



HEPBURN SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL

WEDNESDAY 17 DECEMBER 2008

**DAYLESFORD TOWN HALL
76 VINCENT STREET
DAYLESFORD
7PM.**

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Hepburn Shire Council Ordinary Meeting of Council

MINUTES

WEDNESDAY 17 DECEMBER 2008

Daylesford Town Hall
Vincent Street, Daylesford
Commencing 7pm.

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CLOSE OF MEETING:

CR BILL MCCLENAGHAN – MAYOR
18 DECEMBER 2008.

1. WELCOME TO COUNTRY

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. OPENING OF MEETING - The meeting commenced at 7.04 pm.**PRESENT:**

Mayor, Cr Bill McClenaghan; Deputy Mayor, Cr Janine Booth; Councillors Jon Barrell, Tim Hayes, Don Henderson, Sebastian Klein and Rod May.

IN ATTENDANCE:

Chief Executive Officer, Kaylene Conrick; Director Infrastructure & Development, Rod Conway; Manager Governance & Information, Matthew Morgan; Manager Finance, John Traill; Manager Community Services, Martin Walmsley. 20 Gallery.

The Mayor opened the meeting and invited Councillors to join him in the Statement of Commitment

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”

3. APOLOGIES:

Nil.

4. DECLARATION OF CONFLICTS OF INTEREST:

Item 9.13 Councillors Sebastian Klein, Bill McClenaghan, Janine Booth.

5. CONFIRMATION OF MINUTES:

Motion:

That items:

5.1 Minutes of the Ordinary Meeting of Council held on 18 November 2008; and;

5.2 Minutes of the Statutory Meeting of Council held on 3 December (previously circulated to Councillors and tabled at this meeting), be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Cr Tim Hayes

Seconded: Cr Janine Booth

Carried

6. PETITIONS

This part of the Council Meeting allows for tabling of petitions.

Nil Petitions received..

7. PRESENTATION OF REPORTS

7.1 Mayor's Report

Cr Bill McClenaghan

Councillors' reports

Cr Jon Barrell

Cr Rod May

Cr Tim Hayes

Cr Janine Booth

Cr Don Henderson

Cr Sebastian Klein

7.1 Cr Bill McClenaghan

Mayor

Holcombe Ward

What a busy month it has been even before the election, it was business right up to the end with a Drummond Hall Section 86 Committee meeting at the Drummond Hall and a community get-together for Christmas. I've finally managed to get to a Drummond Hall Committee meeting by sheer co-incidence and I will now make it a regular thing. The top priority out there is the restoration of the tennis court into a safe and useable size, with a new net and court surface.

Since the November Council Meeting, I have attended a meeting at the Glenlyon Hall with Geoff Howard, a Wombat Hill Botanic Gardens Advisory Committee Meeting and the final meeting for the year of the Highlands Regional Waste Management Group that has just lost its chairman. I then attended the Daylesford Show on 22nd November and the last Audit Committee meeting of the year on 25th November. I also attended a meeting to launch the Daylesford Men's Shed in temporary quarters at the chook pavilion (or maybe the rooster pavilion) in the showgrounds on 27th November. That ends my report from service on the previous Council.

Since the election, the pace has increased markedly, especially since being elected Mayor. My calendar has literally bulged at the seams with meetings and functions. I attended a meeting in Malmsbury with the DPI and a mining company to consider the proponent's application for an exploration license and the implications on the Drummond area. Then it was the 57th Highland Gathering and I had the honour to welcome everyone to Daylesford and spa country, never missing an opportunity to promote our mineral water.

In the last week or two, more has been happening than I can reasonably report today. The highlights have been the first statutory meeting of Council, initial briefing and Councillor training sessions and the Australian Local Government Association's Constitutional Summit in Melbourne last week attended by Mayors and Councillors from all over Australia. Currently local government is not recognized in the Australian Constitution nor is it accorded the practical facilitation its role deserves. It is proposed to seek appropriate recognition by altering the Constitution after going to the Australian people in a Referendum at the next Federal election of 2010. This has been tried twice

before unsuccessfully in 1974 and 1988 so maybe third time lucky. Australians are naturally conservative and do not readily embrace change. Since Federation in 1901, only 8 out of 44 Referenda have been successful.

The Summit reached a unanimous resolution and here are extracts from the Summit Declaration. (Start of extract)

“**We** the Mayors, Shire Presidents and Aldermen who are

- **Democratically** elected by the Australian people to councils throughout the Commonwealth and
- **In** accordance with this Local Government Constitutional Summit – A special National General Assembly

Now declare our commitment to achieve the recognition of local government as the third sphere of government in the paramount political document of the Australian Federation – the Australian Constitution.

.....We now declare our belief that constitutional recognition will assist the process of reforming the Australian Constitution by:

- **Correcting** the historical oversight of not recognizing in Australia’s paramount political document the level of government that is closest to the people;
- **Acting** as a driver for local government participants to act in a transparent, fair and accountable manner;
- **Reinforcing** the belief that local decision making will ensure the provision of services and infrastructure that best meets local needs;
- **Reaffirming** the concept that individuals and communities have the right to engage in the democratic process of their local government area;
- **Advancing** the relationship between all three spheres of government within the Australian Federation; and
- **Establishing** a clear capacity for the Commonwealth to provide direct funding to local government so as to improve or provide the infrastructure and services to meet the legitimate expectations of all Australians whilst ensuring the sustainability of the local government sector. “ (End of extract)

Other highlights of the past month have been

- In Maryborough last Friday when the Premier and Transport Minister came to announce the return of passenger rail services by 2010 that will benefit the people in our towns of Creswick & Clunes.
- In Franklinford the same morning when the Hon Justin Madden came to announce significant funding for the Franklinford Hall (\$41,000) as well as extra funding for the Clydesdale Hall (\$13,000) as well as other grants for not for profit heritage groups in Daylesford and Ballarat. The picturesque Franklinford setting was chosen as this hall received the largest grant.

Yesterday, I and four other Councillors attended an MAV Councillor Induction Program in Melbourne where we received up to date expert information and advice on our roles within the new framework of the amended Local Government Act. There was also an opportunity to meet new and re-elected Mayors and Councillors from all over Victoria and network with them. Finally the Minister for Local Government the Hon Richard Wynne spoke about changes to the Local Government Act, especially conflict of interest provisions. The Minister took a number of questions about these changes as well as Constitutional recognition. His advice to Councils was that securing ongoing funding and viability was really our big ticket item. I spoke to the Minister and his new Director, John Watson, neither of whom I have seen since Community Cabinet at Creswick in March this year. I assured them that all is going well in Council in Hepburn Shire.

**Cr Jon Barrell
Birch Ward**

I have enjoyed a very busy induction process & I am very excited about my new role within Hepburn Shire.

Yesterday I attended the Municipal Association of Victoria Councillor Fundamentals Getting Started Workshop.

I have also attended the Club 30 Christmas Party where a substantial cheque was presented to representatives of Hepburn Health Service to support and engage youth who have been identified as being at risk of disengaging from school and formal education.

I have also attended a Giacometti's Lane (Coomoora) street party attended by 4 households which I believe was a great example of community involvement, and a great opportunity to hear from community members.

**Cr Rod May
Birch Ward**

A verbal report was provided.

**Cr Tim Hayes
Cameron Ward**

As you are aware I was unable to chair my final Council meeting as Mayor due to the fact that I attended the inaugural Australian Council of Local Government Meeting at Parliament House, Canberra on the 17 & 18 November.

More than 400 (or over 80%) of the mayors from across Australia attended this historic event; historic because it is the first time in the history of the Federation of this country that the leaders of all of Australia's 565 municipalities have been invited to meet with the Federal Government. The largest municipality in Australia – Brisbane, with a population of 992,000 was represented along with the smallest – Silverton Village in NSW with a population of 57.

The Prime Minister, the majority of the Federal Cabinet and numerous members of parliament participated in the meeting and in the several plenary sessions conducted throughout the day of the 18th. Mayors participated in a choice of two of ten policy sessions and although dialogue was constricted by the time available, the number of participants and on the insistence of some mayors to raise purely parochial issues, it was – overall -a worthwhile exercise.

The first session that I attended was entitled 'Working towards more efficient & sustainable local government' chaired by the Finance Minister, the Hon Lindsay Tanner, MP. During this session, participants were asked to consider the key issues impacting on local government sustainability in the immediate future; how the Commonwealth can assist local government in identifying and promoting greater efficiency opportunities and how local government can encourage greater community engagement in determining council priorities.

The majority of the time during this session was devoted to local governments' revenue raising capacity and the assertion, based on a report issued by the

Productivity Commission in April 2008, that ‘on average local governments raise 88% of their potential revenue’ – in other words, we are not rating our residents and businesses to our full capacity. I am pleased to say that being given the opportunity to speak first, I challenged this assertion very strongly – a view supported by many other mayors in attendance.

Although local governments’ share of taxation revenue is only 3% of the total taxes collected by the three levels of government (but we get 97% of the flack), there was a recognition by the end of this session that local and federal governments need to give consideration to sources of local government revenue, including the methodology of and the need for some uniformity between the states in assessing rates. Some states use the Unimproved Capital Value system in calculating rates and other are constrained by rate capping restrictions imposed by their respective state government.

Other outcomes at this session included the need for national consistent standards and processes for local government and the need for better information sharing, benchmarking and collaboration.

The Hon Gary Gray, MP, Parliamentary Secretary for Regional Development and Northern Australia chaired the second session that I attended entitled ‘Strengthening Regional Economies through Broadband, Communications and Tourism. The session was intended to look at ways councils could support and boost regional economic development, the importance of tourism to local economies and the opportunities that the introduction of broadband will provide for local governments and their areas.

It was certainly interesting to hear of some of the innovations undertaken by local government in promoting economic development and only confirmed in my mind the need for this Council to prepare an Economic Development Strategy.

It was interesting also to hear the Prime Minister quote the value of accrued annual leave throughout the country. I am unable to verify the exact amount as it is not specifically referred to in either of his addresses to the forum however it was in the billions of dollars.

A national study conducted by Australia Tourism in 2006 found that employees across the nation had accrued 70 million working days in accrued annual leave valued at \$11 billion. I suggest the amount is much higher now.

Of course, the Prime Minister was suggesting that if employees actually used their accrued annual leave it would provide a substantial boost to the national economy.

The value of accrued annual leave liability for the Hepburn Shire as at 30 June 2008 was \$690,898, an increase of 12.03% from the previous year. Over the past 4 financial years this liability has increased by just over 50% and will no doubt continue to rise as employees’ wages and salaries continue to rise owing to movements within their band classifications and through yearly increases provided for under the current Enterprise Bargaining Agreement.

Perhaps the Hepburn Shire could contribute in a small way to stimulating the economy by addressing this issue while at the same time reducing our liability.

The message also came out loud and clear that regional and rural Australia has a crucial role to play in keeping the national economy strong and in this regard tourism is an important contributor. Not one comment was made by any of the mayors in attendance to suggest that tourism had a negative impact on local communities.

Some discussion took place in this session on the demise of the Area Consultative Committees and their replacement with 'RDAs'. Mr. Gray indicated that the RDAs (unlike the ACCs) would not have a role in recommending levels of funding but failed to indicate which body would be taking on this fiscal responsibility.

Overall the experience of attending the inaugural Australian Council of Local Government was one I was pleased to be involved and a privilege to represent Hepburn Shire. I do feel that this Commonwealth Government is genuine in its desire to establish a partnership with and listen to local governments around Australia.

As we know the meeting concluded with the announcement by the Prime Minister of the Regional & Local Infrastructure Funding Initiative and the allocation of \$425,000 to the Hepburn Shire as well as a commitment to convene the second ACLG convention some time during 2009. I believe it important for Council to be represented at this convention.

On 19 November I chaired a public meeting aimed at fostering greater community interest in our relationship with the people of Bobonaro. The local Bobonaro Friendship Group was formed several years ago and has undertaken some very worthwhile projects over that period of time, but like any group, it was in need of an injection of enthusiasm, new ideas and a greater level of participation and support from Council. At the meeting convened by me about 20 people were in attendance and several nominations were received from residents for appointment to the newly established Advisory Committee. I wish the Committee well for the future.

As many of us would know, former Mayor and Councillor Mrs Lou Newman has departed Clunes for Queensland and on 21 November I was pleased to attend an Afternoon Tea in her honour here at the Town Hall. Lou served for six years as the Cameron Ward Councillor and one term as Mayor. Even after her defeat on Council, Lou continued to participate in a range of community affairs, in particular the Red Cross. Lou will be missed greatly in Clunes.

Other activities or events that I have attended over the past month include a meeting of the Ministerial Task Force at Ballarat University, the 150th Anniversary Dinner of the All Nations Masonic Lodge, the 'cutting of the ribbon' ceremony of the ATM at the Clunes Agency of the Bendigo Bank, the Clunes Town Hall Committee, the Christmas Lunch of the Clunes RSL and the announcement by the Premier at the Maryborough Railway Station of the re-introduction of the passenger rail service between Maryborough and Ballarat by the year 2010.

In regard to the passenger rail service, details are sketchy but it is understood that the Transport Plan includes an upgrade of the platform at Creswick. If the passenger rail service is to be used to its full potential I believe that Clunes and

Talbot, as well as Creswick, need to be included within the rail time table and I would ask the Chief Executive Officer to have discussions with her counter-part at Central Goldfields with a view to establishing an Action Plan to achieve these ends.

Mr Mayor, may I extend my best wishes to two senior Council Officers who have announced their intention to resign prior to Christmas? I speak of Mary Ashdown and Geoff Ryan, both of who have given exemplary and long service to this Council – and to the people of Hepburn Shire. I wish them well in the future.

Finally, I take this opportunity to extend my best wishes to Councillors and staff throughout the coming festive season. I hope we all take some ‘accrued leave’ and come back in 2009 feeling refreshed and ready to face the challenges over the next twelve months.

**Cr Janine Booth
Creswick Ward.**

Since the election of this new Council I have joined Officers and Councillors at a Good Governance briefing outlining the changes in new legislation relating to Councillor Conduct and have attended the MAV Councillor Fundamentals workshop in Melbourne looking at a broad range of topics including governance, finance and roles and responsibilities.

I was pleased to attend the Hepburn Healthy Communities expo held at the Creswick Town Hall which showcased the many projects and events identified, organized and supported under the Hepburn Healthy Communities program across the Shire including the transport connections, Community café, Good Neighbour day, and Friends of the Creswick Town Hall projects.

Congratulations to Martin Walmsley, Brian Dunn, Sue Jones, Sue Moses and Jane Barclay on their involvement and dedication to the project and their very creative hard work in preparing the expo and giving all those who attended an insight and a refresher course on the opportunities, strong community connections, renewal and capacity building projects that have been created for the benefit of all residents of Hepburn Shire. I attended the December meeting of the Hepburn Shire Recreation Advisory Committee and the last meeting with our Manager Recreation Geoff Ryan who will be leaving at the end of the year.

Having been an original member of the first Recreation Advisory committee a former Chair and now Councils representative on the Committee I would like to acknowledge the leadership, support and education Geoff Ryan has provided to this advisory committee and its Community representatives for over 10 years. The Hepburn Shires Recreational capital works Grant process involving the Committee has been acknowledged by Sport and Recreation Victoria as a best practice model and Geoff’s contribution has been invaluable to creating a highly respected ethical and fair process.

I have also attended a meeting of Community members involved in the Daylesford Community reserve playground along with Cr Klein and Cr Henderson. This forum was facilitated by an independent facilitator and provided the opportunity for all parties to work through a number of issues for and against the proposal and will hopefully assist Council in providing a resolution to concerns so that this important community project can proceed.

I take this opportunity to thank all candidates who nominated for the recent Council elections and to congratulate my successful colleagues on their election. I look forward to working with them to build a strong team moving Hepburn Shire forward. I wish to thank my very loyal supporters, family and friends and feel privileged to again be representing the residents of Creswick Ward.

**Cr Don Henderson
Creswick Ward**

I have attended all required meetings of Council commencing with a briefing session 2/12/2008.

Good governance workshop, Statutory Meeting of Council, Councillor Dinner.

Important time was spent meeting various managers and staff.

During the period since election I have attended meetings including a group representing Lindsay Park users regarding the possibility of grants that could be possible from Federal Government.

Opening of the Maryborough passenger rail link.

Briefing by Catherine King MHR member for Ballarat.

Briefing on activities of the Arts Trail Project and received an outline of planned events.

Received outline of plans and activities for The Magic Pudding Playground

Attended meeting to discuss possible development of Cornish Hill site.

Discussion with representative of Clunes Gun Club regarding possibility of Grants to assist in their hosting of a national trap shooting event.

Onsite meeting with Rockyln resident regarding condition of roads, dangerous trees and was shown possible quarry site.

Given a tour of Dean / Newyln area by a resident keen to familiarize me with the area as well as look at some road issues. This proved to be quite a valuable insight into local thinking and the problems facing our rural residents. Topics regarding water, social infrastructure and importantly how our Council is viewed by this group of ratepayers were canvassed and opened my mind to the needs and aspirations particularly of country families.

Onsite attendance at two properties in Creswick regarding a dangerous tree and the possibility of its removal. This issue resolved to the satisfaction of all concerned after dialogue with Mr. Rod Conway and reference to relevant planning rules. This was a valuable exercise in testing the process and all of the parties expressed their gratitude that at last good sense prevailed.

Discussions with various business representatives at Daylesford and Creswick regarding their needs and expectations.

Discussed with residents on outskirts of township their desire for a rubbish collection.

Met with interested party regarding the possibility of Industrial precincts for Creswick. Possibly to the North of town. Referred this enquiry to Mr. Conway for discussion and investigation.

Met with Mr Jim Walsh of Forest resort and held discussions about possible sponsorship by the Resort of youth in golf related activities. There could be some possibility also of some environmental activity such as tree planting and environmental work as the site would lend itself to this. One thought that comes to mind is the possibility of The Men's

Shed assisting young person's to construct habitat boxes etc leading to some role modelling and mentoring

This report is by no means a full and comprehensive report of activities but rather a thumbnail sketch.

**Cr Sebastian Klein
Coliban Ward.**

I have been surprised and delighted meeting people around Trentham and Coliban ward, at their friendliness and willingness to welcome young and new face to represent them at Council.

