive steps to 'protect, maintain and enhance biodiversity' as supported by Council's Biodiversity Strategy.

OFFICER'S RECOMMENDATION

That Council:

- 12.8.1. Acknowledges the attachment and affection many members of our community have for these birds.
- 12.8.2. Acknowledges that a community consultation process is not expected to have changed Council's responsibility and obligations to address the concerns identified.
- 12.8.3. Writes to the head petitioner to confirm the basis of Council's decision and that the re-homing of the waterfowl fulfils Council's obligations to biodiversity protection, and the health and safety of domestic waterfowl in a wild context.

MOTION

That Council:

- 12.8.1. Acknowledges the attachment and affection many members of our community have for these birds.*
- 12.8.2. Acknowledges that a community consultation process is not expected to have changed Council's responsibility and obligations to address the concerns identified.*
- 12.8.3. Writes to the head petitioner to confirm the basis of Council's decision and that the re-homing of the waterfowl fulfils Council's obligations to biodiversity protection, and the health and safety of domestic waterfowl in a wild context.*

Moved: Cr Licia Kokocinski

Seconded: Cr Greg May

Carried

12.9. TRENTHAM COMMUNITY HUB – PROJECT PLAN AND PROJECT ADVISORY GROUP TERMS OF REFERENCE DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Project Manager, Major Projects, I Ben Grounds have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to endorse the project plan for the Trentham Community Hub, including the Terms of Reference for the Project Advisory Group, and the Expression of Interest form for the membership of the Project Advisory Group.

This report recommends that Council formally adopt the Project Plan, Terms of Reference, and Expression of Interest, to ensure transparency of the planning and process for the project, given the substantial community interest in this project.

BACKGROUND

The planning, discussions, and efforts - both within the community and by Council - to develop a new community hub facility in Trentham have occurred over a number of years. A number of varied views over the location and scope of the project have existed in the community. In August 2018, subsequent to a community survey about the location of the Community Hub, Council resolved on a single solution, outlining the location, budget and funding strategy, and services to be delivered from the facility. That resolution is:

That Council:

- *Confirms that it will design the Trentham Community Hub at 66 High Street Trentham in line with the majority result of the postal survey.*
- *Confirms it will deliver the Trentham Community Hub pending adequate Government funding at 66 High Street Trentham in line with the majority result of the postal survey.*
- *Proceeds to develop Concept Designs with a quantity surveyed cost estimate through a public request for tender for design services with the specification including the following key elements:*
 - *total cost of \$3.5 million including fit out and contingency;*
 - *the Trentham Community Hub will include the original hall and new additions. The original hall of the Trentham Mechanics Institute will be retained and other parts of the building will be demolished;*
 - *scope elements that have been agreed are limited to library, visitor information centre, customer service, meeting and function rooms, and original main hall; and*

- *community consultation is required in detailing the concept plans for the above mentioned services already agreed.*
- *Confirms its financial commitment of \$800,000 to the construction of the Trentham Community Hub in future years.*
- *Resolves that the contract appointment following the public request for tender for design services be brought back to a Council meeting for decision.*
- *Resolves that it no longer intends to hand the crown land at 66 High Street Trentham back to the Department of Environment Land Water and Planning as this site will be used for the Trentham Community Hub.*

While Council has committed \$800,000 towards to completion of the project, the construction will be reliant of external funding sources. Council must progress the design process in order to begin seeking external funding.

The Project Plan outlines all aspects of the project, including delivery methods, timeframes, project governance, risk, and consultation. The plan is a standard operational document for a project and is typically an internal document used by the project manager and the Project Control Group. In this case, Council adoption of the plan is being recommended:

- To ensure this project plan complements Council's vision for the Trentham Community Hub;
- To ensure transparency of project delivery to Councillors; and
- To provide transparency of project delivery to the community.

The Project Plan outlines the project governance model, showing Council as the ultimate decision making entity, with the Project Control Group responsible for delivering the project as per agreed scope and budget. The Project Advisory Group will provide advice to the Project Control Group and the design team to incorporate into the concept design where appropriate (although the Project Advisory Group has no approval capacity).

The Council resolution of August 2018 specifies the project scope as well as the services and functionality to be accommodated by the facility. The primary area of influence for the community at this stage of the project is to input into the concept design. For this purpose, and to meet the commitment of the Council resolution, two key community consultation approaches are recommended:

- A Project Advisory Group, which will have a higher level of input into the concept design, and
- Broader community feedback on draft designs, at milestones throughout the concept design process.

A Terms of Reference will guide the activities of the Project Advisory Group, and an Expression of Interest form will be used to attract and assess nominations for membership of the Project Advisory Group.

This report recommends that the Terms of Reference, as well as the Expression of Interest form, are both adopted by Council, as they are key documents guiding the delivery of the project and provide greater transparency of process to the community.

It is recommended that the Project Advisory Group membership is appointed by Council.

A key milestone for the progression of the project towards construction is the finalisation and adoption of the concept design. It is proposed that the Project Advisory Group endorses the concept plan, and Council then formally adopt the concept plan. This will be a key milestone as it allows Council to begin pursuing external funding for the construction of the facility.

ISSUES/DISCUSSION

Location and the Incorporation of the Mechanic's Institute Hall

The location of the Community Hub was a key source of interest in the community during the development of the project scope. Similarly, whether or not to keep or incorporate the Mechanic's Institute Hall was another issue with a variety of community opinions. Although both the location and treatment of the Mechanic's Institute Hall is now clearly decided, various members of the community may not understand this, or choose to want to continue to debate this.

The engagement with the Project Advisory Group, as well as the broader community engagement steps, will make clear the negotiables and non-negotiables at this stage of the project. The Expression of Interest process for selecting the membership of the Project Advisory Group will seek people who are committed to helping successfully deliver the project as scoped.

Project Governance

The project plan outlines a governance model appropriate for a project of this size and complexity. Council have specified scope and budget and will be responsible for approving any material or significant change to the project scope.

The Project Advisory Group role is advisory and is not a decision making or approval role. The broader community will be involved at key consultation stages. Internal service owners (library, customer services, visitor information services) will also be consulted about functionality in the new facility.

The membership of the Project Advisory Group is an important factor in the project success, and so the Expression of Interest form is a crucial step in the formation of the group. It is recommended that the Coliban Ward Councillor chairs the Project Advisory Group.

All feedback during the concept design stage will be considered by the PCG, project manager, and the design consultant, and incorporated where appropriate.

Subsequent to adoption of the Terms of Reference and Expression of Interest form for the Project Advisory Group, nominations will be sought through publicising the Terms of Reference and Expression of Interest through suitable channels. The Expression of Interest will be open for 2 weeks, after which time assessment of Expressions of Interest will occur, with a report expected to be presented to the November Council Meeting for the appointment of members.

Design Consultant

A public request for tender procurement process will be utilised. The contract will be structured to allow part or all of the design process, including concept design options, concept design, functional design, tender documents and construction issue design and specifications, to be enacted by Council.

Previous concept designs will be provided to the successful consultant as background. The consultant will be expected to review these concepts, but not be bound to necessarily utilise any elements in the new design.

Consultation

The Project Plan outlines key stakeholders and levels of engagement of these stakeholders. A detailed consultation plan will be developed in conjunction with the successful design consultant, once appointed, to match the program agreed to with the consultant.

Project Staging

The design phase of the project is not planned (or recommended) to be staged. In order to design a cohesive and functional community hub design, and in order to maximise the chance of securing external funding, a single design process should be undertaken.

The design process will identify construction delivery staging possibilities, if any. Generally, staging a project will increase cost and timeframes, and is considered only in instances where the full cost of construction is not funded, impact to users cannot be appropriately managed, or some other benefit can be realised.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

1. Responsibly manage our assets portfolio including roads and transport infrastructure, buildings, recreation and sporting facilities and public toilets by

inspecting and monitoring maintenance and renewal needs. This is achieved through planning for and implementing asset renewal and upgrade programs or new facilities that meet community expectations such as hubs, streetscapes, road and building assets.

Action: 1.9 - Design and build the Trentham Community Hub incorporating enhanced library, meetings rooms, seniors and visitor information services.

FINANCIAL IMPLICATIONS

No additional financial implications arise from the recommendations in this report.

RISK IMPLICATIONS

The Project Plan contains a risk section that outlines projects risks. Council adoption of the Project Plan, the Terms of Reference for the Project Advisory Group, and the Expression of Interest Form for the Project Advisory Group membership helps manage project risks associated with communication, transparency, project governance, and community expectations.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The recommendations of this report do not change the environmental, social or economic implications of the project, in either delivery or operational stages.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Project Plan outlines a consultation plan for the delivery of the design phase of the project. A range of engagement activities are proposed in relation to a range of stakeholder groups.

CONCLUSION

The progression of the Trentham Community Hub project at 66 High Street, Trentham, will occur with the adoption of the Project Plan, as well as instating a Project Advisory Group via an Expression of Interest process.

OFFICER'S RECOMMENDATION

That Council:

- 12.9.1. Adopt the Trentham Community Hub Project Plan.
- 12.9.2. Adopt the Terms of Reference for the Trentham Community Hub Project Advisory Group.
- 12.9.3. Adopt the Expression of Interest form for membership of the Trentham Community Hub Advisory Group and advertise for members.
- 12.9.4. Consider a report at the November 2019 Council Meeting recommending the membership of the Trentham Community Hub Project Advisory Group.

MOTION

That Council:

- 12.9.1. Adopt the Trentham Community Hub Project Plan.*
- 12.9.2. Adopt the Terms of Reference for the Trentham Community Hub Project Advisory Group.*
- 12.9.3. Adopt the Expression of Interest form for membership of the Trentham Community Hub Advisory Group and advertise for members.*
- 12.9.4. Consider a report at the November 2019 Council Meeting recommending the membership of the Trentham Community Hub Project Advisory Group.*
- 12.9.5. That the closing date for expressions of interest for the Trentham Community Hub Project Advisory Group be extended to 6 October 2019 to follow the publishing of the October edition of the Trentham Trumpet*

Moved: Cr Licia Kokocinski

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 12 - PROJECT PLAN – TRENTHAM COMMUNITY HUB
(ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 13 -TERMS OF REFERENCE AND EXPRESSIONS OF
INTEREST - TRENTHAM COMMUNITY HUB – PROJECT ADVISORY
GROUP (ISSUED UNDER SEPARATE COVER)**

12.10. TRENTHAM SKATE PARK – LICENCE RENEWAL

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Facilities Coordinator, I Stuart Ritchie have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council approval to enter into a five (5) year, Section 17(B) Crown Land Licence between Hepburn Shire Council as Licensee and the Trentham Public Purpose Reserve Committee of Management Incorporated (the Committee) as Licensor for Council to occupy the land known as the Trentham Skate Park and BMX Track (Skate Park).

BACKGROUND

The Skate Park was built in 2004 with funding from Sport and Recreation Victoria, local contributions, and Hepburn Shire Council. In 2011 a BMX Track was added to the facility.

The Skate Park is located on part of the Trentham Public Purpose Reserve which is managed by a Committee of Management appointed by the Department of Environment, Land, Water and Planning (DELWP).

ISSUE/DISCUSSION

To recognise the continued occupation of the Reserve by a Council owned asset, i.e. the Skate Park, the Committee has proposed that the licence be renewed for a further five (5) years under section 17(B) of the *Crown Land (Reserves) Act 1978*.

The licence fee proposed is \$550 (ex GST) per annum with 5% annual increases which was negotiated between Council officers and the Committee to assist the Committee in maintaining the Trentham Public Purpose Reserve while Council maintains the Skate Park licenced area. The fee charged by the Committee for the 2018/2019 period was \$524 ex GST and the agreement through the previous term contained 5% annual increases.

Currently the Committee has no other significant income and has sole responsibility for the development and maintenance of the entire Stoney Creek Reserve which is approximately 15 acres in area.

The main conditions of the proposed new licence are:

- Rent at \$550 (ex GST) with 5% annual increases.
- Council is responsible for security and must maintain the licenced area in a safe condition. Council must replace items affected by vandalism.
- Any removal of vegetation (unless by way of routine pruning or maintenance) must be undertaken with prior written consent of the Committee.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The proposed licence is granted under the powers of Section 17(B) of the *Crown Land (Reserves) Act 1978*. The new licence is required to be submitted for Ministerial approval via DELWP.

FINANCIAL IMPLICATIONS

There are no significant financial implications.

RISK IMPLICATIONS

The licence requires Council to hold public liability insurance of \$20m.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Hepburn Shire Council recognises that participation in recreational activities provides important social connection and benefits for communities. No other implications are envisaged regarding the proposed licence.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request to renew the licence originated from the Committee. Council officers have liaised with the Committee regarding ongoing maintenance and other operational matters at the Skate Park.

CONCLUSION

A five (5) year licence issued under Section 17(B) of the *Crown Land (Reserves) Act 1978* is presented for Council's approval.

OFFICER'S RECOMMENDATION

That Council:

12.10.1. Approves the new five (5) year 17(B) Crown Land licence between Hepburn Shire Council as Licensee and the Trentham Public Purpose Reserve Committee of Management Incorporated as Licensor for Council to occupy the land known as the Trentham Skate Park and BMX Track; and:

12.10.2. Authorises the Chief Executive Officer to execute the 17(B) Crown Land licence for and on behalf of Council.

MOTION

That Council:

12.10.1. Approves the new five (5) year 17(B) Crown Land licence between Hepburn Shire Council as Licensee and the Trentham Public Purpose Reserve Committee of Management Incorporated as Licensor

for Council to occupy the land known as the Trentham Skate Park and BMX Track; and:

12.10.2. Authorises the Chief Executive Officer to execute the 17(B) Crown Land licence for and on behalf of Council.

Moved: Cr Licia Kokocinski

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 14 -DRAFT TRENTHAM SKATE PARK SECTION 17B
LICENCE**

Trentham Public Purpose Reserves
Committee of Management Incorporated

LICENCE

CROWN LAND (RESERVES) ACT 1978
Section 17B

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is subject to the provisions of the *Crown Land (Reserves) Act 1978* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

.....
Licensor or Authorised person

The Licensee hereby agrees to comply with the terms and conditions of this licence

.....
Licensee

Approved by
as delegate for the Minister
on

NOTE:

1	<i>This licence is not valid until it has been approved by the Minister or the Minister's delegate.</i>
2	<i>This Licence is an important document and should be stored in a secure and safe place.</i>
2	<i>In the event of loss, a replacement fee will be charged.</i>

SCHEDULE

ITEM

- | | | |
|-----------|--|---|
| 1 | Licence Number: | 2016639 |
| 2 | Licensor: | Trentham Public Purpose Reserves Committee of Management Incorporated |
| 3 | Licensee: | Hepburn Shire Council |
| 4 | Licensee's Address: | PO Box 21, Daylesford, VIC, 3460 |
| 5 | Commencement Date: |/...../..... (date signed by Ministers delegate) |
| 6 | Term: | Five (5) years |
| 7 | Licence fee: | \$550 per annum with 5% per annum increases |
| 8 | Payable: | Annually 31 July |
| 9 | Reservation description: | Part of Crown Allotment, 12 Section 3A Parish and Township of Trentham being land temporarily reserved for Public Park and General Recreation by Order in Council 3/8/1885 notified in the Victorian Government Gazette at 1885 on page 2164. |
| 10 | Licensed premises: | Park Street Reserve an area of 42m x 75m on the corner of Quarry Street and Camp Street on the Reserve and as delineated on the attached map. |
| 11 | Area: | 3150 m2 |
| 12 | Powers under which licence granted: | Section 17B Crown Land (Reserves) Act 1978 |
| 13 | Specified Purposes: | The Trentham Skate Park and BMX Track- operation and maintenance |
| 14 | Amount of Public Liability Insurance: | Minimum of \$20 million cover |
| 15 | Licensor Address: | 22 Blue Mt Road, Trentham VIC 3458 |
| 16 | Special Conditions: | Maintenance works to include replacement of planting where damaged and/or dead. Planting to be indigenous species only and to approval of Reserves Committee of Management. Spraying of granitic sand to be undertaken on a regular basis. Licensee to meet with CoM a minimum of twice per annum to review condition of area. Should a "Friends Group" be formed to oversee the area, no new work eg planting can be undertaken without reference to, and approval of, the Reserves Committee of Management. |

LICENCE CONDITIONS

1 Grant

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed premises or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 Licensee's Obligations (Positive)

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will:-

2.1 Licence fee

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 Rates and Taxes

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 Indemnity

Indemnify the Crown in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 Public Liability Insurance

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

<p>'the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Environment, Land, Water and Planning, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.'</p>

2.5 Maintenance

2.5.1 Throughout the term keep the licensed premises in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will:-

2.5.1.1 Keep the licensed premises free of pest animals and weeds;

2.5.1.2 Remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 Fire Protection Works

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 Condition at Termination

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations.

2.8 Notice of Defects and other matters

- 2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;

2.10 Arrears and Interest

- 2.10.1 Pay to the Licensor:-
 - 2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the **Penalty Interest Rates Act 1983** computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
 - 2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 Further Conditions

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

3 Licensee's Obligations (Negative)

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do not cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

- 3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-

- 3.6.1.1 retaking or attempting to retake possession of the licensed premises;
- 3.6.1.2 inspection; or
- 3.6.1.3 any other lawful purpose.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 *Erection of Improvements*

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 *General Conditions*

4.1 *Termination upon Default*

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any terms or conditions of the licence, the Licensor may, by notice published in the Government Gazette, declare that the licence is cancelled, and upon cancellation the licensee will not be entitled to any compensation whatsoever.