It was good to attend a TRATA meeting and get some of the overview of how this organisation is progressing with a community plan and to connect with a few of the older and newer members.

Carols by Candlelight in Quarry Street Reserve was briefly enchanting before dashing off to catch a Councillors' dinner. I expect I will get better at drawing the balance between community and Council obligation.

The Trentham Information centre break up was a bit of fun and I gained some insight through Geoff Ryan as to the manifold roles this organisation plays not just for visitors but for the community as well.

The ALGA Constitutional Summit in Melbourne was inspiring, to see the highest aspirations of local government framed well the picture, from the grass-roots so to speak of the community, to those who would lead local governance into a more respected and useful role on a more equal footing with the other spheres of Government.

Attending the community consultation for the reserve on Duke/Stanbridge Streets gave me a whole new appreciation for the patience of Councillors and for the passion of ratepayers in getting their beliefs and perspectives heard.

It was a relief for Trentham to see the Cosmopolitan Hotel finally sold at auction. Apparently to the developers of Blue Mount Rises.

While I just missed the awarding of a Youth Participation and Access Grant at the Neighbourhood Centre, it is good to see the department of Human Services working hard for more resources for our community. This project stands out as an ongoing and literally sustainable one which is intended to be self supporting and self-funding within the three years of funding it is to receive. The project is a credit to Martin, Jane and The Neighbourhood Centre.

Meeting with Graham Orr has been a highlight of the month, surveying the riding boundaries, discussing issues of water, Council artefacts and protocol and finer points of forestry.

MAV Councillor fundamentals was a good breaking of the water for new Councillors if a little brief. A conversation with Rob Spence the President of MAV put in perspective our own Councils troubles of recent years as highlighted some of the Councils with more serious problems than our own. This puts more importance I believe behind the noble aspirations of the ALGA and associate councils as seen at the Constitutional Summit.

Community grants were awarded earlier in the evening and it was good to see a record number of applications which means that we can select the highest calibre projects and that community involvement with local government is building. It is reassuring that Council can play a role in confirming and supporting impulses from within the community.

Looking forward to the launch of “A Journey To the Centre of the Shire” which will be launched in the Town Hall on Friday night. Well done to Kerry Loughrey who has brought this project together with kids from around the Shire and will be leaving from her position of service to the community in Clunes in the not too distant future.

Motion:

That Council:

7.2.1 *Receive and note the reports of the Mayor and Councillors.*

Moved: Cr Rod May

Seconded: Cr Don Henderson

Carried.

8. PUBLIC QUESTION TIME

This part of the Council Meeting allows 30 minutes for questions to be asked by members of the public on general matters or on specific items appearing elsewhere in this Agenda.

Where you have more than one question or questions are lengthy or complex it would assist if you could provide a written copy so that we can accurately record it and respond. If you have more than one question please indicate this. In the interests of fairness and equity, one opportunity is normally provided for any person during this part of the Meeting.

Questions may be taken on notice and responded to later. Separate forums and Council processes are provided for deputations or for making submissions to Council.

Some questions have been omitted from the minutes as they were not in compliance with Council's Local Law No 1 in relation to the content of the questions.

Peter Smith

1. Would it be possibly for item 11.1 to be brought forward to be considered earlier in the meeting, and that I be permitted to present my submission in relation to the Planning Permit application for the property on Daylesford - Malmsbury Road as there was no draft agenda or Planning Committee meeting this month?

Response - Bill McClenaghan - Council will consider a motion to deal with item 11.1 earlier and also consider a motion to suspend standing orders to allow the applicant to present the submission to Council.

Russell Wilkinson - Hepburn Springs

1. Is Council abolishing the draft agenda meeting?

Response - Bill McClenaghan - This is yet to be determined, it will be considered this evening.

2. Who will decide, is the officers or the Councillors who will make the decision?

Response - Bill McClenaghan - There is an officer report, however any decision that is made, will be the decision of the 7 Councillors.

3. Will the Delegated Planning Committee meetings be open to the public?

Response - Bill McClenaghan - As with any Special Committee established under Section 86 of the Local Government Act, the meetings will be open to the public.

4. Whose decision is it?

Response - Bill McClenaghan - It will be the decision of Council.

Joan Ratray

1. Is it possible to have an update on what is happening with Swords Road?

Response - Rod Conway- Council is still in the process of obtaining a Planning Application.

2. Is it possible to obtain a copy of the arborist report?

Response - Rod Conway - Yes, please contact me afterwards and I will arrange this for you.

Jack Cooper - Glenlyon

1. Why is Council still making me pay the recycling charge when the Glenlyon residents didn't want the service?

Response - Bill McClenaghan - We have been through this several times and the results of the survey show that Glenlyon residents did want the service. If you would like to come and sit down with me at some stage, I'll explain this to you, we can't keep going over this time and time again.

Vin Richards - Blampied

1. Why should I be paying rates on my farming property based on the lifestyle property beside us rather than on the farm rate that we should be charged? The lifestyle property is valued differently to farming property, I don't think that my property is valued according to farm rates.

Response - Bill McClenaghan - It is important not to confuse three things here, the zoning of land, the valuation of the land and the actual rate charge of the land. You will be charged the farm rate, however it will have been the property valuation that will have risen as there was a general revaluation this year.

Robert Kendall - Daylesford

1. I recently asked the Visitor Information Centre for some brochures so that I could promote some of the businesses here while I was travelling to other regions. I was told that I couldn't have the brochures and this was not my business.

Response - Bill McClenaghan - Thank you for being an ambassador for the region, I am sure that all citizens have a role to play as ambassadors for the region. I can assure you that the response that you received is not the general response from the high level of service that is generally provided by the Visitor Information Centre staff and volunteers.

9. GOVERNANCE AND STRATEGIC MATTERS

9.1 NEW DAYLESFORD DEPOT – MONTHLY REPORT

(A/O – Manager of Operations)

File Ref: 4/1930/09650

Introduction

This report provides Council with an update on the construction of the new Daylesford Depot located on the Daylesford Trentham Road.

Report

Council commenced works for the New Daylesford Depot project in August 2008.

A briefing report was provided to Councillors at the September Councillor Briefing Session and further works have progressed since, listed below:-

Project works that have been completed are:

- Earthworks and vegetation management on site;
- Foundations for the two shed buildings

Works in progress:

- Fabrication and delivery of the two building sheds

Project planning in progress:

- Electricity supply programmed for installation in January;
- Sheds programmed for installation in January;
- Concreting programmed for installation in mid February;
- Fencing quotations sourced,
- Concreting quotations sourced;
- Depot infrastructure quotations sourced;
- Entrance design sourced;
- Fire Service design in progress

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Wide community consultation and engagement has occurred with this project.

Financial & Resource Implications Initial & Ongoing

As at 30 November 2008

9. GOVERNANCE AND STRATEGIC MATTERS

NEW DAYLESFORD DEPOT COST SCHEDULE RECONCILIATION			
Expenditure	Actual	Budget	Total
951700	2008_2009	2008_2009	Projections
Building Permit		2,500.00	2,500.00
Mechanical Services		6,500.00	6,500.00
Buildings Shed 1 & 2	74,001.26	356,500.00	351,500.00
Earthworks	95,290.58	91,000.00	95,500.00
Arterial Road Access		129,500.00	130,000.00
Service Authority	57,284.00	67,000.00	67,000.00
Fencing		45,000.00	45,000.00
Electricity		105,000.00	105,000.00
Concreting		91,500.00	91,500.00
Water and Fire Service		17,000.00	17,000.00
Septic and Stormwater		96,000.00	96,000.00
Internal Fitout		131,000.00	131,000.00
Incidental Services		155,000.00	155,000.00
Internal Access		110,000.00	110,000.00
Washdown Bay		20,000.00	20,000.00
Office Fitout		16,500.00	16,500.00
Relocation		10,000.00	10,000.00
Totals	226,575.84	1,450,000.00	1,450,000.00
Income	Actual	Budget	Total
951928	2008_2009	2008_2009	Projections
		-1,450,000	-1,450,000

Motion:

That Council:

9.1.1 Note & receive the progress report on the construction of the new Daylesford Depot.

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried.

Motion:

Moved that Item 11.1 be brought forward and dealt with.

Moved: Cr Janine Booth

Seconded: Cr Don Henderson

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

Motion:

8.17pm ***Suspend Standing Orders to allow a submission from Peter Smith in relation to Planning Application 2008/9909.***

Moved: ***Cr Janine Booth***

Seconded: ***Cr Tim Hayes***

Carried.

Motion:

8.22pm ***Resume Standing Orders***

Moved: ***Cr Janine Booth***

Seconded: ***Cr Don Henderson***

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.2 MINOR PATCHING STABILISATION CONTRACT – H 192

(A/O-Manager of Operations)

File Ref: H192-2008_2009

Introduction

Tenders were invited for minor patching including stabilisation and sealing of existing pavement on various roads within the Hepburn Shire. This report provides information on the tenders received and recommendations for awarding of this contract.

Report

This contract was developed to undertake pavement preparation works prior to reseals and other minor pavement failures on Councils local roads.

Tenders were advertised in the Age and the Ballarat Courier on the 1 and 8 of November 2008 and tenders were forwarded to prospective contractors.

The tender closed at 12 Noon on Wednesday the 19 November 2008 and the following tenders were received.

No.	Tenderer	Amount
1	The Road Doctor, Ballarat	\$437,945.00

Tenders were opened in accordance with Council policy in the presence of Executive Engineer, Richard Russell and Manager Operations, Andrew Bourke. One (1) tender was received from the 8 specifications and contract documentation forwarded to prospective tenders. The tender received is within the budget allocation and meets the all the specification requirements, and it is therefore recommended that the Road Doctor be awarded Contract H192 for minor patching including stabilisation of existing road pavement material.

The Road Doctor has undertaken these works previously for Council over the past seven years.

Relevant Policies / Council Plan implications: Council Plan

Objective 3. Asset and Resource Management- Improve the management of assets through management of the budget

Community / Engagement / Communication / Consultation:

Tender advertised in *The Age* newspaper on Saturday 081108 and Tuesday 111108 and *The Courier* newspaper on Saturday 081108.

Financial Implications

Council's budget for these works is:

Council Stabilisation	\$393,600
R2RII Stabilisation	<u>\$ 56,000</u>
Total	<u>\$449,600</u>

9. GOVERNANCE AND STRATEGIC MATTERS

Motion:

That Council:

9.2.1 *Award Contract No. H192-2008_2009 to The Road Doctor of 292 Millers Road, Invermay to the value of four hundred and thirty seven thousand nine hundred and forty five dollars (\$437,945) in accordance with the contract documents.*

9.2.2 *Authorise the Chief Executive Officer to sign and seal the contract documents*

Moved: *Cr Jon Barrell*

Seconded: *Cr Sebastian Klien*

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.3 CRESWICK TOURISM & INTERPRETIVE CENTRE – MONTHLY REPORT

(A/O – Director Infrastructure & Development)

File Ref: H 193

Introduction

This report provides Council with an update on the progress of the construction of the Creswick Tourism & Interpretive Centre, being built at Coopers Reserve, Creswick.

Report

Council awarded the building contract to Nicholson Construction Pty Ltd of Ballarat at its meeting on the 21 October 2008.

Nicholson Construction has had possession of the site at Coopers Reserve, Creswick since mid November 2008 and works are progressing as per the contract construction program, with the expected date for completion of the contract in April 2009.

The following building works have been completed as at the end of November 2008:

- Site establishment and set-out
- Preliminary earthworks
- Concrete piling

Works in progress:

- Preparation for concrete slab for main building
- Fabrication works
- Electrical fittings ordered.

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Extensive community consultation and engagement has occurred with this project.

Financial & Resource Implications Initial & Ongoing

As at 30 November 2008

CRESWICK TOURISM & INTERPRETIVE CENTRE EXPENDITURE - 9510 724	ACTUAL 2006/7	ACTUAL 2007/8	BUDGET 2008/2009	ACTUALS 2008/2009 30-Nov-08	TOTAL PROJECTIONS 30-Nov-08	TOTAL BUDGET
Architect	5000	\$ 25,930	\$ 63,870	\$ 63,870	\$ 97,000	\$ 94,800
Subconsultants	1313.18	\$ 1,856	\$ -	\$ -	\$ 3,169	\$ 3,169
Contract Admin			\$ 3,200		\$ 3,200	\$ 3,200
Building contract			\$ 755,000		\$ 717,347	\$ 755,000
Variations to Building Contract			\$ 51,000		\$ 86,000	\$ 51,000
Planning Permit	851.89		\$ 450		\$ 1,302	\$ 1,302
Tender costs			\$ 3,000	2813.14	\$ 2,813	\$ 3,000
Consultation costs			\$ 529		\$ 529	\$ 529
TOTAL EXPENDITURE	\$ 7,165	\$ 27,786	\$ 877,049	\$ 66,683	\$ 911,360	\$ 912,000
INCOME -						
COUNCIL	\$ 7,165	\$ 27,786	\$ 215,049	215,049	\$ 250,000	\$ 250,000
FEDERAL GRANT			\$ 450,000	-	\$ 450,000	\$ 450,000
STATE GOVT GRANT			\$ 212,000	-	\$ 212,000	\$ 212,000
TOTAL INCOME	\$ 7,165	\$ 27,786	\$ 877,049	\$ 215,049	\$ 912,000	\$ 912,000

9. GOVERNANCE AND STRATEGIC MATTERS

Contract H 193 – original amount	\$ 717,347
Progress payments to builder	\$ nil
Claims to be processed	\$ nil
Approved variations to project to date:	\$ 686
Total approved contract value for H193	\$ 718,033

Motion:***That Council:*****9.3.1 Note & receive the report.**

Moved: Cr Janine Booth
Seconded: Cr Sebastian Klien
Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.4 AMENDING COUNCIL POLICY No 19 – FOOTPATH TRADING

(A/O – Director Infrastructure & Development)

File Ref: 44/02/01

Introduction

Council at its meeting on 24 June 2008 formally resolved to establish a Reference Group from the Daylesford/Hepburn Community to guide a review of Council's Policy No 19 – “Signs and Goods on Roads” to ensure compliance with the Disability Discrimination Act 1992 (DDA), in so far as it applies to the Daylesford & Hepburn townships.

Report

The Reference Group was established in August 2008 comprising

- Director Infrastructure & Development (Chairperson of the Reference Group.)
- Two representatives from the Hepburn Community Access Group- Fiona Strahan & Mary Loyer
- A representative from the Daylesford Business Group - Peter Fitzgerald.
- Two traders from Daylesford (one being a Café operator and one being a goods retailer) – Patrick Baird & Russ Jenkin.
- A representative from the Daylesford Senior Citizens Club – Cath Robins

The Reference Group implemented a work program which enabled the Reference Group

- Gain an understanding of the Disability Discrimination Act 1992 (DDA) requirements relating to footpath access and Council's current Policy No 19
(Target completion date: September 2008);
- Recommend changes that would need to be made to Policy No. 19 to meet DDA & business operator requirements
(Target completion date: September/October 2008);
- Recommend how to consult/inform the community on the review of the Policy
(Target completion date: September/October 2008);
- Provide feedback to Council's Compliance Co-ordinator on a Final Draft Policy for Council approval
(Target completion date: October/November 2008); and
- To assist in the development of an education and implementation programme aimed at achieving significant ownership and compliance by those affected.
(Target completion date: December 2008).

9. GOVERNANCE AND STRATEGIC MATTERS

The Reference Group held three meetings, conducted site inspections and has now completed the review after consulting with businesses about establishing changes to the policy to provide a clear Walkway Zone and Trading Activity Zone to meet the DDA requirements.

Consultation with businesses occurred by direct verbal discussions and a circular letter sent to 95 business operators in Daylesford-Hepburn which provided the following information:

“Council aims to provide a safe environment for people who move through the Shire. Part of this responsibility requires Council to provide a clear path for all people to move along footpaths. In Hepburn Shire 19% of our population have a disability and when we include friends, families and tourists it is easy to see that the number of people affected by disability is even greater – and every one of these people is a potential customer.

Council also has a legal responsibility for the regulation of trading activities in public places.

Daylesford & Hepburn Springs has a diverse range of businesses providing shopping, entertainment and dining experiences that attract local residents and tourists. These businesses are highly valued as they contribute to the liveability and vitality of the municipality.

Council is committed to ensuring that the vibrancy of our business precincts is maintained by providing the opportunity for footpaths to be used for people to dine outdoors. Footpath trading enables cafés and restaurants in Hepburn Shire to add value to the whole dining experience. The presence of people in outdoor dining areas also increases the sense of safety in our streets.

Council is committed to ensuring access for people to move along footpaths with good access and as a minimum, to meet the requirements of the Commonwealth Disability Discrimination Act (1992).

The Reference Group that has been reviewing Council’s Policy relating to footpath trading has included the following business members of our community who are available to discuss the review:

Russ Jenkin Ph::

Peter Fitzgerald Ph:

Patrick Baird Ph:

(Telephone contact numbers were provided to business operators but have been deleted from this report)

The review has reached a stage whereby the Reference Group has developed a draft Footpath Zone document as attached.

Business Operators are invited to make comment on this draft Footpath Zone document which is intended to be the basis for Council’s Policy in relation to footpath trading. The business members on the Reference Group would be pleased to discuss the draft with you.

The Reference Group has also identified other matters that need to be considered such as screening/blinds, wind barriers, umbrellas, and potential utilisation of other public areas not currently used and small markings on the footpath to clearly identify the walkway zone.

9. GOVERNANCE AND STRATEGIC MATTERS

Written submissions on the draft Footpath Zone document would be welcomed and should be addressed to the Compliance Co-ordinator, Hepburn Shire, PO Box 21 Daylesford 3460 by **Monday 10 November 2008**.

Attachment sent to businesses.

FOOTPATH ZONES - Draft proposal

Walkways must extend out from the building line and provide a safe, clear and consistent pathway to meet the needs of a range of users including parents with prams, pet owners and people of all ages and abilities. In order to achieve this, any street furniture, signs, trader's activities or displays should be placed towards the kerbside, not along the property line.