4.2 *Termination without Default*

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may with the approval of the Minister by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 *Ownership of Improvements*

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 *Licensee's Chattels*

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels shall remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels shall become the property of the Licensor.

4.5 *Licensor may remove and dispose of Licensee's chattels*

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 *Licensor's Agents*

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 *Notices*

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence shall be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 *Debt recovery*

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

4.9 *Additional Approvals*

If the Licensor is a Committee of Management or Trustees the approvals required in Conditions 3.1 and 3.8 shall be read to mean the Licensor and the Secretary or delegate.

5 *Definitions*

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"**commencement date**" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Crown**" means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary;

"**Department**" means the Department of Environment, Land, Water and Planning or its successor in law;

"**GST**" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"**hazardous chemical**" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"**licensed premises**" means the land and structures described in Item 10 of the Schedule;

"**Licence fee**" means the licence fee described in Item 7 of the Schedule as varied during the term;

"**Licensee**" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"**Licensor**" means the Trustees or Committee of Management appointed by the Minister to manage the reserved land described in Item 9 of the Schedule or if there are no Trustees or Committee of Management means the Secretary to the Department of Environment and Primary Industries or a person or class of person authorised by the Secretary to grant licences under Section 17B of the *Crown Land (Reserves) Act 1978*;

"**Minister**" means the Minister of the Crown for the time being administering the *Crown Land (Reserves) Act 1978*;

"**person**" includes a body corporate as well as an individual;

"**pest animals**" has the same meaning as in the *Catchment and Land Protection Act 1994*;

"**rates and taxes**" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"**schedule**" means the schedule to this Licence;

"**Secretary**" means The Secretary to the Department of Environment, Land, Water and Planning, the body corporate established under the *Conservation, Forests and Lands Act 1987*;

"**sign**" includes names, advertisements and notices;

"**soil**" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"**term**" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"**weeds**" include noxious weeds within the meaning of the *Catchment and Land Protection Act 1994*, and prescribed flora within the meaning of the *Flora and Fauna Guarantee Act 1988*;

"**writing**" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6 **Interpretations**

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

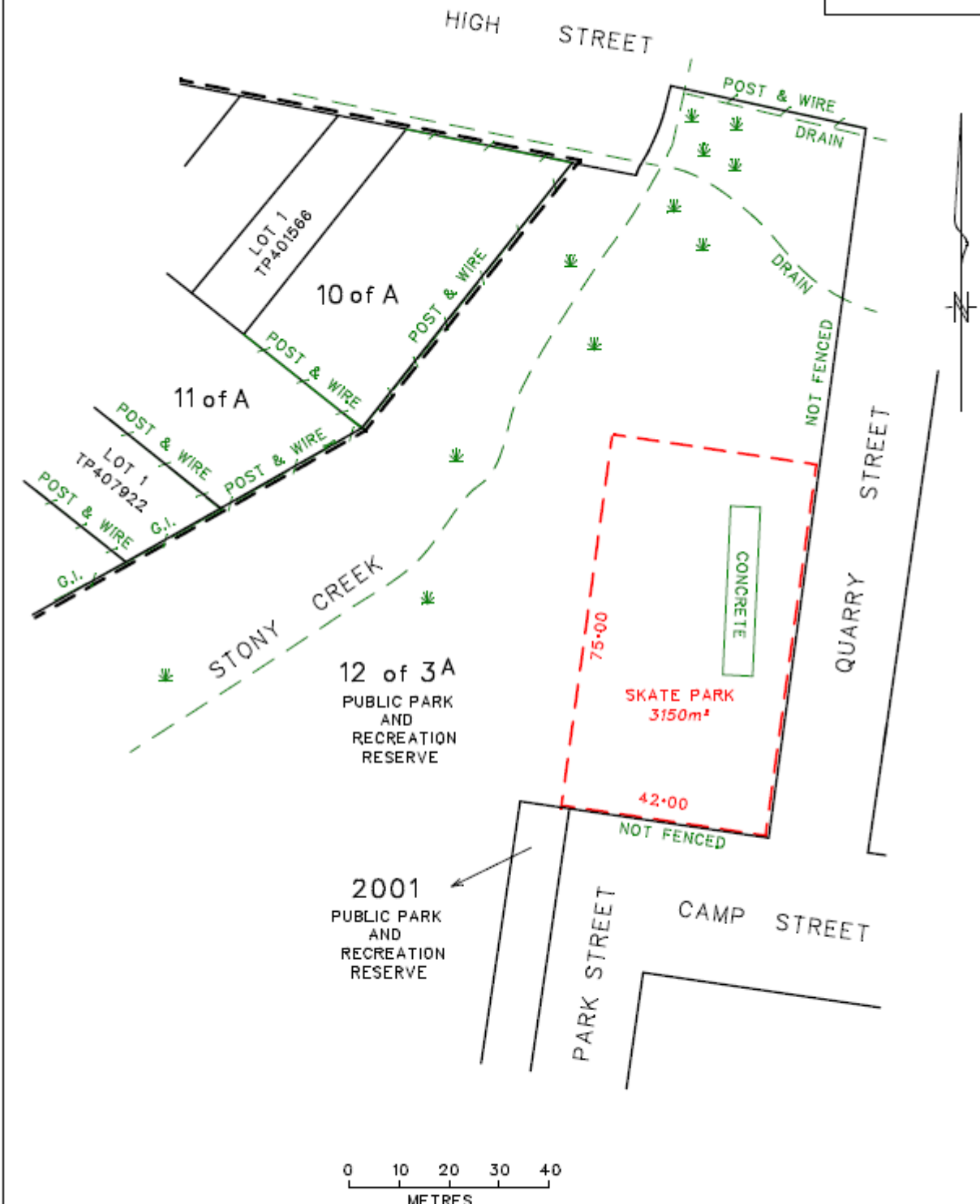
6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefore" were added to the reference.

6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.

Plan of Licensed Area – Red dashed

Ref. No.
2016639



DEPARTMENT OF ENVIRONMENT
LAND WATER AND PLANNING

STATE GOVERNMENT OFFICES
BALLARAT 3350
DRAWN P.SCHAPER 11/01/2016

PLAN FOR LICENCE PURPOSES
TRENTHAM SKATE PARK
PART OF CROWN ALLOTMENT 12
SECTION 3A
TOWNSHIP OF TRENTHAM

ORIGINAL SHEET SIZE A4
SCALE 1:1000
Plan No. T/11.1.2016

12.11. CONTRACT HEPBU.RFT2019.103 - REQUEST FOR TENDER FOR SCHEDULED AND UNSCHEDULED TREE REMOVAL AND MAINTENANCE WITHIN HEPBURN SHIRE DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Coordinator Parks and Open Spaces, I Sean Ludeke have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider awarding a panel contract HEPBU.RFT2019.103 for scheduled and unscheduled tree removal and maintenance works within Hepburn Shire to a panel of approved suppliers for a period of two (02) years, with an additional one (01) year extension option by mutual agreement.

BACKGROUND

Through the course of delivering a suite of infrastructure maintenance works and special projects, multiple Council departments use arborist and tree maintenance contractors.

In order to streamline procurement, receive better competitive rates and develop ongoing relationships with experienced contractors, Council is seeking to establish a panel of approved and suitable suppliers.

Although the total of use of panelled suppliers is hard to characterise, it is estimated that expenditure will range between \$150,000 and \$300,000 depending on the specific capital projects within any given financial year.

The use of panelled suppliers could include works such as:

- Tree removals
- Tree pruning
- Storm clean up
- Stump grinding
- Chipping
- Elevated work platform works
- Tree mulching

ISSUE/DISCUSSION

Tenders were invited via public advertisement on Council's e-tender portal and The Courier (Ballarat) on 26 July 2019 in accordance with Council's Procurement Policy.

The closing date for acceptance of submissions was 23 August 2019.

Thirteen (13) tender submissions were received.

The tender submissions were evaluated by an evaluation panel consisting of:

- Sean Ludeke – Parks and Open Space Coordinator
- Paul O’Leary - Project Engineer
- Mark Young Harvey – Safety Systems Facilitator

The Evaluation Panel evaluated the tenders received against the following criteria:

- Rates
- Technical Capability
- Previous experience
- Local Content
- References/Testimonials Provided
- Resources Available
- OHS/Quality Management System

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

2.2 Improve tree management including risk mitigation works and a proactive program of tree maintenance to improve longevity, safety, amenity and canopy coverage.

FINANCIAL IMPLICATIONS

All anticipated expenditure will be in accordance with approved budgets and included in approved Council programs over the duration of the contract.

The use of an approved panel of suppliers will help to ensure best value for money to Council and does not exclude sourcing services from other sources through a separate procurement process which will be considered on a project specific basis.

RISK IMPLICATIONS

Financial risks are minimal as the awarding of this contract and inclusion on the approved supplier panel does not commit Council to the use of goods and/or services.

The contract includes provisions for annual re-pricing of services. Annual programs and works packages will be assessed based on changes in prices and other criteria.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Any environmental implications associated with this contract will arise from the execution of this service/works. It is considered that these are the

responsibility of the Contractor and will be managed through the contract documentation.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external community engagement was required in the preparation of this tender.

CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, it is recommended that council appoints twelve (12) tenderers to an approved panel for Scheduled and Unscheduled Tree Removal and Maintenance within Hepburn Shire.

The acceptance to the panel does not guarantee any works and that purchase orders will be raised on an “as required” basis.

Unsuccessful letters will be sent to the unsuccessful tenderers.

OFFICER’S RECOMMENDATION

That Council:

12.11.1. Awards contract HEPBU.RFT2019.103 for Scheduled and Unscheduled Tree Removal and Maintenance works for a period of two years, with an option of a 1 year extension by mutual agreement to the following panel of providers:

1.
2.
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9.
10.
11.
12.

12.11.2. Provide a letter of acceptance to the appointed panel members confirming:

- That the submission, as supplied, has been accepted for a period of two (2) years with options to extend for a further one (1) year by mutual agreement;
- There is no guarantee of minimum works being issued to them; and
- Outline the form of Contract.

12.11.3. Authorise Council officers to approve individual purchase orders, within Officer delegation and within approved budgets, as required, to an approved panel of suppliers.

Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews.

MOTION

That Council:

12.11.1. *Awards contract HEPBU.RFT2019.103 for Scheduled and Unscheduled Tree Removal and Maintenance works for a period of two years, with an option of a 1 year extension by mutual agreement to the following panel of providers:*

1. *A1 tree Solutions*
2. *Aspect Tree Management*
3. *Carters Tree services*
4. *Daylesford Garden Supplies*
5. *Environmental Vegetation Management Australia*
6. *JJ Trees*
7. *Kuppers Contracting*
8. *Lees Trees*
9. *Paddy the Tree Feller*
10. *Travs Tree Services*
11. *Tree Mason*
12. *Tree Top Tower Hire*

12.11.2. *Provide a letter of acceptance to the appointed panel members confirming:*

- *That the submission, as supplied, has been accepted for a period of two (2) years with options to extend for a further one (1) year by mutual agreement;*
- *There is no guarantee of minimum works being issued to them; and*
- *Outline the form of Contract.*

12.11.3. *Authorise Council officers to approve individual purchase orders, within Officer delegation and within approved budgets, as required, to an approved panel of suppliers.*

12.11.4. *Authorise Director Infrastructure and Development Services to exercise the contract extension options, pending internal contract performance reviews.*

Moved: Cr Fiona Robson

Seconded: Cr Greg May

Carried

**ATTACHMENT 15 -CONFIDENTIAL - TENDER EVALUATION REPORT
(ISSUED TO COUNCILLORS UNDER SEPARATE COVER)**

12.12. CONTRACT HEPBU.RFT2019.95 - RECONSTRUCTION OF TELEGRAPH ROAD NEWLYN NORTH

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as Project Engineer, I Paul O'Leary have no interests to disclose in this report.

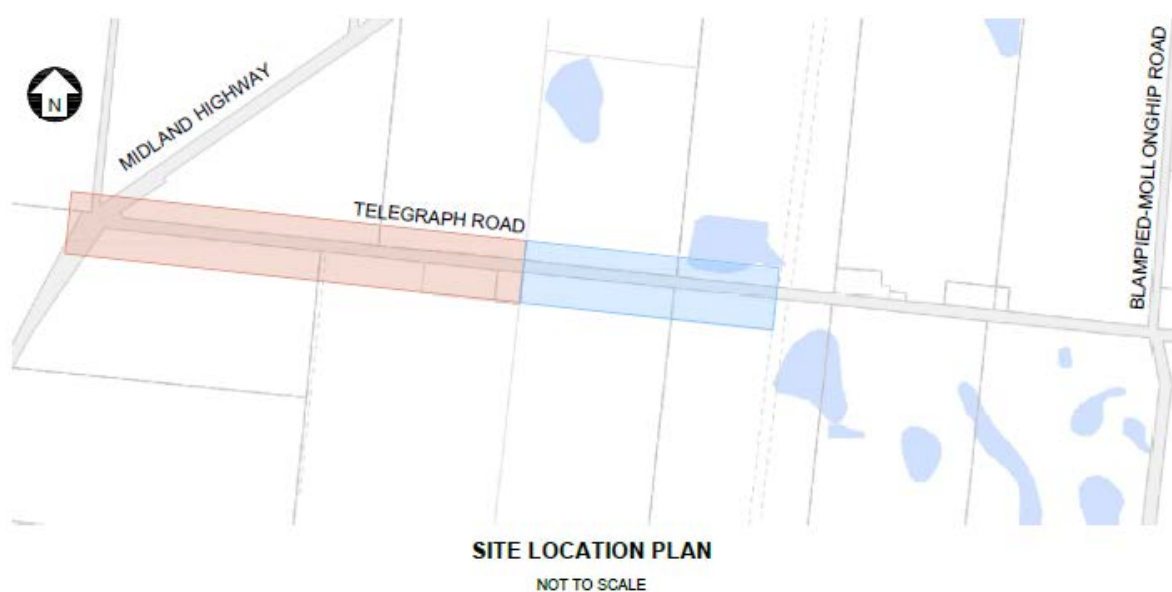
PURPOSE

The purpose of this report is for Council to consider awarding Contract HEPBU.RFT2019.95 - Reconstruction of Telegraph Road Newlyn North.

BACKGROUND

This contract forms part of Council's 2019/2020 road rehabilitation, formation and drainage program. The project is co-funded by Council and the Fixing Country Roads Program on a 1:2 ratio.

The scope of works involves the reconstruction of the first 1080m of Telegraph Road, off the Midland Highway, and drainage improvement works on the next 616m of Telegraph Road.



ISSUE/DISCUSSION

Tenders were invited via public advertisement on Council's e-tender portal and The Courier (Ballarat) on 24 August 2019 in accordance with Council's Procurement Policy.

The closing date for acceptance of submissions was 4 September 2019 and Nine (9) tender submissions were received.

The tender submissions were evaluated by an evaluation panel consisting of:

Name	Title
Tim Powell - Chair	Coordinator Engineering
Paul O'Leary	Project Engineer Infrastructure
Rob Ellis	Finance Officer

The Evaluation Panel evaluated the tenders received against the following criteria:

Criteria	Weighting
Price	50%
OHS Management and Quality Systems	15%
Confidence in ability to Deliver the Project	15%
Key Staff and Resources Available	5%
Previous Experience in Similar Projects	10%
Local Content	5%
Total	100%

The outcome of the tender evaluation is detailed in the attached Confidential Tender Evaluation Report.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

1.1 Continue to invest in our assets at a level greater than depreciation by delivering the annual asset renewal capital works programs

FINANCIAL IMPLICATIONS

The funding for this project will be drawn from the 2019/2020 Road Rehabilitation program. This project is co-funded by Council and the Fixing Country Road Program Stage 2 on a 1:2 ratio.

All anticipated expenditure is within the approved 2019/2020 Council Infrastructure Budget of \$403,186.

The financial review of this tender is detailed in the attached Confidential Tender Evaluation Report.

RISK IMPLICATIONS

There are no expected risk implications. The expected construction related risks shall be addressed in pre commencement site meetings and mitigated by managing the work site and providing traffic management in accordance with AS 1742.3.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no anticipated negative environmental, social or economic implications in awarding the contract.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Preliminary communication has taken place with the landowners mostly affected by the works and further communications will take place as commencement is scheduled and confirmed.

CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, the preferred tender has been identified as per the Confidential Tender Evaluation Report.

In addition, it is recommended that Council authorise Council Officers to approve financial variations and additions to the Contract within Officer Delegation and approved budgets.

OFFICER'S RECOMMENDATION

That Council:

- 12.12.1. Award Contract HEPBURFT2019.95 Reconstruction of Telegraph Road, Newlyn North to
- 12.12.2. Authorise Council Officers to authorise variations and additions to the Contract within Officer Delegation and approved budgets.
- 12.12.3. Authorise the Chief Executive Officer and the Mayor to sign and seal the contract documents.