In order to provide a clear and suitably unobstructed footway for pedestrian access, there are three main functions of each footpath - the **Walkway Zone**, the **Trading Activity Zone** and the **Kerbside Zone**. The size of these zones will vary slightly depending on the width of the footpath.

Walkway Zone: extends from the property line to allow suitable passage by footpath users. This area of the footpath must be kept free from any items or structures at all times.

Trading Activity Zone: this is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised.

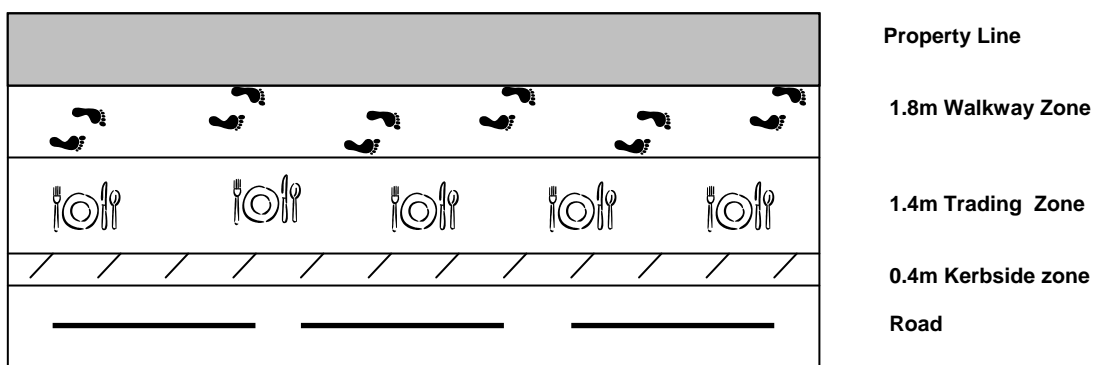
Kerbside Zone: a minimum buffer of clear footpath must be provided from the kerb to allow for access to and from parked vehicles, including loading zones. Where there is a disabled parking bay, the setback from the kerb will need to be greater. This area of the footpath must be kept free from any items or structures at all times.

1. Specific location and setback requirements

How do I identify the various footpath “zones”?

Total Footpath Width	Less than 3.6m wide	3.6 m and wider
Walkway Zone	Min 1.5m from the property line towards the kerb	Min 1.8m from property line towards the kerb – Min 1.5 where disabled/taxi/loading bays adjoin
Trading Activity Zone	Remainder of available area	Remainder of available area
Kerbside Zone	Minimum 0.4m from the kerb of the road – Min 0.7 where disabled/taxi/loading bays adjoin	Min 0.4m from the kerb of the road – Min 0.7 where disabled/taxi/loading bays adjoin

Example site plan:- Footpath 3.6m wide with no adjoining disabled/taxi/loading bays



9. GOVERNANCE AND STRATEGIC MATTERS

Two written submissions have been received.

Submission 1

- Concern that the business may not be able to have tables and chairs at all due to taxi zone and litter bin opposite business.

Officer comment: The removal of the litterbin would enable this business to have tables and chairs and will be carried out.

Submission 2

- Tables could only have two chairs and where four people want to sit together this will be restricted.
- Trader will receive brunt of customer unhappiness and anger.
- People want to park pushers, bikes and leave shopping bags and there will be no room for these.
- Food outlets require tables and chairs as they are an important marketing tool.
- Real possibility that changes may mean for some traders imposing a restriction will be restricted.

Officer comment

Seating for four people at a table may not be possible opposite all businesses. It is acknowledged that some customers may not be happy with any change however Council is required to ensure that its policy relating to issuing permits for tables, chairs, goods and signs on footpaths, thereby approving the placement of these is in accordance with the Disability Discrimination Act 1992. Bikes, pushers and shopping bags are really a minor secondary issue that should not become the basis for saying it is too hard to keep a clear walkway zone.

The Reference Group has recommended that Council:

Amend Council's Policy No 19 – "Signs and Goods on Roads" to ensure compliance with the Disability Discrimination Act 1992 (DDA) by changing references to 2.0 metres clearance and deleting the two diagrams and inserting the footpath zone information and diagram circulated to businesses in October 2008.

Install some form of disc in the footpaths to delineate the walkway zone/trader zone.

It should be noted that Policy No.19 concerning the walkway zone/trader zone provisions would need to be consistent across the Shire.

Relevant Policies / Council Plan implications

Council's Policy No 19 – "Signs and Goods on Roads"
Council commitment 1.11 – We will ensure that our services and community facilities are accessible to people of all abilities.

Community / Engagement / Communication / Consultation

9. GOVERNANCE AND STRATEGIC MATTERS

- Establishment of Reference Group.
- Invitation to 95 businesses to comment on Walkway Zone and Trader Activity Zone.
- Direct discussion with traders.
- On site inspections.
- Advice also given at time of renewal of footpath occupancy permits that there would be a change to Policy No. 19 requiring clear walkway zone across front of premises.

Financial & Resource Implications Initial & Ongoing

\$1500 is the estimated cost to install walkway zone/trader zone discs in footpaths, and this can be funded from footpath maintenance account.

Motion:

That Council:

- 9.4 .1** ***Thank the community members of the Reference Group.***
- 9.4.2** ***Amend Council's Policy No 19 – "Signs and Goods on Roads" to ensure compliance with the Disability Discrimination Act 1992 (DDA) by changing references to 2.0 metres clearance and deleting the two diagrams and inserting the footpath zone information and diagram circulated to businesses in October 2008.***
- 9.4.3** ***Through its Compliance Officers continue to liaise with traders on the new policy with effective date for compliance being 28 February 2009.***
- 9.4.4** ***Install suitable discs to delineate the walkway zone/trader zone.***

Moved: ***Cr Don Henderson***

Seconded: ***Cr Rod May***

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.5 DOMESTIC ANIMAL MANAGEMENT PLAN

(A/O – Compliance Coordinator)

File Ref: 02/02/02

Introduction

A recent amendment to the Domestic Animals Act 1994 requires all Victorian Councils to develop a Domestic Animal Management Plan.

The purpose of the plan is to provide a strategic framework that delivers policy direction and action plans for domestic animal management over the next 3 years.

Report

Hepburn Shire Council's Domestic Animal Management Plan has now been developed and it is envisaged that this will improve outcomes in domestic animal management.

The plan takes the first tentative steps towards a longer term vision for domestic animal management and the framework includes goals, aims, guiding values and action plans.

The seven key areas identified during the development process were:

- Responsible pet ownership – community education
- Identification and registration
- Compliance and enforcement
- Domestic animal businesses
- Dangerous and declared dogs
- Desexing and immunisation
- Animal Management Officer training and development

There is increasing recognition that enforcement approaches will not, on their own, result in lasting changes in human behaviour. They need to be supplemented by a range of other tools that focus on passive and voluntary approaches to achieving responsible pet ownership.

The draft Domestic Animal Management Plan was placed on public exhibition on the 8 October 2008 requesting public comment until 7 November 2008 and the draft has now been finalised incorporating a relevant amendment.

One submission was received with a summary below :

9. GOVERNANCE AND STRATEGIC MATTERS

Submission comment	Response
Should be less than 4 cats allowed in rural areas (Council’s current Local Law No.6)	Council’s current Local Laws sunset in 2009, animal numbers to be considered during process.
On leash areas designated in plan, why no off leash areas designated?	Current legislation allows Councils to designate either on-leash or off leash areas. This area can also be considered during Local Law review.
Cat enclosures should be made mandatory and listed in plan	There is currently no legislative ability to ensure that cats are housed in enclosures
Dog day care facilities should be listed in plan as a tool to assist with barking dog complaints	This comment is valid and has merit, barking dog complaints are challenging and any tool to assist can be beneficial (plan amended)
Council should appoint a dog behaviourist to help with barking dog issues	It would be reasonable that the offending dog owner would consider this when addressing the problem, Council may suggest this course of action to the dog owner in responding to such issues of dogs barking.
Council should set up off leash fenced exercise areas to assist with problem dogs	Consideration may be given to designating off leash areas during Local Law review in 2009 however fencing the areas would be impractical

Relevant Policies / Council Plan implications

General Local Law No.6

Community / Engagement / Communication / Consultation

Four week public submission process
Media and website exposure

Financial & Resource Implications Initial & Ongoing

No immediate extra resources required. There is however an ever increasing demand on this service and therefore the animal management staffing levels will need to be reviewed annually, as part of the budget process, in order for continual improvement to take place.

Motion:

That Council:

9.5.1 Formally adopt the Domestic Animal Management Plan and forward a copy to the Bureau of Animal Welfare.

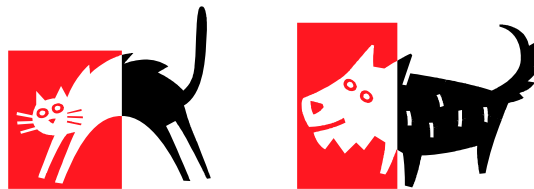
Moved: Cr Tim Hayes
Seconded: Cr Janine Booth
Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

Draft

Domestic Animal Management Plan

September 2008



9. GOVERNANCE AND STRATEGIC MATTERS

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Executive Summary

Hepburn Shire Council has developed a Domestic Animal Plan to improve outcomes in the area of domestic animal management. New legislation and changing community expectations mean new approaches are required. There is also increasing recognition that enforcement approaches will not, on their own, result in lasting changes in human behaviour. They need to be supplemented by a range of other tools that focus on passive and voluntary approaches to achieving responsible pet ownership.

Investigations included examination of existing practices in the Municipality, the relevant policy context and consultation. The investigations were the basis for the development of the plan, which is contained in Part 1.3.

The plan framework includes a goal for domestic animals management, aims, guiding values and action plans. Key activities have been identified and action plans to address them are as follows:

1. Animal Management Officer training and development
2. Encouraging responsible pet ownership – community education
3. Identification and registration
4. Compliance and enforcement
5. Domestic animal businesses
6. Dangerous and declared dogs
7. Desexing and immunisation

The plan also takes the first tentative steps towards outlining a longer-term vision for domestic animal management in the Hepburn Shire. This is important because the field is changing rapidly, with Australian Municipalities leading the world in innovative approaches to managing domestic animals.

The introduction of an Order pursuant to Section 26 of the Domestic Animals Act requires dogs to be leashed in public places within the municipality that have been designated on leash areas. The specific recommendations are summarised in Part 2.3.

There was widespread support for a leash requirement with provision of designated leash areas. The leash areas were selected following site inspections and consultation with relevant Council departments. Leash areas are subject to review and it is recommended that the number of leash areas needs to be considered with the ongoing development and review of master plans and an open space strategy.

The plan identifies clear priorities for community education with a focus on:

- Responsible Pet Ownership.
- Microchipping and Desexing.
- Amenity issues related to dog and cat ownership.

9. GOVERNANCE AND STRATEGIC MATTERS

1 Background & Context of the Plan

1.1 Introduction

The purpose of the Domestic Animal Management Plan (the Plan) is to provide the Hepburn Shire with a strategic framework that delivers policy direction and action plans for animal management over the next 3 years.

The preparation of the Plan follows a recent amendment to the Domestic (Feral and Nuisance) Animals Act 1994 (DAA) which now requires all Victorian councils to have a three year plan in place for the management of dogs and cats within their area.

The Plan integrates the developing expertise in domestic animal management with Council's own investigations to produce a program of action to be undertaken over the next three years (2008-2011). Relevant issues include those prescribed under relevant legislation and local laws as well as the generally understood notion of responsible pet ownership.

The Plan is confined to Council's management of dogs and cats under the DAA.

1.2 What will the Plan Address? - Context

Section 68A of the DAA sets out the statutory requirements of the Plan which state that the Plan must:

- Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- Outline programs, services and strategies which the Council intends to pursue in its municipal district:
 - to promote and encourage the responsible ownership of dogs and cats; and
 - to ensure that people comply with this Act, the regulations and any related legislation; and
 - to minimise the risk of attacks by dogs on people and animals; and
 - to address any over-population and high euthanasia rates for dogs and cats; and
 - to encourage the registration and identification of dogs and cats; and
 - to minimise the potential for dogs and cats to create a nuisance; and
 - to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- Provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining

9. GOVERNANCE AND STRATEGIC MATTERS

whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and

- Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

1.3 Process Applied in Developing the Plan

In September 2007, a group of 10 Councils engaged Harlock Jackson Pty Ltd (animal management consultants) to prepare a single DAMP that could then be customised by each Council in the group. The group have many common issues that justified a regional approach.

The group included:

- Buloke Shire Council
- Gannawarra Council
- Hepburn Shire Council
- Hindmarsh Shire Council
- Horsham Rural City Council
- Pyrenees Shire Council
- Mount Alexander Shire Council
- Northern Grampians Shire Council
- West Wimmera Shire Council
- Yarriambiack Shire Council

After preliminary background investigations, a workshop was held in October 2007 attended by the consultant and representatives of each Council. A draft Plan was then prepared by the Consultant, which was in turn customised by each Council. A draft Plan has now been developed and released by Council for public comment and further customisation as appropriate.

1.4 Scope and Structure of the Plan

Part 2 describes the context for developing the Plan. It provides an overview of animal management at the Hepburn Shire including a brief overview of the Shire, a summary of the DAA, key Council animal management statistics and Council animal management staffing. It also outlines the role of other stakeholders.

The **Statement of Purpose** is also provided in Part 2. It includes overarching goals for the provision of Council's animal management services. It also identifies key issues that the plan will address.

Current programs and services are listed in detail in Part 2.8

The **Strategic Directions** contained in Part 3 outline how Council will achieve and implement its goals. Each strategic direction contains objectives and a discussion that explains the issues and Council's intentions.

Part 4 describes how the Plan will be **monitored and reviewed**, including monitoring its success against a selection of key performance indicators that will be designed to test whether the Plan's objectives are being achieved.

9. GOVERNANCE AND STRATEGIC MATTERS

The **Action Plans** are contained in Part 4 and provides the detailed actions Council will implement to achieve the Plan's goals and objectives.

2 Animal Management in the Hepburn Shire

2.1 Shire of Hepburn: A Snapshot

The Hepburn Shire is located in Central Victoria just over an hour from Melbourne. The City of Ballarat joins the Hepburn Shire to the west and Bendigo is located to the North.

The Shire's main townships are Daylesford, Hepburn Springs, Creswick, Clunes and Trentham.

The Shire's population is approximately 14,900 with the largest concentrations in the major townships of Clunes (approx 920), Creswick (approx 2,480) Daylesford/Hepburn (approx 3,500) and Trentham (approx 710). The balance of the population is reasonably spread over the remaining rural areas.

The Shire is bounded by the Shires of Central Goldfields, Pyrenees, Mount Alexander, Macedon Ranges, Moorabool Shire and the City of Ballarat.

Hepburn Shire's geography is varied and the region is renowned for its natural beauty and mineral springs reserve. The Shire contains over 80 per cent of Australia's mineral springs. These unique reserves are both important geological and hydrological features and are a major attraction for the hundreds of thousands of visitors who visit the region. The eastern part of the Shire is hilly with significant native forest areas. The western part is characterised by rolling hills and broad acre farming land. The total area of the Shire is approximately 1,470 Square Kilometres. The following map shows towns within the municipality:

9. GOVERNANCE AND STRATEGIC MATTERS



9. GOVERNANCE AND STRATEGIC MATTERS

2.2 The Domestic Animals Act 1994

Council is responsible for implementing the Act, which has been in operation now for well over a decade. It replaced the former Dog Act. Its introduction heralded a new era in animal control with cats included for the first time, tougher penalties for dangerous dogs, clearer nuisance provisions and a greater emphasis on prevention.

The purpose of the DAA is to promote animal welfare, the responsible ownership of dogs and cats and the protection of the environment by providing for:

- A scheme to protect the community and the environment from feral and nuisance dogs and cats;
- A registration and identification scheme for dogs and cats which recognises and promotes responsible ownership;
- The identification and control of dangerous dogs;
- A registration scheme for domestic animal businesses which promotes the maintenance of standards of those businesses;
- Matters related to the boarding of dogs and cats;
- Payments to the Treasurer from fees received by Councils under this Act; and
- Other related matters.

A recent amendment to the Act saw the introduction of a requirement for all councils to develop and implement three year animal management plans for dealing with all matters relating to dog and cat management issues. Part 1.2 of this Plan outlines what the Plan is required to include.

2.3 Council Local Laws and Orders

Council's existing local laws and orders relating to animal management are summarised below. A mechanism will be established to ensure that they are reviewed over the life of the Plan.

General Local Law No: 6

Keeping Animals

6.1 (1) Unless in accordance with a permit, an owner or occupier of premises must not keep or allow to be kept more in number of each type of animal than as set out in the following table:

Animal Type	Maximum number allowed in built-up areas (residentially or township zoned areas under the planning scheme)	Maximum number allowed in rural areas
Dogs	2	2
Cats	2	4

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(2) Sub-clause (1) does not apply where a planning permit under the planning scheme has been issued for animal keeping.

(3) The provisions of sub-clause (1) about the keeping of dogs do not apply to dogs actively used in farming on properties entitled to the farm rate for the Shire of Hepburn.

(4) Despite the provisions of sub-clause (1), an *authorised officer* may allow a greater number of *animals* to be kept on *premises*.

(5) For the purpose of calculating the maximum limit of the numbers of *animals* kept, the progeny of any dog or cat lawfully kept will be exempt for a period of twelve weeks after their birth.

Animal Health

6.2 The Occupier of any premises on which an animal (except a bird) is kept must ensure that:

any animal enclosure or animal shelter is adequate and appropriate for the purpose and is maintained so as to not give rise to any condition likely to be offensive, dangerous to health, unsightly or a nuisance;

(2) any waste, food, animal excrement or other matter is not left in such place or manner or for such a time that it may be likely to become offensive, injurious to health or dangerous or likely to attract or harbor rodents or other vermin; and

(3) any dead animal is immediately disposed of to the satisfaction of an authorised officer.

Animal Excrement

A person in charge of an animal must not allow any of the animal's excrement to remain on any Council land or in a public place within a built-up area.

Orders

An order has been made under Section 26 of the DAA. It requires dogs to be under effective control by means of a chain, cord or leash in a reserve or public place except where it is a Designated Area or a Prohibited Area. The following is a list of reserves and public places that are Designated or Prohibited Areas:

Daylesford

- Vincent Street from Albert Street to Stanbridge Street
- Wombat Hill Botanical Gardens
- Lake Daylesford Walking Track and area surrounding Boat House Café
- Sunday Market area adjacent to Railway Station

Hepburn Springs

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- Hepburn Mineral Springs Reserve

Creswick

- Albert Street, from Melbourne Road to Castlemaine Road
- “Koala Park” Picnic Area – Old Melbourne Road Picnic Area
- Calembreen Park Swimming Pool
- Coopers Reserve (new)

Trentham

- High Street from Bath Street to Quarry Street
- Public Park/Reserve Quarry Street

Clunes

- Queens Park, Ligar Street
- Fraser Street from Bailey Street to Creswick Road

9. GOVERNANCE AND STRATEGIC MATTERS

2.4 Municipal Statistics

Council’s key animal management statistics are provided in the below table:

	Hepburn Shire	Like Councils	State Average
Population	14900	9887	58400
Area	1470	3865	3200
No of EFT Authorised Officers	2.7	2.5	3.00
No. of registered dogs.	2974	2404	7384
Estimated owned dog population	4000	2685	913000*
No. of registered cats.	1022	689	3324
Estimated owned cat population.	2000	1295	616000*
No. of registered declared dogs.	0	1.1	Not Available [^]
No. of prosecutions completed in 06/07	0	1.3	Not Available
No of successful prosecutions in 06/07.	Not Applicable	1.3	Not Available
No of impoundments (dogs).	127 Annual	132	485
No. of dogs returned to owner.	82 Annual	67	53.0%
No of dogs rehoused.	25 Annual	18.5	13.0%
No of dogs returned to owner by community	260 Annual	Not Available	Not Available
No. of dogs euthanased.	20 Annual	46.9	34.0%
No of impoundments (cats).	168 Annual	116.1	269
No of cats returned to owner.	24 Annual	12	11.5%
No. of cats rehoused.	30 Annual	18	15.5%
No. of cats euthanased.	114 Annual	91	73.0%

(* statistics from the Australian Companion Animal Council Inc. document “Contribution of the Pet Care Industry to the Australian Economy – 5th Edition, 2003”)

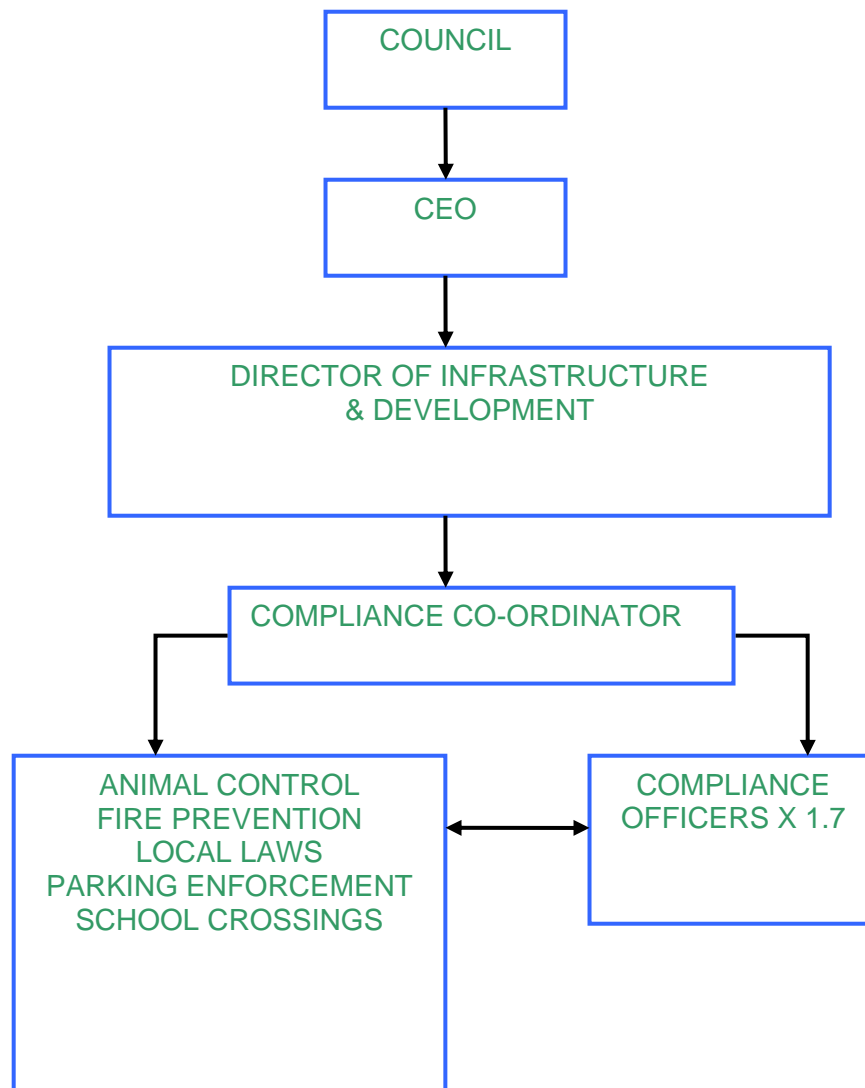
([^]Statics not available, as Restricted Breed Dogs were not included in 2001-02 and Victorian Declared Dog Register did not exist to track declared dogs)

9. GOVERNANCE AND STRATEGIC MATTERS

2.5 Organisational Structure and Operational Staffing

Council's organizational structure is as follows:

ORGANISTATIONAL CHART - ANIMAL MANAGEMENT



Council has 5 officers authorised under the DAA. None of the officers are dedicated animal management officers.

Council operates an out of hours Emergency Animal Service. This service is defined as being for injured dogs, cats and livestock, livestock trespassing on public land and dog attacks.

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2.6 Role of Other Stakeholders

The **Department of Primary Industries (DPI)** has a range of responsibilities associated with the administration and enforcement of provisions of the Act. It also undertakes or facilitates research and educational programs relating to dog and cat management.

Veterinarians are an important point of contact especially in a pet's early years. They have an important role to play in maintaining the health of pets and educating pet owners. The Hepburn Shire has 3 veterinarians located at Daylesford, Hepburn Springs and Creswick.

Domestic Animal Businesses including breeders, veterinary behaviourists, private dog trainers, dog walkers, kennels and catteries and pet shops are important stakeholders in providing services to dog and cat owners that may assist them to be responsible pet owners. Council has 3 registered Domestic Animal Businesses.

The **local media** can assist Council with media coverage to promote responsible pet ownership.

Neighbouring councils have many common interests and issues. Council will consider ways of extending the responsible pet ownership message more efficiently and effectively through increased dialogue and collaboration.

Pet owners themselves have a role to play in choosing an appropriate pet to suit their lifestyle, in training and socialising their dog, and by adhering to Council requirements.

2.7 Statement of Purpose

Our GOALS for animal management are:

- To protect people and animals (pets, livestock, wildlife) from attack by dogs and cats;
- To create an environment where people and pets can peacefully co-exist within the community;
- To promote the welfare of companion animals; and
- To inform and educate the community about the needs of companion animals and promote responsible pet ownership.

KEY ISSUES for the delivery of animal management services in the Hepburn Shire are:

- Unregistered dogs and cats.
- Dogs wandering at large and attacks on livestock.
- Cats – both feral and nuisance cats.
- Limited resources compared to metropolitan councils.
- The large size of the Hepburn Shire compared to metropolitan councils.

The Plan is based on the following priorities or STRATEGIC DIRECTIONS for the delivery of Council's animal management services:

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- Animal Management Officer training and development.
- Responsible pet ownership.
- Compliance and enforcement.
- Registration and Identification.
- Confinement of dogs and cats.
- Prevention of animal attacks and risk to the community.
- Animal welfare.
- Domestic animal businesses.

2.8 Current Programs & Services – Service Levels

Council’s Compliance Officers deal with a wide variety of issues relating to animal control in the course of their everyday duties. These include, but are not confined to:

- Responding to complaints of wandering animals, barking dogs, dog attacks, nuisance dogs and cats.
- Ensuring registration requirements are met.
- Impounding animals.
- Domestic Animal Business compliance inspections.

The current programs and service levels are:

Current Program or Service:-	IDENTIFICATION AND REGISTRATION
OBJECTIVE	SERVICE LEVEL
<p>Council's objective in this area is to achieve the highest rate of animal registrations that is possible. To achieve this council offers incentives for desexed, micro-chipped, working and older dogs and cats.</p>	<p>Council's Customer Service Department is available during office hours (8.30am to 5.00pm) to attend to Domestic animal registration applications.</p> <p>Registration renewals are sent to owners annually in sufficient time for the registrations to be paid before April 10th each year.</p> <p>Signage is erected each year approximately one month prior to registration due date to raise awareness of the requirement.</p> <p>Registration applications are posted to new owners when requested and a media campaign prior to the registration renewal date is carried out annually.</p> <p>Council has in place a registration schedule which meets the requirements of the Act in that it provides for discounted fees for dogs and cats that are desexed, micro-chipped or aged over 10 years and for working dogs on farms. Pensioners who hold concession cards that meet the Act requirements receive a further 50% reduction on the fee.</p> <p>Failure to register a previously registered animal triggers a data base report. This results in follow up to ensure the registrations are</p>

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	<p>completed or the animal is removed from the database if it is deceased or no longer resides in the Shire.</p> <p>To further enforce the requirement under the Act for Dogs and cats to be registered, doorknock campaigns are carried out approximately one month after the registration renewal date. This occurs every year to varying extents depending on staff resourcing. Registration papers are provided to the owners of unregistered dogs and cats and a period of 7 days is allowed for registration to be completed by those owners.</p> <p>Micro-chipping of dogs and cats is now compulsory for first time registrations and is also becoming more popular with owners as the benefits of micro chipping become apparent.</p> <p>Council runs an annual (one day) micro-chipping program which allows for a reduced price on the day to encourage participation.</p> <p>Identification and registration is important for reunion of lost pets with their owners and as a source of funding for domestic animal management.</p>
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Current Program or Service:-

DOMESTIC ANIMAL COMPLAINTS

OBJECTIVE	SERVICE LEVEL
Complaints are received through Council's Customer Service Department and are logged into the compliant system for actioning.	<p>Responses to the majority of domestic animal complaints are carried out within working hours. The only exception to this is when an after hours emergency requires action.</p> <p>Trapping of feral cats is carried out in response to complaints. Cat traps are available for hire. The Act requires that any person who traps a cat on their property must immediately notify the Council and also inform them of the name of the cat's owner if that is known. Impounded cats are kept for the regulation 8 day period; obvious feral cats are euthanased immediately in accordance with the Act.</p>

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Current Program or Service:-

IMPOUNDING AND POUND OPERATION

OBJECTIVE	SERVICE LEVEL
<p>Council operates its own live-stock pound however domestic animals are impounded at the Ballarat RSPCA.</p>	<p>Impounded Dogs and Cats are housed at the Ballarat RSPCA and are kept for a period of 8 days. If they are not claimed within that period, they may be rehoused or euthanased. (Council has a current Section 81 agreement under the DAA with the Ballarat RSPCA for the provision of pound services)</p>

Current Program or Service:-

RESPONSIBLE PET OWNERSHIP

OBJECTIVE	SERVICE LEVEL
<p>Council encourages responsible pet ownership throughout the Shire using various incentives and regulation.</p>	<p>Incentives for Desexing and micro-chipping encourage and reward good pet ownership. Council operates a desexing voucher scheme under the AVA provisions and carries out an annual discount microchipping day. Enforcement of the Act is applied where pet owners do not display responsible management of their pets by allowing them to wander or create a nuisance. A cat trapping guideline is also in place that identifies the process for trapping problem cats.</p> <p>Currently Council does not provide a service to schools. The Bureau of Animal Welfare provides this service.</p>

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3 Strategic Direction and Vision of the Plan

3.1 Strategic Outline

The GOAL of the Domestic Animal Plan is:

To promote and facilitate responsible pet ownership of dogs and cats, animal welfare and to carry out legislative responsibilities.

The AIMS of the plan are to:

1. Ensure Council meets its obligations under the Domestic Animals Act 1994;
2. Investigate the best mix of regulatory and non-regulatory approaches to securing responsible pet ownership in the Hepburn Shire;
3. Consider ways Council could harness the benefits of owning pets: and
4. Establish priorities for domestic animal management for the next three years.

The GUIDING VALUES of Hepburn Shire in pursuit of these aims are:

1. A commitment to balancing the needs of pet owners with other members of the community and the environment;
2. A commitment to achieving lasting, voluntary changes in human behaviour using the best mix of regulatory and non-regulatory tools and a focus on prevention; and
3. A recognition that restrictions imposed by Council need to be enforceable.

The ACTION PLANS are the concrete actions that Council can take to make sure the aims materialise.

The action plans have been grouped into KEY ISSUE AREAS:

1. Registration and identification;
2. Encourage responsible pet ownership – community education
3. Wandering, aggressive dogs and dog attacks
4. Barking
5. Compliance and enforcement – Local Laws & orders
6. Pound management
7. Domestic animal businesses
8. Declared dogs
9. Animal Management Officer training and development

3.2 The longer term vision

Triennial planning needs to take place in the context of a long-term vision for domestic animal management in Hepburn Shire.

In looking to the future, Australia is expected to continue to be a leading player in the development of innovative approaches to companion animal management. Council will seek to foster an environment in which further innovation is encouraged and

9. GOVERNANCE AND STRATEGIC MATTERS

harnessed. In particular, Council will continue to review its programs, processes and community engagement events and the needs of dogs, cats and their owners will also be considered when open space and recreation planning is carried out.

Over time, reliance on enforcement approaches will decline as information dissemination and successful public education programs take effect. The vast majority of people will be responsible pet owners because they recognise that this is the responsible thing to do.

3.3 Forecasted Programs, Services and Action Plans

The following chart identifies specific Act requirements which are complemented by the detailed forecasted programs and services tables which have been committed to achieving. The plan will review practices, sets out actions for improvement and monitors methods to ensure performance indicators are met:

Specific Act requirements		Section of Plan	
		3.3	4.0
S68A(2)(a)	Method of monitoring performance and evaluating the effectiveness of services		*
S68A(2)(b)	Training of Authorised Officers	*	
S68A(2)(c)(i)	Promote and encourage responsible pet ownership	*	
S68A(2)(c)(ii)	Ensure compliance with Act and Regulations	*	*
S68A(2)(c)(iii)	Minimise risk of dog attacks	*	
S68A(2)(c)(iv)	Over-population and high euthanasia rates	*	
S68A(2)(c)(v)	Encourage registration and identification for dogs and cats	*	
S68A(2)(c)(vi)	Minimise potential for nuisance	*	
S68A(2)(c)(vii)	Dangerous, menacing and restricted breed dogs	*	
S68A(2)(d)	Review of Orders and Local Laws	*	
S68A(2)(e)	Any other matters	*	
S68A(2)(f)	Periodic evaluation of programs, services and strategies	*	*

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PROGRAMS, SERVICES & ACTION PLANS

IDENTIFICATION AND REGISTRATION

<p>PROGRAMS and SERVICES OBJECTIVE:</p>	<p>Maximize the number of registered and identified domestic animals (pets).</p>
<p>Current and forecasted activities:</p>	<p>The basics of successful dog and cat management within the Hepburn Shire Council's area are in identification and that includes registration. The purpose of registration includes: -</p> <ul style="list-style-type: none"> • Encouraging responsible dog and cat management; • Allowing lost dogs and cats to be reunited with their owners; • Providing proof of ownership; • Funding education programs and dog management; and • Ensuring that dog and cat owners update on a yearly basis their current records. <p>Council also supports a random registration door knock to ensure compliance with current legislation. Note (all dogs & cats must be registered by three months of age). Microchip identification of pets is now mandatory when registering a new dog or cat; however a veterinary exemption may be obtained for health reasons. It is an offence under the Domestic (Feral & Nuisance) Animals Act 1994, for a dog or cat not to be wearing a current Council issued registration tag.</p>
<p>Planned Programs and Initiatives:</p>	<p>To promote responsible dog and cat ownership Council will:-</p> <ul style="list-style-type: none"> • Enforce legal requirements such as identification and registration; • Educate dog owners about animal welfare issues such as food and shelter, exercise. • Educate dog owners about community issues such as roaming, nuisance, noise, faeces disposal and environmental damage caused by dogs; • Promote microchipping events discounted by Council <p>These programs and initiatives will be provided by sending out information with registration renewal forms together with the provision of information on Council's web page and through promotion in the community news.</p>

9. GOVERNANCE AND STRATEGIC MATTERS

IDENTIFICATION AND REGISTRATION continued:

ACTION PLAN OBJECTIVE:	Maximize the number of registered and identified domestic animals (pets).		
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME	
Implement an annual doorknocking program to identify unregistered cats and dogs.	Program prepared. Door knock completed.	Annual	
Plan and carry out annual microchipping day.	Event prepared and carried out.	Annual	
Identify a township and place registration signage at all entrances to township 6 weeks prior to 10 th April	Signage erected	Annual	
Review Council's microchipping day within 1 month of the last event (appropriateness of publicity, date, venue, results, cost and community satisfaction).	Review completed.	Annual	
Ensure all impounded animals are registered and microchipped before release	Monitor RSPCA statistic reports	Annual	

ENCOURAGE RESPONSIBLE PET OWNERSHIP – COMMUNITY EDUCATION

PROGRAMS and SERVICES OBJECTIVE:	To encourage people to manage pets in a way that protects the health and welfare of the animal, maximises the companion benefits of their pet and minimises potential for nuisance or harm to others.		
Current and forecasted activities:	<p>The Hepburn Shire Council's current education activities and programs aimed at promoting responsible pet ownership include:-</p> <ul style="list-style-type: none"> • Registration and Microchipping events • Registration Door-Knocks; and Council's desexing scheme (concession cards apply, pet owner pays 66% of the full cost, Council pay remainder) • Street patrols 		
Planned Programs and	<ul style="list-style-type: none"> • Micro chipping days for pet owners. This will continue to be offered on an annual basis. • Help promote Council's annual paws walk and provide staff as required to promote micro chipping and registration. 		