MOTION

That Council:

- 12.12.1. Award Contract HEPBURFT2019.95 Reconstruction of Telegraph Road, Newlyn North to Fulton Hogan Industries Pty Ltd*
- 12.12.2. Authorise Council Officers to authorise variations and additions to the Contract within Officer Delegation and approved budgets.*
- 12.12.3. Authorise the Chief Executive Officer and the Mayor to sign and seal the contract documents.*

Moved: Cr Greg May

Seconded: Cr Kate Redwood AM

Carried

**ATTACHMENT 16 - CONFIDENTIAL - HEPBU2019.95 - TENDER
EVALUATION REPORT (ISSUED TO COUNCILLORS UNDER
SEPARATE COVER)**

12.13. CONTRACT HEPBU.RFT2019.72 - REQUEST FOR TENDER FOR DRUMMOND HALL REFURBISHMENT DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Project Manager, I Sam Hattam have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider awarding Contract HEPBU RFT2019.72 – Drummond Hall Refurbishment.

BACKGROUND

The contract will form part of Council's Annual Building Renewal Capital Works Program. The Drummond Hall is primarily used by the local community for events, community meetings and social gatherings including tennis games on the adjoining court.

The property is owned by Hepburn Shire Council and managed by a Special Committee of Management.

In January 2018 a site visit was conducted to identify a scope of works to 'maintain the building in a fit-for-purpose and maintainable state'. From this the key works identified were:

- Asbestos Removal
- Restumping
- Exterior Painting
- Kitchen Renovation/replacement
- General Carpentry/Plumbing/Electrical to various locations throughout (for example, rotten weather boards on the exterior)

Restumping works were carried out prior to major building works using a registered and qualified restumper.

The preferred Contractor is still available to complete the works and has indicated a late October 2019 start/January 2020 finish would be possible.

Officers are seeking additional funds.

ISSUE/DISCUSSION

Tenders were invited via public advertisement on Council's e-tender portal and The Hepburn Advocate on 4 May 2019 in accordance with Council's Procurement Policy. The closing date for acceptance of submissions was 24 May 2019. Three (3) tender submissions were received.

The tender submissions were evaluated by an evaluation panel consisting of:

- David Watson – Manager Environment and Waste Chairperson
- Sam Hattam – Project Manager
- Paul O’Leary – Project Engineer Infrastructure

The Evaluation Panel evaluated the tenders received against the following criteria and weighting:

- Price 35%
- Health and Safety 20%
- Capability 25%
- Timeframe 10%
- Local Content 10%

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – Quality Community Infrastructure

Key Strategic Activity:

Continue to invest in our assets at a level greater than depreciation by delivering the annual asset renewal capital works programs

FINANCIAL IMPLICATIONS

Council previously approved a budget of \$120,000, however, due to unforeseen cost and as a result of the tender submissions the budget to complete the works of \$200,000 is now required. The project was originally scoped and costed based on Council being owner builder for the works and contracting in specific services and labour to deliver the project. This model of delivery does result in Council carrying some additional risk and does require significantly more project management resourcing which is not available.

Council has now undertaken a procurement process that contracts the full works in a single contract which has been fully market tested in accordance with Councils Procurement Policy.

As a result, additional funding is required to complete the specified works and this report requests that an additional \$80,000 is approved by Council as part of the midyear budget review.

RISK IMPLICATIONS

Whilst the contract value is able to be awarded with Officer delegations there is a budget shortfall. Non approval of the addition budget would result in delays to the project.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no foreseeable negative environmental, social or economic implications in awarding the contract. There are no foreseeable negative environmental, social or economic implications with awarding the contract.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Officers have been working with the special Committee of management in the scoping and delivery of these works and continue to work with them. No additional stakeholder engagement has been undertaken.

CONCLUSION

Following a formal tender process and detailed evaluation of received tenders, the preferred tender has been identified as per the Confidential Tender Evaluation Report. In addition, it is recommended that Council authorise Council Officers to make variations and additions to the Contract within Officer delegation and approved budgets.

OFFICER'S RECOMMENDATION

That Council:

12.13.1. Approves the additional \$80,000 for the project to increase the overall project budget to \$200,000 in order to complete all required works for Contract HEPBU.RFT2019.72 – Drummond Hall Refurbishment.

12.13.2. Award Contract HEPBU RFT2019.72 – Drummond Hall Refurbishment to for \$.....excluding GST.

12.13.3. Delegates Council Officers to approve variations to the above contract where the sum of the variations (value above the Council awarded contract sum) is within Officer financial delegation and approved budgets.

12.13.4. Authorise the Chief Executive Officer and the Mayor to sign and seal the contract documents.

MOTION

That Council:

12.13.1. Approves the additional \$80,000 for the project to increase the overall project budget to \$200,000 in order to complete all required works for Contract HEPBU.RFT2019.72 – Drummond Hall Refurbishment.

- 12.13.2. *Award Contract HEPBU RFT2019.72 – Drummond Hall Refurbishment to Rocklee Australia Pty Ltd for \$141,355 excluding GST.*
- 12.13.3. *Delegates Council Officers to approve variations to the above contract where the sum of the variations (value above the Council awarded contract sum) is within Officer financial delegation and approved budgets.*
- 12.13.4. *Authorise the Chief Executive Officer and the Mayor to sign and seal the contract documents.*

Moved: Cr John Cottrell

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 17 -CONFIDENTIAL – HEPBU.RFT2019.72 - TENDER
EVALUATION REPORT (ISSUED TO COUNCILLORS UNDER
SEPARATE COVER)**

12.14. VARIATIONS TO EXISTING CONTRACTS

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Coordinator Engineering, I Tim Powell have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider approval for a number financial variations to existing contracts that have previously been awarded by Council.

BACKGROUND

Multiple project contracts have been awarded by Council without the provision for contingencies. Council's procurement policy, endorsed by Council in May 2019, requires any variation to be approved by Council as the total contract value, including any variations exceeds any Council Officer's financial delegation.

Previous Council awarded contracts, in confidential Council meetings, historically included provision for a contingency amount approved at the same time as the contract sum. Since March 2019, contracts awarded in the public section of Council meeting have not included these contingencies. Council's current procurement policy requires Council approval to amend the awarded contract amount.

Contract contingencies are traditionally used for latent conditions and associated works once the contract is in progress.

ISSUE/DISCUSSION

Council Officers have identified five (5) contracts that have or are likely to have variation to the Council awarded contract sum, they are:

- Contract HEPBU.RFT2018.103 East Street Bridge Clearance Project (likely variation value \$42,350).
- Contract HEPBU.RFT2018.151 Intersection Realignment and Reconstruction of Daylesford-Clunes Road, Ullina (\$84.94)
- Contract HEPBU.RFT2019.01 Daylesford Skate Park refurbishment (likely variation value \$30,140)
- Contract HEPBU.RFT2019.101 Footpath Expansion and Renewal (\$9,275)

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2017:2020

Strategic Objective – High Performing Organisation

Key Strategic Activity:

13 Deliver sustainable financial management, supported by effective long-term financial planning (10 years), cost savings and efficient purchasing, and developing additional income streams beyond rates revenue.

FINANCIAL IMPLICATIONS

Previous contingencies have been around 10% of the contract sum, depending on the nature of works and available budget allocations. The proposed variations fall within the Council approved budgets.

RISK IMPLICATIONS

Non approval of variations could lead to a delay in delivery or freeze on works until variations are approved. Approval of variations above the Council awarded contract sum without Council approval would be a breach of the procurement policy.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Lengthy approval processes may have a negative effect on delivering projects in a timely manner and may create further cost implications for suspension of works.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No additional stakeholder engagement has been undertaken.

CONCLUSION

In order to streamline project delivery approval is requested for the known or likely variations to previously awarded contracts. In addition, approval is sought to authorise officers to approve project variations for the listed contracts where the sum of variations (excluding the contract sum) is within their financial delegation and Council approved budgets.

OFFICER'S RECOMMENDATION

That Council:

12.14.1. Approves a variation to Contract HEPBU.RFT2018.103 East Street Bridge Clearance Project, of \$42,350 ex GST.

12.14.2. Approves a variation to Contract HEPBU.RFT2018.151 Intersection Realignment and Reconstruction of Daylesford-Clunes Road, Ullina of \$84.94 ex GST.

12.14.3. Approves a variation to Contract HEPBU.RFT2019.01 Daylesford Skate Park refurbishment of \$30,140 ex GST.

12.14.4. Approves a variation to Contract HEPBU.RFT2019.101 Footpath Expansion and Renewal of \$9,275 ex GST.

12.14.5. Delegates Council Officers to approve variations to the above contracts where the sum of the variations (value above the Council awarded contract sum) is within Officer financial delegation and approved budgets.