ENCOURAGE RESPONSIBLE PET OWNERSHIP – COMMUNITY EDUCATION continued:

<p>Initiatives:</p>	<ul style="list-style-type: none"> • Provision of a pet Ownership Brochures – advertise within the community news and or on radio. • School Education is carried out by BAW (Bureau of Animal Welfare). • Continued promotion of Council's desexing scheme through the local Veterinarian's and Council offices. 	
<p>ACTION PLAN OBJECTIVE:</p>	<p>Maximize the number of registered and identified domestic animals (pets).</p>	
<p>ACTION</p>	<p>TASK COMPLETION INDICATORS</p>	<p>TIMEFRAME</p>
<p>Ensure prospective pet owners have access to information on animal management responsibilities.</p>	<p>Information provided on Council's website and other promotional material. Annual Press release.</p>	<p>Annual</p>
<p>Encourage the community to provide their dog with appropriate etiquette/obedience training. Provide links on Council's website and other promotional material.</p>	<p>Information provided on Council's website and other promotional material. Annual press release.</p>	<p>Year 2-3</p>
<p>Prepare material on how to minimise excessive barking problems from developing. Include in website and other promotional material.</p>	<p>Material prepared on minimising excessive barking problems from developing and incorporated into Council provided information and Press Releases.</p>	<p>Year 2. Year 2-3</p>
<p>Encourage all schools in the Hepburn Shire to participate in the State Government's schools visitation program.</p>	<p>Letter to each school in the Hepburn Shire.</p>	<p>Year 1</p>
<p>Identify any locally provided dog training and puppy pre school programs and include links on Council's website.</p>	<p>Website updated.</p>	<p>Year 2</p>
<p>Investigate and prepare a report for Council on the issue of mandatory cat desexing.</p>	<p>Report presented to Council.</p>	<p>Year 1</p>
<p>Investigate procedures for dealing with feral or stray cat colonies with a view to reducing unwanted cats.</p>	<p>Investigation completed. Procedures reviewed</p>	<p>Year 3</p>
<p>Review Council's procedures for dealing with lost and impounded animals.</p>	<p>Review completed.</p>	<p>Year 2</p>
<p>Review agreement with RSPCA for dealing with animals entering Council's pound with a view to reducing the numbers of animal that are euthanised. Ensure pets entering shelters are treated humanely.</p>	<p>Review completed.</p>	<p>Year 2</p>
<p>Promote cat cages for hire for property owners to humanely trap</p>	<p>Review completed of Council provided promotional</p>	<p>Year 1</p>

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cats on their property for handing over to Council,	material to ensure this information is provided.	
Ensure Council’s website has information on attending to pets’ basic needs and that this is included in other relevant promotional material.	Council’s website and other relevant promotion material amended. Include links to appropriate breed selection and information to help people to reduce problem behaviours in their pets that might result in them relinquishing their pets.	Year 3

WANDERING, AGGRESSIVE DOGS AND DOG ATTACKS

PROGRAMS and SERVICES OBJECTIVE:	Encourage owners of dogs to prevent them from roaming or wandering where the dog may cause a nuisance or harm to others within the community. To minimise the number of dog attacks and investigate all reported dog attacks in a timely manner.
Current and forecasted activities:	<ul style="list-style-type: none"> • Owner’s made aware of their responsibilities to register their dog • Compliance Officers (AMO’s), conduct random (day of the week, and times of day) patrols of public areas and impound dogs wandering at large. • Council provides an after-hours animal emergency service, predominantly for dog attacks. • Council responds to calls from the general public of dogs wandering at large during normal business hours. • Dogs wandering at large will be impounded in accordance with the Act. • Council’s pound services provider (RSPCA) will carry out the process of unclaimed dogs that are suitable as pets will be eligible for re-housing to persons seeking a pet. Dogs being re-housed under this program will be required to be registered, vaccinated, micro-chipped and de-sexed. Unclaimed dogs that are unsuitable as pets will be euthanized after the designated time in accordance with the Act. • All dog attacks or harassment issues that are reported to Council will be investigated in accordance with the Act. • Education programs are included in schools curriculum and through newspaper articles. <p>The Hepburn Shire Council currently carries out random patrols of public areas within its townships to identify potential problems associated with dog attacks. Any reported dog attacks are responded to immediately.</p> <ul style="list-style-type: none"> • Prompt investigation of dog attack complaints • Prosecuting dog attacks where appropriate <p>24 hour service including after hours 365 days of the year</p>
Planned	In addition to maintaining and enhancing, where applicable the levels of service currently provided the following programs

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Programs and Initiatives:	<p>will also be targeted.</p> <ul style="list-style-type: none"> • Ensure dog owners are aware of fencing their property to contain their dog(s) and making sure that their dog(s) are under effective control when in a public place. • Press releases at strategic times – (lambing season and prior to school holiday periods) • Ensuring AMO’s are trained to the highest standard regarding dog attack processes <p>Create database and flagging system for dog attacks</p>
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WANDERING, AGGRESSIVE DOGS AND DOG ATTACKS continued:

ACTION PLAN OBJECTIVE:	Reduce attacks by dogs and cats on people, livestock, pets and wildlife.	
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME
Review procedures for dealing with dog attacks and harassment complaints.	Review completed.	Year 1.
Develop a press release on the implications for your dog if it attacks or bites an animal or human.	Release once a year.	Year 1
Consider introducing a standard for the Compliance Department to ensure Council has one or more officers trained in an appropriate Dog Safe Program.	Review completed. Recommendations implemented.	Year 3
Ensure any dangerous and restricted breed dogs are properly identified and managed by their owners.	Conduct annual audit of properties containing dangerous and restricted breed dogs.	Annual
Ensure all dogs declared by Council are recorded on the Victorian Declare Dog Register.	Annual audit completed.	Year 1
Ensure Council’s website has information on the importance of confining cats and the impact of wandering cats on wildlife.	Review completed.	Year 2

9. GOVERNANCE AND STRATEGIC MATTERS

BARKING DOGS

PROGRAMS and SERVICES OBJECTIVE:	Encourage owners of barking dogs to seek assistance or advice from professionals to stop their dogs barking and take ownership of the problem. Also encourage complainants to contact the owners of noisy dogs to advise them of their concerns as this is seen as a neighbour hood issue and the noise may be affecting other neighbours as well.	
Current and forecasted Activities:	<ul style="list-style-type: none"> • Dog barking kit provided to complainant • Encourage both parties to seek mediation where possible. • Initial house call to dog owner to attempt rapid resolution • Carry out investigation via protocol to establish nuisance or otherwise • Advise dog owner of organisations that may assist (dog day care, behaviour specialists etc etc) 	
Planned Programs and Initiatives:	<ul style="list-style-type: none"> • Ongoing encouragement to both parties to seek mediation where possible. • Research <i>BEST PRACTICE</i> procedures for better management of barking problems. • Review dog barking kit and protocol. • Press release at strategic times – (onset of warmer weather and prior to school holiday periods) • Information brochures with registration renewals 	
ACTION PLAN OBJECTIVE:	Ensure owners of barking dogs are aware of their responsibilities regarding the Domestic Animals Act. Ensure that disturbance to community amenity from barking dogs is kept to a minimum.	
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME
<input type="checkbox"/> Review procedures for dealing with dog barking nuisance complaints.	Procedure reviewed and updated	Year 2
Develop a press release on the implications for your dog creating a nuisance by barking	Press release implemented	Annual
Ensure Council's website has information regarding barking dogs and how to manage the problem	Website updated	Year 2
Ensure investigation timeframes are as short as possible to reduce frustration by complainants	Monitor lodged complaints and timeframes taken by Officers	Year 1

9. GOVERNANCE AND STRATEGIC MATTERS

COMPLIANCE AND ENFORCEMENT – LOCAL LAWS AND ORDERS

PROGRAMS and SERVICES OBJECTIVE:	To maximise compliance with the Domestic (Feral & Nuisance) Animals Act 1994, the Local Government Act 1989 and Council resolutions.	
Current and forecasted Activities:	<ul style="list-style-type: none"> • Carry out permit system for pet numbers on premises as defined within General Local Law No.6 • conduct random (day of the week, and times of day) patrols of all public areas and impound dogs wandering at large; • Regular press releases targeted on specific issues throughout the year • 24 hour service including after hours 365 days a year. • Random patrols of leash areas • Data base on impounded and lost and found pets • Administer cat trapping protocol • Ensure pet registration is a priority • Penalty and warning notices issued for breaches of legislation 	
Planned Programs and Initiatives: Planned Programs and Initiatives continued:	<ul style="list-style-type: none"> • Review Dog on Leash areas and Orders within the municipal district: • Review Local Laws related to domestic animal control <ul style="list-style-type: none"> ○ Animal health ○ Animal excrement ○ Animal keeping <p>Public education press releases throughout the year advising of Local Law orders and Local Laws for animal control Specific community surveys related to animal control as identified</p>	
ACTION PLAN OBJECTIVE:	To maximise compliance with the Domestic (Feral & Nuisance) Animals Act 1994, the Local Government Act 1989 and Council resolutions.	
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME
Review all procedures for dealing with complaints made and incidents occurring under the DAA.	Review completed. Recommendations implemented.	Year 2
Review all animal management laws and orders made under the DAA.	Review completed.	Year 2

9. GOVERNANCE AND STRATEGIC MATTERS

POUND MANAGEMENT

OBJECTIVE:	To achieve Council's Domestic Animal Management goals we will ensure that Council's pound facility is run in accordance with the Domestic Animals Act and the relevant Code of Practice
Current and forecasted Activities:	Council's current domestic animal pound facility is the Ballarat RSPCA. A <i>Section 81</i> agreement under the <i>Domestic Animals Act 1994</i> is in place with the RSPCA where pound services are supplied, commitments by both RSPCA and Council staff are identified and a fees and costs structure is in place. The RSPCA is responsible for the appropriate care and maintenance of dogs & cats whilst under Council's care and control.
Planned Programs and Initiatives:	<p>The RSPCA/Council's Pound facility is subjected to audits By Council and / or DPI. The RSPCA and Hepburn Shire Council will:</p> <p>Ensure that the facilities provided by the RSPCA Management for the keeping of dogs & cats are:-</p> <ul style="list-style-type: none"> • Provided with veterinary treatment where required; • Provided with fresh clean drinking water and suitable food in accordance with relevant legislation; <p>POUND MANAGEMENT continued:</p> <ul style="list-style-type: none"> • Segregation of individual dogs & cats is undertaken for their protection, unless the specific dogs & cats are compatible; • Dogs & cats seized or retained by Council shall be managed in accordance with the Domestic Animals Act 1994 and; • Regular training and auditing of procedures for staff is undertaken to ensure best practice standards are maintained. <p>Appropriate facilities are in place for the humane impoundment and or euthanasia of stray dogs & cats found to be diseased.</p> <p>Provide a reclaim procedure for owners of dogs & cats impounded by Council officers, or delivered to the pound facility by members of the public.</p>
Planned Programs and Initiatives continued:	

9. GOVERNANCE AND STRATEGIC MATTERS

ACTION PLAN OBJECTIVE:	To achieve Council's Domestic Animal Management goals we will ensure that Council's pound facility is run in accordance with the Domestic Animals Act and the relevant Code of Practice.		
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME	
Carry out an annual inspection of the Ballarat RSPCA	Audit completed	Annual	
Highlight problems/concerns or recommendations through process in agreement	Section 81 Agreement amended	Annual	

DOMESTIC ANIMAL BUSINESSES

PROGRAMS and SERVICES OBJECTIVE:	To achieve Council's Domestic Animal Management goals we will work in partnership with the Domestic Animal Businesses.		
Current and forecasted activities	<p>The Hepburn Shire Council currently has 4 registered Domestic Animal Businesses. The Shire's programs/activities working with these businesses include:-</p> <ul style="list-style-type: none"> • Annual inspections; • Yearly renewal of permits for the Domestic Animal Businesses; and • Ongoing advisory service when needed. 		
Planned Programs and Initiatives:	<ul style="list-style-type: none"> • Ongoing annual inspections. • Review the contractual requirements and operational aspects of RSPCA's management of Council's pound. • Provide Codes of Practice to business premises as they are amended. 		

DOMESTIC ANIMAL BUSINESSES continued:

9. GOVERNANCE AND STRATEGIC MATTERS

ACTION PLAN OBJECTIVE:	To achieve Council's Domestic Animal Management goals we will work in partnership with the Domestic Animal Businesses.		
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME	
Prepare a program and implementation matrix for auditing all domestic animal businesses.	Program prepared Audit completed	Annual	

DECLARED DOGS

PROGRAMS and SERVICES OBJECTIVE:	To minimise the risk of dangerous dogs attacking members of the community.		
Current and forecasted Activities:	<p>The Hepburn Shire Council currently has no declared dogs.</p> <ul style="list-style-type: none"> • Regular Street patrols. • Evaluation of incidents and complaints with consideration to dangerous or menacing dog declarations. 		
Planned Programs and Initiatives:	<ul style="list-style-type: none"> • A register of dangerous and menacing dogs be put in place and kept by Council. • Annual inspections carried out on premises of Dangerous and Menacing dogs • Identify and evaluate potential problem dogs. • Ensure all dogs declared by Council are recorded on the Victorian Declared Dogs Registry. • Ensure all declared dogs premises are audited or inspected once a year for compliance regarding security and housing. 		
ACTION PLAN OBJECTIVE:	Identify and manage dangerous or menacing dogs in accordance with the Domestic Animals Act 1994		
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME	
Develop a protocol that assists officers to manage dangerous or menacing dogs in an expeditious manner	Protocol developed	Year 2	

9. GOVERNANCE AND STRATEGIC MATTERS

AMO TRAINING AND DEVELOPMENT

PROGRAMS and SERVICES OBJECTIVE:	To ensure that all staff involved in animal management have the knowledge and skills necessary to carry out their work.		
Current and forecasted Activities:	<p>The Hepburn Shire Council’s AMO Training and Development activities include:-</p> <ul style="list-style-type: none"> • Customer service training • Manual Handling • Training on Court processes and procedures • Attend designated Conference’s and Seminars • Attend any animal management training deemed appropriate • ATC courses 		
Planned Programs and Initiatives:	<ul style="list-style-type: none"> • Certificate 4 in Local Government (Statutory Compliance); • Certificate 4 in Animal Control and Regulation; • Horse handling course • Ensure all new and current staff maintain the existing qualifications and training • Enhanced Animal Handling Skills Training 		
ACTION PLAN OBJECTIVE:	To ensure that all staff involved in animal management have the knowledge and skills necessary to carry out their work.		
ACTION	TASK COMPLETION INDICATORS	TIMEFRAME	
Review qualifications and training requirements for Council's animal management staff.	Review completed.	Ongoing	
Conduct an annual skills review	Review completed.	Ongoing	
Encourage AMO’s to undergo further training and study.	AMO job descriptions, new staff induction plans and performance review procedures reviewed.	Ongoing	
Continue to update and extend officers’ skills in dealing with animal management services eg diagnosis and treatment of excessive barking, bite avoidance etc.	Incorporation into Staff Performance Reviews.	Ongoing	

9. GOVERNANCE AND STRATEGIC MATTERS

4 MONITORING, EVALUATING AND REVIEWING THE PLAN

4.1 Monitoring and Evaluating

The plan will be monitored and implemented in accordance with the action plans in Part 3.3.

Statistics will be recorded by animal management staff. The statistics will assist in providing reports and also to ensure that key performance indicators are being achieved.

4.2 Reviewing

The plan will be reviewed and amended each year as appropriate. Benchmarking with like Councils, using recorded statistics and assessing animal management office's performance will be used during the review process.

4.3 Key Performance Indicators

KPIs: (indicative)	Target	Current
Dog Registration rate: (% Dogs registered/estimated dog population*)	80%	75%
Cat Registration rate: (% cats registered/estimated cat population**)	60%	51%
Enforcement Success Rate: (% successful prosecutions/total prosecutions)	100%	100%
Dog Complaints: (Number of dog complaints per 1,000 population)	60	70
Cat Complaints: (Number of cat complaints per 1,000 population)	30	34
Dog Attacks: (Number of dog attacks causing injury per 1,000 population)	4	6
Dog Reclaim Rate: (% total dogs reclaimed/total dogs impounded)	70%	64%
Dog Re-housing Rate: (% total dogs re-housed/total dogs impounded)	25%	20%
Cat Re-housing Rate: (% total cats re-housed/total cats impounded)	25%	18%
Cat Reclaim Rate (% total cats reclaimed/total cats impounded)	20%	14%
Cat Euthanasia Rate: (%total cats euthanized/total cats impounded)	60%	67%
Dog Euthanasia Rate: (%total cats euthanized/total cats impounded)	10%	16%
Declared dog Compliance Rates: (Number declared/number compliant/number of audits)	100%	N/A
Domestic Animal Business Compliance Rates: (Number registered/number compliant/number of audits)	100%	100%

9. GOVERNANCE AND STRATEGIC MATTERS

9.6 REVIEW OF COUNCILS POLICY NO 24 – RISK MANAGEMENT

(A/O Manager Finance)

File 16/22/03

Introduction

As part of good Council governance, policies are reviewed on a regular basis to ensure their currency and to keep up with any changes to legislation.

Report

A review has been undertaken of Council's policy No 24 – Risk Management. A copy of the Risk Management strategy has been included and should be read in conjunction with the reviewed Risk Management Policy.

This policy was presented to and endorsed by the Audit Committee meeting on 25 November 2008.

A copy of the Policy follows this report for Councillor information.

Relevant Policies/Council Plan Implications

Policy No. 24 – Risk Management, is in line with objective 3 of the Council Plan 2006-2011
Strategy 3.3 Responsible Financial Management.

Community / Engagement / Communication / Consultation

Nil

Financial and Resource Implications Initial and on-going.

Nil

Motion

That Council :

9.6.1 Adopt the revised Risk Management Policy

Moved: Cr Don Henderson

Seconded: Cr Rod May

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS



POLICY No. 24

RISK MANAGEMENT

(Draft revision)

ADOPTED:	20 July 1999
LAST AMENDED:	April 2004
AMENDED:	August 2008
NEXT REVIEW:	
RESPONSIBLE OFFICER:	Chief Executive Officer

PURPOSE

The Risk Management Policy has been prepared to guide Council and the community in the management of risk.