MOTION

That Council:

- 12.14.1. *Approves a variation to Contract HEPBU.RFT2018.103 East Street Bridge Clearance Project, of \$42,350 ex GST.*
- 12.14.2. *Approves a variation to Contract HEPBU.RFT2018.151 Intersection Realignment and Reconstruction of Daylesford-Clunes Road, Ullina of \$84.94 ex GST.*
- 12.14.3. *Approves a variation to Contract HEPBU.RFT2019.01 Daylesford Skate Park refurbishment of \$30,140 ex GST.*
- 12.14.4. *Approves a variation to Contract HEPBU.RFT2019.101 Footpath Expansion and Renewal of \$9,275 ex GST.*
- 12.14.5. *Delegates Council Officers to approve variations to the above contracts where the sum of the variations (value above the Council awarded contract sum) is within Officer financial delegation and approved budgets.*

Moved: Cr Neil Newitt

Seconded: Cr Greg May

Carried

12.15. PUBLIC HOLIDAYS AND COUNCIL OFFICE CLOSURES DURING THE CHRISTMAS AND NEW PERIOD 2019/2020

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Manager People and Culture, I Vivienne Green have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council's endorsement of the proposal to close Hepburn Shire Council offices during the Christmas holiday period 2019/2020.

The report also seeks endorsement of the early closure of the Shire offices on Friday 13 December 2019 to facilitate a staff end of year celebration.

BACKGROUND

It has been the practice of Hepburn Shire Council to close during the holiday period.

The holiday period closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances. This has been the practice over the past few years as there is limited demand placed on municipal services over this period and the closure is generally accepted by the community.

ISSUE/DISCUSSION

It is proposed that the Hepburn Shire municipal offices and libraries close from 1:00pm on Friday 13 December 2019 for the staff end of year celebration.

It is also proposed that the Hepburn Shire municipal offices and libraries be closed from 3:00pm on Tuesday 24 December 2019 and reopen on Thursday 2 January 2020.

The period comprises three work days and three public holidays. Public holidays have been assigned, under the *Public Holidays Act 1993*, to Wednesday 25 December 2019, Thursday 26 December 2019 (Boxing Day), Wednesday 1 January 2020. It is proposed that the three work days (Friday 27 December, Monday 30 December, and Tuesday 31 December) will be taken by staff as leave during this period.

A skeleton staff will continue to operate during the closure period to ensure that essential services continue these are; Community Care staff members, Maintenance staff members and the Daylesford and Creswick Visitors Centres staff members. Council is currently seeking expressions of interest from casual Customer Service staff to operate the Clunes Visitor Information Centre during the period, as there are insufficient volunteers available for full coverage.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Not applicable.

FINANCIAL IMPLICATIONS

There is no financial impact as a result of closing the offices and depots between Christmas and New Year. The closure provides the organisation with the opportunity to decrease its annual leave liability.

RISK IMPLICATIONS

Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the Emergency Management procedures. On declared Code Red days, Council Emergency Management staff will be stationed in the Municipal Emergency Coordination Centre (MECC) in readiness for any incidents. Council will have a roster for Emergency Management Staff over the holiday period closure.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

It is proposed that the office and depot closures will be advertised in The Advocate and The Courier newspapers. Public advertisements will indicate the arrangements for service provision and emergency response over the Christmas/New Year period as well as the early closure of offices on 13 December 2019.

CONCLUSION

It is appropriate that the Hepburn Shire Council offices close during the Christmas/New Year holiday period 2019/2020.

OFFICER'S RECOMMENDATION

That Council:

12.15.1. Approves the closure of the Hepburn Shire Council offices and depots for the period from 3:00pm on Tuesday 24 December 2019 to return of business on Thursday 2 January 2020 and close the municipal offices at 1:00pm on Friday 13 December 2019 to facilitate a staff end of year function.

12.15.2. Authorises Council officers to place advertisements in The Advocate and The Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2019/2020 holiday period.

MOTION

That Council:

12.15.1. Approves the closure of the Hepburn Shire Council offices and depots for the period from 3:00pm on Tuesday 24 December 2019 to return of business on Thursday 2 January 2020 and close the municipal offices at 1:00pm on Friday 13 December 2019 to facilitate a staff end of year function.

12.15.2. Authorises Council officers to place advertisements in The Advocate and The Courier advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2019/2020 holiday period.

Moved: Cr Kate Redwood AM

Seconded: Cr Greg May

Carried

12.16. RECORD OF ASSEMBLIES OF COUNCILLORS

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Governance and Information Officer I Rebecca Smith have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to receive and note Assemblies of Councillors.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as ...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or*
- subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –*

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party or other organisation.

ISSUE/DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

- Reported at an Ordinary Meeting of the Council; and
- incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Date	Committee Name	Location
5 August 2019	Disability Advisory Committee	The Warehouse Clunes
20 August 2019	Councillor/CEO meeting	Daylesford Town Hall
20 August 2019	Pre-council Meeting Briefing	Daylesford Town Hall
12 August 2019	Mineral Springs Reserve Advisory Committee	Daylesford Town Hall
21 August 2019	Reconciliation Action Plan Advisory Committee	Duke Street Council Offices
3 September 2019	Councillor Briefing	Daylesford Town Hall

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

There are implications with regards to Council's compliance with the *Local Government Act 1989* (as amended) if written records of Councillor Assemblies are not reported to Council.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

12.16.1. That Council receives and notes the Records of Assemblies of Councillors.

MOTION

12.16.1. That Council receives and notes the Records of Assemblies of Councillors.

Moved: Cr Neil Newitt

Seconded: Cr John Cottrell

Carried

ATTACHMENT 18 -RECORDS OF ASSEMBLIES OF COUNCILLORS

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Disability Advisory Committee

Date: 5 August 2019

Time: 12.00pm-3.30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) The Warehouse Clunes

Councillors present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Kate Redwood AM | <input type="checkbox"/> Cr Fiona Robson |
| <input type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|--|--|
| <input type="checkbox"/> CEO Evan King | |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | Manager Community Care
Fran Fogarty |
| <input type="checkbox"/> Director Infrastructure and Development
Services Bruce Lucas | Rural Access Officer
Deb Westin |
| <input checked="" type="checkbox"/> Other, please specify: | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|------------------------|
| <input type="checkbox"/> CEO Evan King | Manager Community Care |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | Fran Fogarty |
| <input type="checkbox"/> Director Infrastructure and Development
Services Bruce Lucas | |
| <input checked="" type="checkbox"/> Other, please specify: | |

DOC/18/28797

Note: This form **MUST** be completed by the attending Council Officer and returned immediately to the Coordinator Governance and Information for filing.

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Signature: 

- Membership rotating

9. **Next meeting:** October 7th 2019, Doug Lindsay Rooms, Creswick

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor/CEO Meeting

Date: 20 August 2019

Time: 3:00 – 3:30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other –

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO - Evan King | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Director Infrastructure & Development
Services - Bruce Lucas | |
| <input type="checkbox"/> Director Community & Corporate Services -
Bradley Thomas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Director Infrastructure & Development
Services - Bruce Lucas | |
| <input type="checkbox"/> Director Community & Corporate Services
– Bradley Thomas | |

Signature:

Evan King

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

COUNCILLOR & CEO MEETING

Tuesday 20-08-2019

Daylesford Council Chambers

2:00 - 3:30PM

PRESENT: Councillors Don Henderson, Greg May, Kate Redwood AM, John Cottrell, Neil Newitt, Licia Kokocinski, Fiona Robson, CEO Evan King

CHAIR: Mayor Don Henderson

APOLOGIES:

No.	Time	Agenda Item	Presenter
1.	2:00pm	Relevant items for discussion following Councillor only time	Mayor Don Henderson
2.		Inspectorate	Evan King
3.		Hepburn Hub at the Rex	Evan King
4.		Update regarding the progress, challenges and assistance required - for the shire hub at the Rex - to respond to the health & safety audit - for the new communication plan	Cr Fiona Robson
5.		Update on the review of the organisation's values, any anticipated changes and the proposed approach for implementing them.	Cr Fiona Robson
6.		I would like to see the 16 risks identified for our council and how they have been classified (probability/impact). Maybe these can be emailed?	Cr Fiona Robson
7.		Council Meetings/Briefings/Listening Posts	Evan King
8.		Daylesford Macedon Tourism	Evan King

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Pre-Council Meeting Briefing

Date: Tuesday, 20 August 2019

Time: 3:30pm – 5:00pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – The Warehouse Clunes

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: Manager |
| <input checked="" type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | Development and Community Safety (Alison
Blacket) |
| <input checked="" type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | |


Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered: Monday, 20 August 2018 **Agenda of Council Meeting**
Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: RAP Advisory Committee

Date: 21 August 2019

Time: 9.00am

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) Duke St Meeting Room

Councillors present:

<input type="checkbox"/> Cr John Cottrell	<input type="checkbox"/> Cr Greg May
<input checked="" type="checkbox"/> Cr Don Henderson	<input type="checkbox"/> Cr Neil Newitt
<input type="checkbox"/> Cr Kate Redwood AM	<input type="checkbox"/> Cr Fiona Robson
<input type="checkbox"/> Cr Licia Kokocinski	

Members of Council Staff present:

<input type="checkbox"/> CEO Evan King	<input checked="" type="checkbox"/> Other, please specify: Donna Spiller
<input type="checkbox"/> Director Community & Corporate Services Bradley Thomas	Arts, Culture and Reconciliation Officer
<input type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas	

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached DOC/19/35967

Name and title of Officer responsible for this written record:

<input type="checkbox"/> CEO Evan King	<input checked="" type="checkbox"/> Other, please specify:
<input type="checkbox"/> Director Community & Corporate Services Bradley Thomas	Donna Spiller – Arts, Culture and Reconciliation Officer
<input type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas	

Signature: 

DOC/18/28797

Note: This form **MUST** be completed by the attending Council Officer and returned immediately to the Coordinator Governance and Information for filing.