Risk management involves establishing an appropriate infrastructure & culture; applying a logical and systematic method of establishing the context; identifying, analysing, evaluating, treating, monitoring and communicating risks associated with any activity, function or process in a way that will enable council to minimize losses and maximize gains.

The management of risk, through a Risk Management Strategy and other management directions, is integral to achieving Council's Plan to be recognised as achieving and maintaining best practice in the management of risk within its local government cohort.

COMMITMENT

The Hepburn Shire Council recognises that risk management is an integral part of good management practice and an essential element of good governance. The Shire is committed to achieving best practice in the area of risk management and will apply its principles and practices throughout Council operations.

In delivering this commitment, it is necessary that a consistent and systemic approach to managing risk be adopted by management, service providers and employees in all areas of Council. This will require compliance with (or exceeding the minimum requirements of) the Australian/new Zealand Standard 4360: 2004, as well as the (Victorian) Occupational Health and Safety Act 2004 & associated legislation.

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OBJECTIVES

- Maintain the highest possible standard for services provided by Council;
- Preserve Council's ability to deliver policy and performance objectives in a timely, efficient and effective manner;
- Safeguard our assets – people, financial and environment;
- Ensure that sound risk management practices are fully integrated into Council's strategic and operational planning processes
- Eliminate, as far as possible, the risk of injury or illness, damage to property and damage to the environment;
- Ensure Council can effectively manage the risk control process to determine an acceptable level of risk
- To ensure all persons within Council who have a responsibility for risk management fulfil those responsibilities;
- Ensure resources and operational capabilities are identified, and responsibility and efficiently deployed;
- Demonstrate transparent and responsible risk management processes which align with accepted best practice; and ensure cost effective outcomes.
- Improved incident management and reduction in loss and the cost of risk, including commercial insurance premiums;
- Continually improve risk assessments focussing particularly on Council and strategic risks as identified through the Risk Management Strategy
- The Risk management program is effectively supported by consultation and communication at all levels

REFERENCES

- Australian Standard AS/NZS 4360:2004, Risk management
- Occupational Health and Safety Act 2004
- Accident Compensation Act 1985
- Associated Acts, Regulations, Codes of Practice and Guidance Notes
- Hepburn Shire Council Plan
- Hepburn Shire Council RM – 101: Risk Management Strategy

APPROACH TO MANAGING RISK

Hepburn Shire Council will manage risk through a Risk Management Strategy which ensures;

- Continuous development of a risk management culture;
- sound Health and Safety practice as an integral component of Risk;
- adequate risk management training, information and support is provided to all employees;
- the Integration of risk management practices in strategic and operational processes across Council;
- the development of an “accessible to all” staff monitoring and reporting system;
- Implementation of a register of risks;
- all staff, contractors and volunteers “assisting Council” operate within the legislative framework;
- Implementation and continual monitoring of the Risk Management Strategy for effectiveness.

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RESPONSIBILITIES

The Chief Executive Officer is responsible for the administration of this policy. Management and employees are to be familiar with, and competent in, the application of this risk management policy, and are accountable for the delivery of this policy within their areas of responsibility

In specific terms this means responsibility for the management of risk can be described as follows:

- The Chief Executive Officer is responsible for managing risk across Council;
- The Chief Executive Officer and the Management Team are to be responsible for establishing the process for managing risk throughout Council, incorporating the ongoing monitoring and review of performance
- Unit Managers, at all levels, are required to create an environment where managing risk is accepted as the personal responsibility of each employee;
- All employees are to be actively involved in the management of risk;
- Supervisors will accept operational responsibility for risk management performance within work areas under their control;
- The Manager Organisational Development is responsible for the provision of advice, service and to give assistance to departmental areas on the management of risk:
- Employees, contractors, Councillors and volunteers assisting Council, are to be actively involved in the management of risk by,
 - Assisting in the process of identifying, assessing and controlling hazards in their area of work ;
 - Providing risk management information as required.

AWARENESS AND TRAINING REQUIREMENTS

The Organisational Development Manager is responsible for the development and provision of risk management awareness and training throughout Council, in conjunction with the relevant Manager. This training will address the needs of management, service providers and employees.

IMPLEMENTATION

A comprehensive review of all Council's activities shall be undertaken on a regular basis and at least annually in order to assess the extent of compliance with this policy.

Progressive adjustment of Council's risk management practices is to be undertaken, including the documentation and recording of those practices, to achieve full compliance with this policy.

Council's internal Audit Committee will provide ongoing guidance and assistance as well as providing an independent review of the policy effectiveness.

DEFINITIONS

Risk is the probability and consequence of a hazard resulting in injury, illness or damage.

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Risk Assessment is the process of evaluating the probability and consequence of injury, illness or damage occurring from exposure to an identified hazard.

Risk Control is the means or process to eliminate or mitigate the risk.

Hazard is something that has the potential to cause harm to people and/or damage to property or the environment or a combination to all.

Supervisor refers to employees undertaking a leadership role under the title of Supervisor, Team Leader or Co-ordinator.

9. GOVERNANCE AND STRATEGIC MATTERS

9.7 REVIEW OF COUNCILS POLICY NO 45 – FRAUD PREVENTION AND ACTION POLICY

(A/O Manager Finance)

File 16/22/03

Introduction

As part of good Council governance, policies are reviewed on a regular basis to ensure their currency and to keep up with any changes to legislation.

Report

A review has been undertaken of Council's policy No 45 – Fraud Prevention and Action Policy. Minor changes only were made to the Protected Disclosure Coordinator and Protected Disclosure Officer sections 3.3 and 3.4 to reflect changes in Councils organisational structure. This Policy was presented to the Audit Committee meeting on 25 November 2008 and endorsed to Council.

A copy of the policy follows for Councillor reference.

Relevant Policies/Council Plan Implications

Policy No. 25 – Fraud Prevention, is in line with objective 3 of the Council Plan 2006-2011.

Strategy 3.3 Responsible Financial Management.

Community / Engagement / Communication / Consultation

Nil

Financial and Resource Implications Initial and on-going.

Nil

Motion:

That Council :

9.7.1 Adopt the revised Fraud Prevention and Action Policy.

Moved: Cr Jon Barrell

Seconded: Cr Sebastian Klein

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS



HEPBURN SHIRE COUNCIL

POLICY NUMBER 45:

FRAUD PREVENTION AND ACTION

Adopted 20 December 2005

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DATE ADOPTED:	20 December 2005
DATE LAST AMENDED:	November 2008
DATE OF NEXT REVIEW:	November 2010
DATE POLICY LAPSES:	December 2011

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9. GOVERNANCE AND STRATEGIC MATTERS

1. Purpose

This policy is a framework in which fraud or corrupt conduct is not tolerated and encourages the on-going development of a culture of the highest ethical and professional standards.

This policy encourages vigilance in ensuring those standards are met and provides guidance for action if it is suspected that those standards are being breached.

2. Background

Hepburn Shire Council is required to comply with certain legislation that deals with fraud and corruption control, including the *Whistleblower's Protection Act*. In addition, fraud and corruption control is an essential element of the Council's corporate governance requirements.

If Council has suffered from incidents of fraud in the past and they are detected at any time after the adoption of this policy, then action will be taken to recover property and prosecute individuals, where indicated.

This policy will ensure compliance with relevant legislation and ministerial directions and will assist in promoting an ethical and honest workplace for the benefit of all stakeholders, including citizens, ratepayers, councilors, executive officers and staff.

3. Definitions

3.1 Public Officers

All councilors, executive officers and staff will be described in this policy as PUBLIC OFFICERS

The effect of this policy will consider the conduct of PUBLIC OFFICERS, and also contractors, consultants, suppliers, service users and staff and committee members of organizations funded by the Hepburn Shire.

3.2 Fraud

A deliberate act of deception, misrepresentation or omission committed with the intention of gaining an unjust advantage or to cause an unjust loss or disadvantage.

Such behaviour includes, but is not limited to:

- Breaches and attempted breaches of the law
- Theft of plant and equipment or inventory
- False invoicing
- Theft of funds other than by way of false invoicing
- Theft of cash (including petty cash) usually involving concealment
- Accounts receivable fraud (misappropriation of remittances received)
- Credit card fraud by Public Officers

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Theft of intellectual property or organizational information by Public Officers or third parties.

- ❑ False accounting in order to mislead the readers of financial statements in order to obtain some form of improper benefit, i.e. a bonus.
- ❑ Release or use of deceptive, misleading or inaccurate information for the purposes of providing commercial advantage or to hide a wrongdoing.
- ❑ Release of confidential information for other than a proper business purpose usually in exchange for financial or other benefit
- ❑ Collusive tendering (by multiple tenderers in preparing a bid)
- ❑ Payment or solicitation of councilor for an improper financial or political advantage
- ❑ Serious conflict of interest by any Public Officer by acting in their own best interests rather than the interests of The Shire and includes failing to declare an interest in a transaction in a new or continuing transaction.
- ❑ Payment or receipt of secret commissions (bribes) which may be paid in money or some other form of value to the receiver, usually for the purpose of securing contracts including for the supply of goods and services.
- ❑ Unauthorized use of facilities or equipment
- ❑ Misappropriation of tangible and intangible assets through:
 - Inappropriate reimbursement of expenses
 - Payments to third parties not in accordance with the Shire's Purchasing Policy
 - Theft, including theft or misuse of intellectual property
- ❑ Inappropriate exertion of influence or coercion to act in a manner that is not in the Council's best interests.

3.3 The Protected Disclosure Coordinator

Means the Council's Manager of Organisation Development. Refer to the Council's Whistleblowers Protection procedures.

3.4 The Protected Disclosure Officer

Means an officer through whom, suspected instances of fraud, corrupt or improper conduct can be reported. Contact details are:

Name	Ms. Kaylene Conrick
Position/Location	Chief Executive Officer
Telephone:	(03) 5348 2306
Post:	The Protected Disclosure Officer Hepburn Shire Council PO Box 21 Daylesford Vic 3460

Refer to the Council Whistleblowers Protection procedures.

3.5 Executive Managers

Chief Executive Officer or Deputy of Hepburn Shire.

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3.6 Operational Managers

Means Heads of each department or division.

3.7 Whistleblowers Protection Procedures

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by Public Officers of the Hepburn Shire or third parties as defined at 3.1, above.

3.8 Corrupt Conduct

Corrupt conduct as defined in section 3 of the *Whistleblowers Protection Act* means:

- (a) conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- (b) conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or
- (c) conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- (d) conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- (e) a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (d)

3.9 Improper Conduct

Improper conduct as defined in section 3 of the *Whistleblowers Protection Act* means:

- (a) corrupt conduct; or
- (b) a substantial mismanagement of public resources; or
- (c) conduct involving substantial risk to public health or safety; or
- (d) conduct involving substantial risk to the environment – that would, if proved, constitute
- (e) a criminal offence; or
- (f) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of a public officer who was, or is, engaged in that conduct.

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4. Key Words

- Fraud Prevention
- Fraud
- Corruption
- Improper Conduct
- Protected Disclosure Officer
- Protected Disclosure Coordinator
- Whistleblower
- Fraud Prevention Framework

5. Policy

Hepburn Shire considers fraud and corrupt or improper conduct seriously and does not tolerate such behaviour. The Shire recognizes the value and importance of its public officers in enhancing its practices and believes that all should have a strong obligation to support its efforts in fraud prevention.

This policy supports Hepburn Shire's commitment to good governance, strong ethical practices and compliance with relevant legislation.

The objectives of the fraud prevention policy are to:

- Ensure that all public officers are aware of their responsibilities for identifying fraudulent activities and establishing controls and procedures for preventing such fraudulent activities and/or detecting such fraudulent activities when they occur.
- Provide guidance to public officers as to what is required of them when suspicion is aroused of activities that may be fraudulent or corrupt.
- Provide a clear statement to all public officers and third parties as defined at 3.1 above, that fraudulent, corrupt or improper conduct is not acceptable and will not be tolerated.
- Build a culture that supports public officers to report conduct they suspect may be fraudulent, corrupt or improper.
- Reduce opportunities for fraudulent, corrupt or improper conduct.
- Ensure that appropriate action is taken if fraud, corruption or improper conduct is detected.
- Establish an effective fraud reporting system.
- Provide clear guidance to ensure that adequate investigation standards are followed.
- Provide safety, protection and guidance to public officers in circumstances where they are/could be victimized as a result of reporting, investigating or being a witness to fraudulent activities.

6. Procedures

6.1 Fraud Prevention Framework

This policy is based on five core structural elements of the Shire's efforts in fraud and corruption prevention, detection and investigation.

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6.2 Structural Elements

Culture

The Shire's Code of Conduct sets the standards of ethical behaviour expected of its Public Officers who must read and understand the Code and apply its principles in the performance of all their duties.

All levels of Hepburn Shire carry the responsibility for the prevention and detection of fraud and corrupt conduct. In particular, operational managers are accountable for fraud prevention and detection within their area of responsibility.

Other policies dealing with ethical and fraud control matters are issued when considered appropriate.

Management Commitment

Senior management commitment to fraud prevention is an important aspect of Hepburn Shire's fraud prevention strategies. The Council of Hepburn Shire has the responsibility to ensure its management has a high level of commitment to and competency in controlling the risks of fraud and corruption.

Risk Assessment

Periodic and comprehensive fraud and corruption risk assessments will be conducted throughout the Shire in accordance with the Shire's Risk Management Policy.

Awareness: Public Officers, citizens, ratepayers and other parties (see 3.1)

Management will ensure the Shire's policy on fraud is communicated to all parties and the highest possible level of awareness is maintained amongst all public officers, citizens and ratepayers. The Fraud Prevention Policy will be promoted through:

- Staff training programs
- Internal communications; and
- Handouts and information sources including electronic means such as the Shire's website.

Fraud and Corruption Control Planning

Fraud prevention projects will be identified on a yearly basis to assist in preventing or minimizing the likelihood of fraudulent, corrupt and improper conduct within the Shire.

The Chief Executive Officer and internal audit staff (or consultant chartered accountants hired for that purpose) will conduct independent reviews to assess the adequacy of strategic and operational risk controls and the extent of compliance with those controls.

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6.3 Operational Elements

Internal Controls

Systems of internal control provide sound practices that ensure policy compliance and consistency of practice amongst all staff throughout the Shire.

At Hepburn Shire internal controls are established through the following mechanisms:

- Comprehensive policy and procedure frameworks
- Development of comprehensive business rules
- Management reviews of organizational processes and structures
- Strategic planning

Controls are routinely considered through the monitoring, review and improvement mechanisms established by the FRAUD PREVENTION FRAMEWORK.

Controls should prevent fraud and corruption insofar as practicable, or if these events occur they should ensure the fraud is detected as early as possible and that the perpetrators are dealt with. Following detection, the controls should assist in identifying the perpetrators and assist the investigation by providing proof of the fraud or corruption.

Detection

Hepburn Shire will implement a robust program of fraud and corruption detection conducted by the Shire's appointed auditors utilizing computer programs to detect unusual or suspicious transactions and to recommend procedural review implementation.

6.4 Reporting

Internal Reporting

Hepburn Shire has implemented a formal internal reporting system through which all Public Officers can report suspected fraud and other improper conduct.

The reporting system formally adopts the Shire's Whistleblowers Protection procedures and establishes the arrangements for dealing with those disclosures received.

The reporting system ensures that no person can take detrimental action against, or victimize in any way, those making disclosures. It will also ensure that any person named will be treated fairly and not disadvantaged if the results of the internal review show they were not implicated in improper behaviour.

When suspected incidents of fraud or corruption are detected it is vital to ensure evidence is identified and preserved and appropriate initial action undertaken.

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Alleged incidents of fraudulent, corrupt or improper conduct are to be disclosed ordinarily at the first instance to the Protected Disclosure Coordinator. Alternatively, a person may, at the first instance, wish to contact the Chief Executive Officer about suspected incidents of fraudulent, corrupt or improper conduct as set out in the Whistleblowers Protection Procedures.

If any Public Officer wishes to make a report of a suspected incident of fraud or corrupt conduct, he or she may make that report to:

- *His or her supervisor*
- *The Protected Disclosure Officer (CEO)*
- *The Protected Disclosure Coordinator*

If a citizen, ratepayer or outside party wishes to report a suspected incident of fraud or corrupt conduct then they should also be directed to the Protected Disclosure Coordinator.

If a report is made to the Chief Executive Officer it is required that the Protected Disclosure Coordinator be notified to ensure the incident is recorded and reported in compliance with the Whistleblowers Protection Act.

There will be occasions when a person making a disclosure does not make reference to the Whistleblowers Protection Act. In these circumstances, the person receiving the disclosure will advise that person that he or she may wish to make a disclosure under the Act due to the protections it provides. If the person declines to make the disclosure under the Act the matter will be reported to the Protected Disclosure Coordinator for assessment as to the appropriate course of action, however it will not be deemed to be a “whistleblower disclosure” and there will be no requirement to report the matter to the Ombudsman. Requirements for confidentiality will still apply because the reporting person may still invoke the protections of the Act at a later stage.

There may be occasions when a Public Officer or member of the internal audit staff (including consultant auditors) reports a suspected incident of improper or corrupt conduct as a result of his or her duties, for example an auditor discovering evidence of a fraud during the conduct of an audit. In these circumstances, the person can still make the disclosure under the Whistleblowers Protection Act and take advantage of its protections. In such circumstances the report will be treated in the same manner as any other disclosure. If the employee chooses not to seek protection under the Whistleblowers Protection Act, the process outlined in the above paragraph will apply.

All disclosures will ultimately be forwarded to the Protected Disclosure Coordinator as that position has the sole responsibility to assess the disclosure and determine the appropriate course of action.

External Reporting

Hepburn Shire will, after consideration of all relevant matters, report all actual incidents or suspected incidents of fraud or corruption to relevant law enforcement authorities. The decision to take a matter to an authority will be

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determined after considering the total circumstances including, but not limited to, value of loss or potential loss, level of culpability and seniority of the suspected perpetrator. In all cases the Protected Disclosure Coordinator will be responsible for making the report.

In addition, the Shire is required to report certain matters to the Minister for Local Government and the Auditor-General.