Reconciliation Action Plan (RAP)

Advisory Committee (AC)

Wednesday 21 August 2019

Meeting Room, Duke Street Customer Service Centre Daylesford

Invitees: Mayor Don Henderson (Chair), Rod Poxon, Peter O'Mara, Gary Lawrence, Warren Maloney, Erica Higgins, Barry Golding, Rachel Palmer (Coordinator Community Partnerships), Donna Spiller (Arts, Culture and Reconciliation; Minutes),

Katherine Toom (Coordinator Governance and Information)

Item	Time	Agenda Item	Presenter
1 Actions and Outcomes from Previous Minutes	9:00am	<ul style="list-style-type: none"> • Acknowledgement of Country • Welcome, apologies and introductions • Acceptance of minutes from previous meeting with amendment to Avenue of Honour for Fallen Aboriginal People: (delete soldiers). <p>- Introduction of a CRG member at each meeting: Beginning with Erica</p> <p>- Meeting with the DDWCAC</p> <p>- Minute taking/recording</p> <p>- Tracking Progress</p>	Chair Erica Donna
2 Project Status Updates	9:20am	Hepburn Hub – Art/Language/acknowledgement EOI	Donna

▶ MEETING AGENDA

3 Items for Discussion	9:25am	<p>Carried Forward: Jim Crow Creek Renaming</p> <p>Carried Forward: Franklinford Cemetery</p>	<p>Donna or Katherine Toom (Governance) on procedure</p> <p>Committee</p>
4 Internal Working Group For Discussion and Recommendations	10.00am	<p>The Rap Internal working group met on 12 August:</p> <p>Priorities from the RAP were discussed as follows.</p> <p><u>Acknowledgement of Country</u> Formalise process for meetings and events A resource for this (wallet size card)</p> <p><u>Signage Policy</u> Update signage Policy Consider Design for Acknowledgement on new signage with DDWCAC</p> <p><u>Co-naming</u> Identify sites for Co-naming with DDWCAC and Language for other Street Names, Council Properties and Places</p> <p><u>Cultural Awareness</u> Cultural Awareness Training for staff – Who/plan/timelines</p>	<p>Donna</p> <p>Action 10</p> <p>Action 7</p> <p>Action 8</p>

▶ MEETING AGENDA

		Planning and events for <u>NAIDOC</u> and <u>NRW</u> for 2020	Action 9 and 3
		DDWCAC formalised meeting plan	Action 2
5 Agenda Items From Committee	10.20	None received	
6 Other Business	10.20		
7 Next Meeting and Review of actions	10.30	September 18	
8	10:35am	Meeting Closed	

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Mineral Springs Reserve Advisory Committee

Date: 12 August 2019

Time: 1.00pm – 3.00pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|--|---|
| <input type="checkbox"/> Cr John Cottrell | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Neil Newitt |
| <input type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|---|---|
| <input type="checkbox"/> CEO Evan King | <input checked="" type="checkbox"/> Other, please specify: Sean Ludeke,
Paulette Pleasance |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input checked="" type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | |

Conflict of Interest Disclosures:


Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|---|
| <input type="checkbox"/> CEO Evan King | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Director Community & Corporate Services
Bradley Thomas | |
| <input checked="" type="checkbox"/> Director Infrastructure & Development
Services Bruce Lucas | |

Signature: 

DOC/18/28797

Note: This form MUST be completed by the attending Council Officer and returned immediately to the Coordinator Governance and Information for filing.

MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

Monday 12 August 2019 – 1.00pm – 3.00pm

Attendees: Cr Fiona Robson, Bill Guest, Lisa Rodier, Nathan Lundmark Bruce Lucas, Sean Ludeke, Paulette Pleasance

Guest: Steve Wroe, CEO Daylesford Macedon Tourism Ltd

Apologies:

No	Time	Agenda Item	Presenter
1	1.00pm	Welcome and Apologies Acknowledgement to Country	Cr Fiona Robson
2	1.02pm	Adoption of Minutes – 17 June 2019	Cr Fiona Robson
3	1.04pm	Review of Action Register Items	Cr Fiona Robson
4	1.10pm	Update List of Priority Projects	All
5	1.30pm	Project Update <ul style="list-style-type: none"> • 2018/2019 - are there any projects not completed, and funds carried over into 2019/2020? If so, what are they? • 2019/2020 - confirm projects approved. 	Bruce
6	1.50pm	VMSR Grants Program 2019/20	Bruce / Sean
7	2.00pm	Mineral Springs Upgrades – Feasibility Study	Steve Wroe
8	2.20pm	Maintenance Update	Sean
9	2.30pm	General Business	
10	2.40pm	Agenda Items for Next Meeting <ul style="list-style-type: none"> • 	
		Meeting close	
Next meeting – Monday 14 October 1.00pm- 3.00pm - Council Chambers			

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor Briefing
Date: Tuesday, 3 September 2019
Time: 9:00am – 5.00pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr John Cottrell | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Fiona Robson |
| <input checked="" type="checkbox"/> Cr Licia Kokocinski | |

Members of Council Staff present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> CEO Evan King | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> Director Infrastructure and Development Services Bruce Lucas | Project Manager – Ben Grounds, Facilities Coordinator – Stuart Ritchie, Manager Environment and Waste – David Watson, Youth Development Officer – Jonathon van der Pleog, Coordinator Community Partnerships – Rachel Palmer, Manager Financial Services – Dannielle How, Coordinator Community Safety - David George, Manager Development and Community Safety – Alison Blacket, Statutory Planner – Anita Smith, Coordinator Environmental Health - Melissa Phillips, Environmental Health Officer – Lisa Sparks, Manager Governance Compliance and Risk – Tracy Spiteri, Coordinator Governance and Information – Katherine Toom, Manager People and Culture – Vivienne Green |
| <input checked="" type="checkbox"/> Director Community & Corporate Services Bradley Thomas | |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered: Tuesday, 3 September 2019 Agenda Attached

Matters Councillors not present

Councillor Name	Item

Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Cr Robson (present from 3.00pm)	1, 2, 3, 4, 6, 7, 8, 9

Name and title of Officer responsible for this written record:

- CEO Evan King Other, please specify:
 Director Community & Corporate Services
Bradley Thomas
 Director Infrastructure & Development
Services Bruce Lucas

Signature: _____



Note: This form MUST be completed by the attending Council Officer and returned immediately to Governance Officer for filing.

Tuesday 3 September 2019
 Council Chamber, Daylesford Town Hall
 9:00 am – 4:15 pm

The reports, and referenced attachments, are designated as confidential by the Chief Executive Officer under Section 89(2)(h) of the Local Government Act 1989.