The Protected Disclosure Coordinator must consider all cases referred, as he/she is responsible for making such external notifications.

The Protected Disclosure Coordinator will also be responsible for advising the Audit and Risk Committee in a timely manner of such notifications.

Disciplinary Proceedings

Irrespective of any decision or obligation to report matters externally, the Shire will pursue disciplinary proceedings with respect to any person against whom fraud or corrupt or improper conduct has been proved. These proceedings will be undertaken pursuant to the Shire's discipline procedures and must be done in consultation the Shire's legal advisors so as to prevent any risk of defamation, slander or discrimination. These are important employee relations, industrial relations considerations.

6.5 Investigation

All instances of suspected fraud, corruption or improper conduct would be promptly investigated to establish whether a basis exists for further action.

Investigation Standards

All investigations will be undertaken skillfully. Confidentiality will be maintained to the extent possible to ensure all persons are treated fairly and without bias.

Immediately on becoming aware of a suspected incident of fraud or corrupt conduct the Protected Disclosure Coordinator will initiate appropriate action to ensure available evidence is secured.

This includes an assessment as to whether the matter falls within the provisions of the Whistleblowers Protection Act.

After these steps are taken, the incident will be assessed to determine the appropriate manner of investigation. Although every suspected incident will be different, consideration will be given to, among other things, the complexity, seniority of staff member suspected to be involved, and value of the loss or potential loss.

Infrequently, a case may be appropriately handled internally.

Most cases will require immediate investigation by a forensic accountant and/or forensic IT specialist so as to protect and secure the evidence necessary and

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sufficient to prosecute the perpetrators. The strategy will usually involve both civil proceedings to recover loss and damage suffered by The Shire and referral to Victoria Police.

In cases where any doubt exists as to the appropriate course of action, advice is to be sought of the Protected Disclosure Coordinator and the Shire's legal advisors.

The primary consideration when determining how an incident will be investigated will be to ensure the matter is handled in a professional manner commensurate with the seriousness of the allegation.

In cases where the matter is handled internally, an appropriate executive officer (usually the Protected Disclosure Coordinator) will be responsible for conducting the investigation and ensuring the matter is dealt with comprehensively and fairly to all parties involved. The investigator will be assisted with advice on an as needed basis from the Shire's legal advisors.

The Whistleblowers Protection Procedures provide general guidance on the manner in which investigations will be undertaken, in particular Section 10 of those procedures. In all cases that fall within the provisions of the Whistleblowers Protection Act, regardless of how the matter is investigated, the Protected Disclosure Officer is to ensure the matter is recorded and forwarded to Protected Disclosure Coordinator for appropriate action.

6.6 Internal Audit

Internal Audit activity is an integral aspect of the fraud and corruption control program. Hepburn Shire has focused its internal audit function to provide a value added service based on the following elements:

- Shire-wide focus on risk
- Risk based internal audit plan
- Appropriate mix of core compliance and risk based operational reviews; and
- The integration of the Internal Audit plan with the Risk Management Plan

Whistleblower Protection

Hepburn Shire is committed to the aims of the *Whistleblowers Protection Act 2001* and has implemented a robust policy on whistleblower protection and encourages staff to report suspected incidents of improper conduct. The Shire is committed to ensuring the protection from detrimental action of those reporting suspected incidents of fraud, corruption or improper conduct. The Shire's Whistleblower Protection procedures provide comprehensive guidance on how to make whistleblower disclosures.

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Resources

Hepburn Shire is committed to providing adequate resources to ensure the success of its fraud prevention projects. Overall responsibility for implementing and overseeing the projects rests with the Chief Executive Officer in consultation with operational managers. Where appropriate, those with specialist expertise, internal or external to The Shire, will be called upon to assist with the implementation of the projects.

Pre-Employment Screening

Hepburn Shire undertakes pre-employment screening on potential employees. The degree of screening is dependent on the seniority of the position and sensitivity of the work to be undertaken. Pre-employment screening may include the following:

- Verification of identity
- Police criminal history
- Direct contact with referees
- Verification of qualifications

6.7 Maintenance Elements

Review and Adjustment of Fraud Prevention Policy

The overall fraud prevention policy framework will be periodically reviewed to ensure it remains relevant, effective and in line with industry best practice. The Manager Finance is responsible for supervising the review of the fraud prevention policy framework in consultation with The Protected Disclosure Coordinator.

7. Congruence with Legislation and Related Policies

Hepburn Shire policies and procedures that deal with specific issues but relate in some way to fraud prevention should be read in conjunction with this policy. Those policies and procedures include:

- The Whistleblower Protection Procedures
- Risk Management Policy
- Financial Delegations Policy
- Purchasing Policy
- Information Privacy Policy

In addition, reference should be made to the following:

- Australian Auditing Standard AUS 210 – the Auditor’s Responsibility to Consider Fraud and Error in an Audit of a Financial Report.
- Australian Standard 8001-2003, Fraud and Corruption Control
- Financial Management Act 1994

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8. Acknowledgment

Hepburn Shire has drawn on the following sources in drafting this policy:

- Whistleblowers Protection Act 2001 (Vic)
- Australian Standard 8001 Fraud and Corruption Control
- AS 8000 Good Governance Principles
- AS 8001 Fraud and Corruption Control 2003
- AS 8002 Organizational Codes of Conduct 2003
- AS 8003 Corporate social responsibility 1998
- AS 8004 Whistleblower protection programs for entities 2004
- Victoria University Policy and Procedures
- Birmingham City Council (UK) Anti-fraud and Corruption Policy

9. Review

This policy will be reviewed no later than November 2010

10. Accountabilities

Responsibility

Staff

Have the responsibility and obligation to:

- **Report known or suspected instances of improper, corrupt or fraudulent conduct to the Protected Disclosure Coordinator or Protected Disclosure Officer, in accordance with the Shire's Whistleblowers Protection procedures, if seeking protection under the Whistleblowers Protection Act. Alternatively, if no protection is sought under the Whistleblowers Protection Act reports shall be made directly to the Protected Disclosure Coordinator to enable proper investigation proceedings to occur**
- **Behave in accordance with Shire's Code of Conduct and other policies and procedures**
- **Prevent fraudulent activity.**

Managers

Have the responsibility and obligation to:

- Report known or suspected instances of improper, corrupt or fraudulent conduct to the Protected Disclosure Coordinator or the Protected Disclosure Officer, in accordance with the Shire's Whistleblowers Protection procedures, if seeking protection under the Whistleblowers Protection Act. Alternatively, if no protection is sought under the Whistleblowers Protection Act, reports shall be made to the line manager or directly to the Protected Disclosure Coordinator to enable proper investigation proceedings to occur.
- Take all reasonable steps to maintain the confidentiality of a whistleblower making a report, if protection is sought under the Whistleblowers Protect Act.

9. GOVERNANCE AND STRATEGIC MATTERS

- Take all reasonable steps to ensure a non/whistleblower is not harassed, victimized, intimidated or disadvantaged in any way
- Establish and maintain proper controls over Shire resources to minimise, prevent and deter fraudulent, corrupt and improper conduct.
- Create and maintain a work culture that is positive in nature and attitude towards laws, regulations, policies and procedures.

Executive Officers and Councillors

Have the responsibility and obligation to:

- Support Shire initiatives and activities including risk management, internal audit and workplace relations to minimize or deter fraudulent or corrupt conduct
- Report known or suspected instances of fraudulent, corrupt and improper conduct to the Protected Disclosure Coordinator or Protected Disclosure Officer, in accordance with the Shire's Whistleblowers Protection procedures if seeking protection under the Whistleblowers Protection Act. Alternatively, if no protection is sought under the Whistleblowers Protection Act, reports shall be made directly to the Protected Disclosure Coordinator to enable proper investigation proceedings to occur.
- Promote a work environment and culture that fosters behaviour that is of the highest ethical standards
- Educate employees about fraud prevention and detection.

Protected Disclosure Coordinator

The roles and responsibilities are outlined in the Whistleblowers Protection procedures.

Protected Disclosure Officer

The Protected Disclosure Officer has the responsibility and obligation to:

- Provide an independent and secure reporting environment for whistleblowers to report fraud or corrupt conduct
- Securely record, collate and forward information to the Protected Disclosure Coordinator in a timely manner in order for appropriate action to be taken.

The Manager Finance

Has the responsibility and obligation to:

- Periodically review the Fraud Prevention Policy to ensure it is operating effectively
- Manage the conduct of risk assessments and/or liaise with the internal auditors, Manager Organisational Development, consultants, contracts, etc in the conduct of fraud risk assessment.

Policy End.

9. GOVERNANCE AND STRATEGIC MATTERS

9.8 DRAFT INVESTMENT POLICY – NO 50

(A/O Manager Finance)

File 16/22/03

Introduction

The Investment Policy is being reviewed as part of the ongoing development of financial policies and procedures.

Report

A Draft Investment Policy was distributed with the April 2008 Audit Committee Agenda, for information and comment. At its 20 May 2008 meeting the Audit Committee recommended that Council adopt the Investment Policy. The final draft is attached for Councils consideration.

The policy covers the following topics:

- Policy Intent
- Investment Strategy
- Fixed Interest Securities
- Authorised Investments

A copy of the draft policy follows this report for Councillor information.

Relevant Policies/Council Plan Implications

This policy is in line with objective 3 of the Council Plan 2006-2011 Asset and Resource Management.

Strategy 3.3 Responsible Financial Management.

Community / Engagement / Communication / Consultation

Nil

Financial and Resource Implications Initial and on-going.

Nil

Motion

That Council

9.8.1 Defer consideration until January Ordinary Meeting of Council.

Moved: Cr Rod May

Seconded: Cr Sebastian Klein

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS



HEPBURN SHIRE COUNCIL

POLICY NUMBER : 50

Investment

9. GOVERNANCE AND STRATEGIC MATTERS

THIS POLICY

This policy is to ensure that:

- (a) The Council invest surplus funds to maximize earnings, and
- (b) All investments comply with the Local Government Act 1989.

DATE ADOPTED:

DATE LAST AMENDED:

DATE OF NEXT REVIEW:

DATE POLICY LAPSES:

9. GOVERNANCE AND STRATEGIC MATTERS

1.0 INTENT

To outline Hepburn Shire Council's Investment Policy and guidelines regarding the structured investment of surplus funds in line with Local Government guidelines with an objective to maximise earnings, ensure the security of Council funds, while at all times considering the nature and risks associated with the investment.

This policy applies to the investment of all surplus funds held by Hepburn Shire Council. For the purpose of this policy, investments are defined as arrangements that are acquired or undertaken for the purpose of producing income and/or capital gains.

2.0 STRATEGY

All investments must comply with the Local Government Act 1989, Ministerial Order dated 19 July 2007 (or its current equivalent at any time) and Section 143 of Local Government Act 1989.

Source documentation pertaining to each investment be provided to the Council by the institution within 24 hours of settlement.

That the Finance Manager or his delegate has the authority to invest Council's funds in accordance with this policy.

Should Council utilize an investment adviser or investment dealer acting on its behalf, then that person must be licensed by the Australian Securities and Investment Commission.

No more than 1/3rd of available investment funds should be in any one investment account.

3.0 POLICY

Authorised Investments

1. Certificates of Deposit and Bills of Exchange

- a) A certificate of deposit, whether negotiable, convertible or otherwise, issued by an authorised deposit taking institution as defined by section 3 of the Trustee Act 1958.
- b) A bill of exchange which at time of acquisition has a maturity date of not more than 200 days and which if purchased for value confers on the holder in due course a right of recourse against an authorised deposit taking institution, as defined by section 3 of the Trustee Act 1958, as the acceptor or endorser of the bill for an amount equal to the face value of the bill.

2. Investments in the Treasury Corporation of Victoria

3. Investments in managed investment schemes

Investments in managed investment schemes which:

- Have a rating of AAm or a rating of AAf from Standard and Poors Australia Ratings;
- Are registered under section 601eb of the Corporations Law 2001 (Commonwealth)

9. GOVERNANCE AND STRATEGIC MATTERS

Are liquid with the meaning of section 601KA(4) of the Corporations Law 2001 (Commonwealth) and have a constitution that provides for members to withdraw from the scheme.

4. Fixed interest securities of an Australian Authorised Deposit Taking Institution and Shares listed on the Australian Stock Exchange

Investments in:

- fixed interest securities of or guaranteed by an Australian authorised deposit taking institution; and
- shares of a corporation listed on the Australian Stock Exchange.

Investments must in fixed interest of an Australian authorised deposit taking institution and shares listed on the Australian Stock Exchange are subject to the following terms and conditions.

Terms and Conditions

These investment powers may only be used by councils which have:

- a) lodged a report on financial and investment objectives and investment strategies under Section 6 of the Prudential Statement on Investment Powers of Councils dated February 1998; and
- b) received confirmation from Department of Treasury and Finance that the council complies with the requirements of the Prudential Statement.

Investments must not be made directly but only through trust vehicles managed by the Victorian Funds Management Corporation or a private sector fund manager with specialist expertise in investment.

5. Fixed interest securities of the Australian States and Territories

Investments in the fixed interest securities of the other Australian States and Territories subject to these securities being:

- issued and guaranteed by a State or Territory Government; and
- which have a credit rating equivalent to a Standard & Poor rating of AA or better.

9. GOVERNANCE AND STRATEGIC MATTERS

9.9 LEASE RENEWALS – KINDERGARTENS & CLUNES SENIOR CITIZENS CENTRE & SMEATON BOWLING CLUB

(A/O – MANAGER GOVERNANCE & INFORMATION) File Ref: 1/2570/00105
2/7280/20456;3/4300/12500;4/0885/00250;5/1330/01400;1/2570/00025;1/1780/00259

Introduction

Occupiers of Council owned or controlled facilities are required to enter into lease agreements as a means to formalise their occupancy. The leases for the occupiers of the listed properties have either ended (a month by month tenancy exists where leases have ended) or will on 31 December 2008.

Report

Leases with the following listed organisations are due for renewal and this report recommends accordingly.

All organisations are considered ‘community based’ and therefore pay a nominal rent of \$104pa for occupying the Council owned or controlled properties. This rent is based on the DSE assessed State wide amount for community organisation occupancy of Crown land. In other words none of the activities are considered ‘commercial’ in nature.

None of these leases are considered to be ‘retail’ for the purposes of the Retail Leases Act 2003, but in any case by a determination made by the Minister for Small Business effective from 1 August 2008 sees that leases of Council property of the kind mentioned here would be exempt from this Act.

The occupiers have everyday maintenance responsibilities, with Council being responsible for major or structural items. A maintenance schedule is attached to the leases to clearly highlight maintenance requirements.

There is a mix of Council owned property and Crown land associated with these occupancies – owner/committee of management status is indicated below.

Clunes & District Pre-school Inc, 109 Fraser Street, Clunes*;
Creswick & District Preschool Centre Inc, 24 Victoria Street, Creswick**;
Hepburn Kindergarten Association Inc, 150 Main Road, Hepburn*;
Trentham Kindergarten Association Inc, Bridge Street, Trentham**;
Daylesford Pre-school Centre Inc, 64 Central Springs Road, Daylesford**;
Clunes Senior Citizens Inc, 25 Fraser Street, Clunes*; and
Smeaton Bowling Club Inc, 3514 Creswick/Newstead Road, Smeaton*.

*Council owned land; **Crown land where Council is COM.

Each of the organisations has requested renewal of their lease. The lease is Council’s standard format adopted for community organisations.

For each of the kindergartens, lease terms will be 3 years. This provides consistency where properties may be subject to the Crown land (Reserves) Act 1978 and Council may enter tenancy arrangements for up to three years without further reference to DSE.

For the Smeaton Bowling Club and Clunes Senior Citizens Club, the terms were 9 and 5 years respectively. With both of these properties being Council owned it will be proposed that the term be standardised at 9 years and subject to the provisions of

9. GOVERNANCE AND STRATEGIC MATTERS

Section 190 of the Local Government Act 1989, further public notice of intention to lease will not be required for these renewals.

Relevant Policies / Council Plan implications

Policy # 9 – Management of Council Owned and Controlled Properties - requires proper and relevant arrangements be in place to recognise occupancy. A lease does this.

Policy # 7 – Recreation Development Policy - aims at there being a diverse range of recreation activities for residents and visitors of all ages and abilities. While activities of both the Smeaton Bowling Club and the Clunes Senior Citizens Club are not directly provided by Council, the activities they do provide meet the general aims and principles of the Policy.

There are no significant implications for the Council Plan, although Key Objectives 3 (asset management section) and 5 (environmental management section) may have varying degrees of relevance.

Community / Engagement / Communication / Consultation

These leases are all renewals and contact was made with each organisation directly affected.

Financial Implications

There are no immediate financial implications for Council over and above existing responsibility for major repairs/replacements and agreed cyclic maintenance (where necessary) for the various buildings.

Lease rents remain at the agreed level for community based organisations.

Motion:

That Council

- 9.9.1 ***Approve of the renewal of the lease to the Clunes and District Pre-School Inc for a term of 3 years;***
- 9.9.2 ***Approve of the renewal of the lease to the Creswick and District Preschool Centre Inc for a term of 3 years;***
- 9.9.3 ***Approve of the renewal of the lease to the Hepburn Kindergarten Association Inc for a term of 3 years;***
- 9.9.4 ***Approve of the renewal of the lease to the Trentham Kindergarten Association Inc for a term of 3 years;***
- 9.9.5 ***Approve of the renewal of the lease to the Daylesford Pre-school Centre Inc for a term of 3 years;***
- 9.9.6 ***Approve of the renewal of the lease to the Clunes Senior Citizens Inc for a term of 9 years;***
- 9.9.7 ***Approve of the renewal of the lease to the Smeaton Bowling Club Inc for a term of 9 years;***
- 9.9.8 ***Authorise the Chief Executive Officer to seal the lease documents.***

Moved: Cr Don Henderson

Seconded: Cr Janine Booth

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.10 PROPOSAL FOR DELEGATED PLANNING COMMITTEE

(A/O – Manager Planning)

File Ref: 66/02/01

INTRODUCTION

This briefing is to inform Council of the proposal to establish a Special Committee of Council called the Delegated Planning Committee to assist Council in the decision making on specific planning matters and for dealing with those planning permits.