INVITED:

Councillors	Councillor Don Henderson Councillor Fiona Robson Councillor Greg May Councillor John Cottrell Councillor Kate Redwood AM Councillor Neil Newitt Councillor Licia Kokocinski
Officers	Evan King – Chief Executive Officer Bradley Thomas – Director Community and Corporate Services Bruce Lucas – Director Infrastructure and Development Services
CHAIR:	Mayor Don Henderson Evan King – Chief Executive Officer

APOLOGIES:

No	Time	Type	Agenda Item	Presenter	Page No
1.	9:00am	Report	Trentham Community Hub - Project Delivery Plan	Project Manager	4
2.	10:00am	Report	Clunes Caravan Park – Assignment of Lease	Facilities Coordinator	26
3.	10:15am	Report	Trentham Skate Park - Licence Renewal	Facilities Coordinator	41

No	Time	Type	Agenda Item	Presenter	Page No
	10:30am		Break		
4.	10:45am	Presentation	Hepburn TAC L2P Learner Driver Mentor Program	Youth Engagement Officer	46
5.	11:15am	Report	Daylesford Football Netball Club - Licence Agreement	Community Programs Officer	47
6.	11:30am	Report	Public Holidays and Council Office Closure during the Christmas and New Year period	Manager People and Culture	67
7.	11:45am	Report	Financial Report as at 30 June 2019	Manager Financial Services	69
8.	12:15pm:	Report	Capital and Operational Projects as at 30 June 2019	Manager Financial Services	76
	12.30pm		Lunch		
9.	1:00pm	Report	Draft General Local Law no. 2 – Community Amenity and Municipal Places 2019	Coordinator Community Safety	88
10.	2:00pm	Report	Planning Application 2286 for the use and development of the land for a Place of Assembly and reduction in the required on-site car parking	Coordinator Planning	91
11.	2:15pm	Report	Immunisation Service Review Update	Environmental Health Officer	113
12.	2:30pm	Report	Acceptance of online petitions at Council Meetings	Coordinator Governance and Information	124

No	Time	Type	Agenda Item	Presenter	Page No
13.	2:45pm	Report	Review of Lake House Boundary	Director Infrastructure and Development Services	129
	3:15pm		Break		
14.	3:30pm	Discussion	Executive Issues Update	CEO	136
15.	3:45pm	Discussion	External Committees Update	CEO	137
16.	4:00pm	Discussion	Councillor 'Burning Issues' Discussion	CEO	138
	4:15pm		CLOSE OF MEETING		

13. COUNCIL SPECIAL COMMITTEES (SECTION 86)

13.1. APPOINTMENT OF MEMBERS TO SPECIAL COMMITTEES (SECTION 86) OF COUNCIL

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Coordinator Governance and Information, I Katherine Toom have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the appointment and reappointment of members to the Glenlyon Recreation Reserve, Lyonville Hall, and Dean Recreation Reserve and Tennis Courts Special Committees (Section 86) of Council.

BACKGROUND

Special Committees are established by Council under Section 86 of the *Local Government Act 1989* and their function and responsibilities of each committee volunteer is outlined in an Instrument of Delegation.

ISSUE/DISCUSSION

The following applications have been received from community members following the expiry of some existing membership terms and communication with other community members who have been attending the public meetings by committee members concerned about the number of volunteers or user group representation on the committee.

Glenlyon Recreation Reserve Special Committee

Ms Marion Christine Clare – returning member

Ms Sarah Klas – new member

Lyonville Hall Special Committee

Mr George Henry Bremner – returning member

Dean Recreation Reserve and Tennis Courts Special Committee

Ms Michelle McCann – returning member

The application forms have been circulated to Councillors out of session.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989 – Section 86 - Council has the power to appoint members to Special Committees of Council.

FINANCIAL IMPLICATIONS

None identified.

RISK IMPLICATIONS

All volunteers are covered by Council's Public Liability insurance. Guidelines are provided by Council to assist the Special Committees to effectively manage the facilities and to meet legislative requirements.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Special Committees comprising community members, encourage positive community involvement and engagement in managing Council owned facilities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community members can be appointed to Special Committees of Council at any point throughout the year.

CONCLUSION

Appointment of these committee members will enable the Special Committees of Hepburn Shire Council to operate in accordance with their Instruments of Delegation. The hard work of committee members and volunteers has been, and will continue to be, of considerable value to our local communities and the broader Hepburn Shire.

OFFICER'S RECOMMENDATION

That Council:

13.1.1. Resolves to appoint Ms Marion Christine Clare as a member of the Glenlyon Recreation Reserve Special Committee for a period commencing 17 September 2019 until 31 August 2021, and

13.1.2. That Ms Marion Christine Clare, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.

13.1.3. Resolves to appoint Ms Sarah Klas as a member of the Glenlyon Recreation Reserve Special Committee for a period commencing 17 September 2019 until 31 August 2021, and

13.1.4. That Ms Sarah Klas, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.

13.1.5. Resolves to appoint Mr George Henry Bremner as a member of the Lyonville Hall Special Committee for a period commencing 17 September 2019 until 31 August 2021, and

13.1.6. That Mr George Henry Bremner, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.

13.1.7. Resolves to appoint Ms Michelle McCann as a member of the Dean Recreation Reserve and Tennis Courts Special Committee for a period commencing 17 September 2019 until 31 August 2021, and

13.1.8. That Ms Michelle McCann, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return

MOTION

That Council:

13.1.1. *Resolves to appoint Ms Marion Christine Clare as a member of the Glenlyon Recreation Reserve Special Committee for a period commencing 17 September 2019 until 31 August 2021, and*

13.1.2. *That Ms Marion Christine Clare, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.*

13.1.3. *Resolves to appoint Ms Sarah Klas as a member of the Glenlyon Recreation Reserve Special Committee for a period commencing 17 September 2019 until 31 August 2021, and*

13.1.4. *That Ms Sarah Klas, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.*

13.1.5. *Resolves to appoint Mr George Henry Bremner as a member of the Lyonville Hall Special Committee for a period commencing 17 September 2019 until 31 August 2021, and*

13.1.6. *That Mr George Henry Bremner, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.*

13.1.7. *Resolves to appoint Ms Michelle McCann as a member of the Dean Recreation Reserve and Tennis Courts Special Committee for a period commencing 17 September 2019 until 31 August 2021, and*

13.1.8. *That Ms Michelle McCann, pursuant to section 81(2A) of the Act, is exempted from being required to submit a primary and ordinary return.*

Moved: Cr John Cottrell

Seconded: Cr Neil Newitt

Carried

13.2. MINUTES OF SPECIAL COMMITTEES (SECTION 86)

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Governance and Information Officer I, Rebecca Smith have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes and recommendations from Council's Special Committees (Section 86).

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special Committees, as provided by the committees over the past month, for your information:

- Creswick Museum Special Committee – 5 August 2019
- Creswick Museum Special Committee AGM – 5 August 2019
- Lyonville Hall Special Committee – 20 August 2019
- Drummond Hall Special Committee – 30 August 2019

These minutes have been previously provided to Councillors under separate cover.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

13.2.1. That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:

- Creswick Museum Special Committee – 5 August 2019
- Creswick Museum Special Committee AGM – 5 August 2019
- Lyonville Hall Special Committee – 20 August 2019
- Drummond Hall Special Committee – 30 August 2019

MOTION

13.2.1. That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:

- *Creswick Museum Special Committee – 5 August 2019*
- *Creswick Museum Special Committee AGM – 5 August 2019*
- *Lyonville Hall Special Committee – 20 August 2019*
- *Drummond Hall Special Committee AGM – 30 August 2019*

Moved: Cr Licia Kokocinski

Seconded: Cr John Cottrell

Carried

14. COUNCIL ADVISORY COMMITTEES

14.1. MINUTES OF ADVISORY COMMITTEES

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Governance and Information Officer I Rebecca Smith have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

BACKGROUND

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees:

- Disability Advisory Committee – 5 August 2019
- Mineral Springs Reserve Advisory Committee – 12 August 2019
- Reconciliation Action Plan Advisory Committee – 21 August 2019

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

14.1.1. That Council receives and notes the minutes of the following Advisory Committees which have been distributed under separate cover:

- Disability Advisory Committee – 5 August 2019
- Mineral Springs Reserve Advisory Committee – 12 August 2019
- Reconciliation Action Plan Advisory Committee – 21 August 2019

MOTION

14.1.1. That Council receives and notes the minutes of the following Advisory Committees which have been distributed under separate cover:

- *Disability Advisory Committee – 5 August 2019*
- *Mineral Springs Reserve Advisory Committee – 12 August 2019*
- *Reconciliation Action Plan Advisory Committee – 21 August 2019*

Moved: Cr Fiona Robson

Seconded: Cr Licia Kokocinski

Carried

15. CONFIDENTIAL ITEMS

15.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

RECOMMENDATION

15.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:

- 89(2)(a) personnel matters;
 - o Chief Executive Officer Annual Performance Appraisal

MOTION

15.1.1. That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:

- *89(2)(a) personnel matters;*
 - o *Chief Executive Officer Annual Performance Appraisal*

Moved: Cr Kate Redwood AM

Seconded: Cr John Cottrell

Carried

The meeting was closed to the public at 9:02pm.

16. REOPENING OF MEETING TO PUBLIC

RECOMMENDATION

16.1.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.

MOTION

16.1.1. That Council, having considered the confidential item, re-opens the Meeting to members of the public.

Moved: Cr Kate Redwood AM

Seconded: Cr Fiona Robson

Carried

The meeting was reopened to the public at 9:05pm.

17. CLOSE OF MEETING

Meeting closed at 9:06pm.