REPORT

Delegated Planning Committee is a Special Committee of Council appointed pursuant to Section 86 of the Local Government Act with the primary objective of assisting Council in the decision making on specific planning matters under Section 188 of the Planning and Environment Act.

The membership of Delegated Planning Committees, extent of their delegation and the level of their activity varied between Councils across Victoria. All metropolitan Melbourne Councils have such Committees established. In the planning context of the Grampians (plus Wimmera) and Southwest Region where Hepburn Shire is located, nine Councils have established Delegated Planning Committees. Councils in the Region without the Delegated Planning Committees generally have higher level of or full delegation to staff.

The proposed Delegated Planning Committee is to comprise of all seven Councillors and a Chairperson is to be appointed by Council on an annual basis. The Committee is to make its decision on a majority vote; failing such majority vote the Chairperson will have a casting vote.

It is intended that the Delegated Planning Committee will meet on the second Tuesday of each month commencing at 7pm. Two weeks prior to the Committee's scheduled meeting, the Manager Planning will inform the Committee of any upcoming scheduled site inspections.

At the Committee's Meeting, the Manager Planning will make a presentation on each item of the Meeting Agenda to the Committee, to be followed by representations from objectors and finally the applicant.

2009 Meeting dates for Delegated Planning Committee		
<i>Date</i>	<i>Time</i>	<i>Location</i>
Tuesday 13 January	7pm	Daylesford Town Hall
Tuesday 10 February	7pm	Daylesford Town Hall
Tuesday 10 March	7pm	Daylesford Town Hall
Tuesday 14 April	7pm	Daylesford Town Hall
Tuesday 12 May	7pm	Daylesford Town Hall
Tuesday 9 June	7pm	Daylesford Town Hall
Tuesday 14 July	7pm	Daylesford Town Hall
Tuesday 11 August	7pm	Daylesford Town Hall
Tuesday 8 September	7pm	Daylesford Town Hall
Tuesday 14 October	7pm	Daylesford Town Hall
Tuesday 10 November	7pm	Daylesford Town Hall
Tuesday 8 December	7pm	Daylesford Town Hall

9. GOVERNANCE AND STRATEGIC MATTERS

An Instrument of Delegation has been prepared for the Delegated Planning Committee including the Terms of Reference for the Committee and a Committee Operating Procedure. A report will be tabled at the Council's Ordinary Meeting with the recommendation that Council proceed to establish the Delegated Planning Committee.

Motion:

That Council:

- 9.10.1** ***Establishes a Section 86 Special Committee of the Council, comprising solely of Councillors to be known as the Delegated Planning Committee.***
- 9.10.2** ***Amend the Instrument of Delegation to add another dot point under "Scope of Activity" to allow a provision for the Delegated Planning Committee the power to call applications to be considered by the Committee as it sees fit.***
- 9.10.3** ***Endorse, sign and seal the Instrument of Delegation.***

Moved: ***Cr Janine Booth***
Seconded: ***Cr Jon Barrell***
Carried.

Division called:

For: ***Councillors Jon Barrell; Rod May; Tim Hayes & Janine Booth***
Against: ***Councillors Sebastian Klein; Don Henderson & Bill McClenaghan***

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

HEPBURN SHIRE COUNCIL

DELEGATED PLANNING COMMITTEE OPERATIONAL PROCEDURE

1. Objectives

- To provide a procedure for the operation of the Delegated Planning Committee.
- To ensure consistency in the decision making process of the Delegated Planning Committee.
- To ensure good governance on the part of Council in performing its statutory obligations and responsibilities under the Planning and Environment Act and the Local Government Act.

2. Staff Contact in relation to Delegated Planning Committee

All enquiries specific to an item or items of the meeting agenda for the Delegated Planning Committee are to be directed to the Manager Planning.

3. Site Inspections

On the Monday two weeks prior to each meeting of the Delegated Planning Committee, the Manager Planning will provide the Committee a schedule of site inspection arranged for specific item/s on the meeting agenda.

Compulsory site inspections will be made for item/s on the meeting agenda relating to:

- Subdivision of land over 10 lots
- Major planning proposals over \$ 2 million in value
- Planning applications involving a place listed on the Heritage Overlay
- Planning applications attracting over 10 written representations objecting to the proposal.

The Manager Planning will be in attendance at each site inspection.

4. Conduct of the Meeting

The Chairperson will open the meeting, welcome all parties and then proceed through the prepared agenda calling for discussion on each item listed.

The Manager Planning or its designated delegate will provide to the Committee a detailed presentation on each item listed on the agenda. Following the Officer's presentation on an agenda item, the Chairperson will invite person/s who has made representations in writing to speak to the Committee. Finally the Chairperson will invite the applicant to make representation to the Committee.

The Delegated Planning Committee is not to mediate on the outcome of an item before them. The mediation process is to be managed through the Planning Department subscribing to the Applicant Objectors Meeting Procedure.

9. GOVERNANCE AND STRATEGIC MATTERS

The Delegated Planning Committee will make its decision on the day of the meeting, with all decisions to be made on a majority vote; failing to reach a majority vote the Chairperson will have the casting vote.

The Delegated Planning Committee may decide to defer an item on the meeting agenda to the following meeting of the Committee.

5. Review

This Procedure is subject to review as required by the Delegated Planning Committee.

9. GOVERNANCE AND STRATEGIC MATTERS

***Instrument of Delegation – Delegated Planning Committee
2008***

Hepburn Shire Council

Instrument of Delegation

to

Members of Delegated Planning Committee

9. GOVERNANCE AND STRATEGIC MATTERS

Instrument of Delegation

1. Council pursuant to the powers of delegation conferred on the Council by Section 86(3) of the Local Government Act 1989 HEREBY DELEGATES to the Delegated Planning Committee, being a Special Committee established by resolution of the Council, all of the Council's powers, functions and duties relating to the consideration and determination of applications under Section 188 of the Planning and Environment Act 1987.
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 operates until it is earlier revoked or varied but otherwise is for an unlimited period of time;
 - 2.3 does not cease to operate merely because of a change in the title or description of the Special Committee provided the Special Committee continues to commonly undertake some or all of the powers, functions or duties previously undertaken;
 - 2.4 is in substitution for and replaces any and all previous delegations (including any and all variations made to such delegations) given to the Special Committee.
3. The powers, functions and duties delegated are to be exercised or performed by the Special Committee:
 - 3.1 in accordance with such policies, procedures and guidelines or any combination of them as may be adopted from time to time by the Council as applying to such exercise and performance; and
 - 3.2 in accordance with the Delegated Planning Committee charter contained in Schedule One; and
 - 3.3 subject to any conditions or limitations in the relevant legislation or this delegation.
4. The Special Committee must:
 - 4.1 keep such records in relation to the exercise of the powers, functions and duties delegated as the Council by resolution decides or the relevant legislation, policies, procedures, guidelines and Delegated Planning Committee charter or any combination of them required, and
 - 4.2 provide to the Council such information and documents as may be necessary or expedient to enable the Council to review all decisions made by the Special Committee under this delegation.

9. GOVERNANCE AND STRATEGIC MATTERS

The **COMMON SEAL** of the **HEPBURN**)
SHIRE COUNCIL was hereunto affixed)
this xxxxxxxxxxxxxxxxxxxxxxxx2008)
in the presence of:

Councillor

Councillor

Chief Executive Officer

9. GOVERNANCE AND STRATEGIC MATTERS

SCHEDULE ONE

DELEGATED PLANNING COMMITTEE TERMS OF REFERENCE

Purpose:	A Special Committee appointed, pursuant to section 86 of the Local Government Act 1989, to assist Council in the Decision making on planning matters and for dealing with planning permits under Section 188 of the <i>Planning and Environment Act 1987</i> .
Membership:	Seven (7) Councillors. The Chairperson is to be appointed by the Council each year. In the absence of the Chairperson the committee must elect a chairperson for the meeting.
Quorum:	Five (5) Councillors
Meeting Frequency:	The committee will meet on each second Tuesday of the month commencing at 7pm
Scope of Activity:	<p>To consider and determine the following matters:</p> <ul style="list-style-type: none">• Planning applications which receive three (3) or more objections, or where the Delegate considers the application to be sensitive, or of public interest.• Planning applications with a value of over \$ 2, 000,000 (2 Million)• Refusal to Grant a Planning Permit where there is non compliance with the non-prescriptive provisions (Note Refer: Delegated Planning Committee Operational Procedure) of the Planning Scheme.• Planning applications which, in the opinion of the Manager Planning raise major policy implications and ought to be referred to the Committee for determination.
Reporting:	Minutes of all Committee meetings must be submitted to the next practicable Council meeting for information.
Delegated Authority:	The Committee has delegated authority in accordance with Section 188 of the Planning and Environment Act 1987 to determine applications.

9. GOVERNANCE AND STRATEGIC MATTERS

The Committee shall reach all decisions by a majority vote, failing a majority vote; the chairperson will have a casting vote on the agenda item.

Interests & Conflict of Interest:

Each member must declare at the commencement of each meeting of the Committee and also immediately prior to discussion of the item effected, any 'interest' or 'conflict of interest' regarding any items appearing on the agenda.

If any member of the Committee has an 'interest' or 'conflict of interest' in any item of business arising before the Committee, that member may remain in the meeting room prior to any vote being undertaken, but must leave the room for the duration of such vote.

9. GOVERNANCE AND STRATEGIC MATTERS

9.11 COUNCIL MEETING DATES FOR 2009

(A/O – Chief Executive Officer)

File Ref: 16/18/01

Introduction

In accordance with Section 89(4) of the Local Government Act 1989 Council is required to provide public notice of ordinary meetings of Council at least seven days prior to the meeting. With consideration for this statutory requirement, Council is being asked to adopt meeting dates and locations for the ordinary meetings of Council to be held throughout the 2009 calendar year.

Report

In the past Council has utilised a pattern of rotating Council Meetings around the Shire, generally between the four major townships of Clunes, Creswick, Daylesford/Hepburn Springs and Trentham.

It is recommended that Council operate on this basis for the coming 12 months with regards to Ordinary Meetings of Council to enable residents from across the community to easily access Council Meetings and witness the democratic decision making processes in action.

It is also recommended that Council adopt a meeting schedule which operates on the basis that the Ordinary Meeting of Council is scheduled for the third Tuesday of each month at a time of 7pm in the evening.

Below is the proposed Council Meeting Dates 2009 the suggested meetings dates and locations for the 2009 Calendar year.

COUNCIL MEETING DATES 2009

Ordinary Meetings of Council for 2009		
Date	Time	Location
Tuesday 20 January	7pm	Daylesford Town Hall
Tuesday 17 February	7pm	Clunes Town Hall
Tuesday 17 March	7pm	Creswick Senior Citizens Centre
Tuesday 21 April	7pm	Trentham Mechanics Institute
Tuesday 19 May	7pm	Daylesford Town Hall
Tuesday 16 June	7pm	Clunes Town Hall
Tuesday 21 July	7pm	Creswick Senior Citizens Centre

9. GOVERNANCE AND STRATEGIC MATTERS

Ordinary Meetings of Council for 2009		
Date	Time	Location
Tuesday 18 August	7pm	Trentham Mechanics Institute
Tuesday 15 September	7pm	Daylesford Town Hall
Tuesday 20 October	7pm	Clunes Town Hall
Tuesday 17 November	7pm	Creswick Senior Citizens Centre
Tuesday 15 December	7pm	Trentham Mechanics Institute

Prior to the November 2008 election on the first Tuesday of each month Hepburn Shire Council held a Councillor Briefing Session /Forward Planning Meeting.

This meeting was attended by Councillors, officers and invited guests where appropriate.

The Councillor Briefing Session was a non-decision making discussion forum which provides Councillors with the opportunity to:

- Comment on proposed policy or other strategic or community sensitive issues;
- Be informed of issues of significance; and
- Provide general guidance for Council officers to progress relevant issues.

Councillors do not make legally binding decisions in these informal forums.

It is recommended that Council continue to hold a Councillor Briefing Session on a monthly basis or as appropriate.

A resolution of Council is not necessary in regards to adopting a cycle of Councillor Briefing Sessions as the meeting has no legal “status”. However, it is considered good public communication that Council indicate its intention regarding this meeting.

The other meeting held by the Council prior to the general election 2008 was the Draft Agenda Meeting.

This meeting was held on the second Tuesday of each month open to the public and held at the Creswick Senior Citizens Centre at 7 pm.

The agenda for this meeting was essentially the reports that were planned to go to the Ordinary Meeting of Council the following week.

9. GOVERNANCE AND STRATEGIC MATTERS

At this Draft Agenda Meeting members of the community were invited to raise matters related to items listed on the agenda. Questions and comments were restricted to the listed items. Minutes were not taken.

The real value of the Draft Agenda Meeting related to the ability for submitters, general public or applicants to comment on land use planning matters.

The Delegated Planning Committee proposal will provide for the same capacity of community input into planning matters.

Relevant Policies / Council Plan implications:

Local Government Act 1989

- 1.1 - To be a leader in community consultation, advocacy & engagement
- 1.2 - Enhance community connectedness, capacity building and leadership
- 2.2 - Improve internal and external communication

Community / Engagement / Communication / Consultation:

The rotation of the Council Meetings to various townships across the Shire will aid communication between the Council and the Community and will engage the Community in the democratic processes of Council.

Financial Implications

There are no direct financial implications of the decision to rotate the Council Meetings around the Shire with the exception of staffing costs to set up each of the venues prior to the meetings. This cost would however still exist if the meetings were to occur only in one location.

Motion:

That Council

- 9.11.1** ***Adopt the Council Meeting Dates and Locations for the 2009 Ordinary Meetings of Council as presented in the table entitled Council Meeting Dates 2009'.***
- 9.11.2** ***Publish a public notice to advise that the meeting dates have been set for the 2009 calendar year in accordance with Section 89(4) of the Local Government Act 1989.***
- 9.11.3** ***That Council determine to hold Councillor Briefing Sessions on a monthly basis or as appropriate.***

Moved: Cr Janine Booth

Seconded: Cr Jon Barrell

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.12 PUBLIC PARTICIPATION AT COUNCIL MEETINGS

(A/O – Chief Executive Officer)

File Ref: 44/02/01

Introduction

Council provides an opportunity for members of the public to ask questions about matters or issues in which Council may have a direct interest or responsibility as part of its usual meeting procedures. This allowance is made in Council's Local Law No 1 – Meeting Procedure Local Law.

Report

Council Meetings are meetings open to the public where the elected representatives of the community, the Councillors, conduct the ordinary business of Council. It is important to understand that although the meetings are open to the public, the meetings themselves are not public forums, and that the public does not have the opportunity to participate in debate and the decision making processes of Council.

It is interesting to note that 71 out of the 79 Victorian Municipalities allow for some form of public participation at the ordinary meetings of Council.

Council's Local Law No. 1 allows for public participation. Council is charged with the responsibility of ensuring that any time which is designated as public participation time is conducted in an orderly, respectful and constructive manner in accordance with the general principles of the Council's own Code of Conduct, the Local Government Act 1989 and the Meeting Procedures Local Law.

In particular, Section 2.11(5) of Council's Local Law No 1 states that Council has an obligation to ensure that a question presented to Council:

- a) does not relate to a matter beyond or outside the Council's powers;
- b) is not defamatory, indecent, abusive or offensive;
- c) is not repetitive of a question already answered (whether at that meeting or an earlier one); or
- d) is not asked to embarrass a Councillor or a member of Council staff.

Council's current arrangement allows for questions to be asked verbally at the Council meeting, which means the question must be asked publicly before the Council can then assess the question to ensure that it complies with the principles mentioned earlier.

Out of the 71 Victorian Municipalities which have allowances for public participation at Council meetings, 49 of them require that questions be written and presented to Council prior to the Council meeting, so that questions can be evaluated before being presented at the meeting itself. This allows Council to fulfil its obligations with regards to ensuring that the conduct of any public participation at Council meetings is appropriate and bound by the principles of respect.

In addition to this, written questions also allow time for an appropriate and accurate answer to be prepared, ensuring that a response is provided at the meeting. The question will also be recorded accurately in the minutes of the meeting, word for word, as submitted to Council.

9. GOVERNANCE AND STRATEGIC MATTERS

Council has several options for conducting public participation at Council meetings, these are detailed below:

1. Council maintains its current arrangements, whereby at the allocated time the meeting is opened up to accept verbal questions from the gallery.
2. Council resolves to require questions in writing which are collected by hand prior to the meeting commencing. The questions would then be read out and responded to.
3. Council resolves to require that questions are provided in writing by 12 noon on the day of the meeting, registered with Council and read aloud to the meeting.
4. That Council resolves either 2 or 3, with a provision to respond to verbal questions, time permitting.

If Council resolves to change the arrangements for the conduct of public participation at Council meetings, an amendment of Local Law No 1 will be required.

Relevant Policies / Council Plan implications:

Local Government Act 1989

Local Law No 1 – Meeting Procedures Local Law

Code of Conduct

1.1 - To be a leader in community consultation, advocacy & engagement

1.2 - Enhance community connectedness, capacity building and leadership

2.2 - Improve internal and external communication

Community / Engagement / Communication / Consultation:

The allowance of public participation at Council meetings engages and embraces the community in the governance processes of the Council.

Financial Implications

There are no financial implications resulting from this report.

Motion:

That Council

9.12.1 *Amend Local Law No 1 – Meeting Procedures Local Law to ensure that any questions presented as part of the public participation time at the ordinary meetings of Council are received in writing prior to 12 noon on the day of the meeting and that in addition to this, one (1) supplementary verbal question relating to the same matter may be asked if time permits..*

9.12.2 *Allow verbal supplementary questions in addition to the written question, relating to the same matter, time permitting.*

Moved: Cr Jon Barrell

Seconded: Cr Tim Hayes

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

Division called:

For: Councillors Jon Barrell, Rod May, Tim Hayes and Janine Booth.

Against: Councillors Sebastian Klein, Don Anderson and Bill McClenaghan.

Carried.

9. GOVERNANCE AND STRATEGIC MATTERS

9.13 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

(A/O –Director Infrastructure & Development)

File Ref: 32/02/02

Introduction

Under the Regional and Local Community Infrastructure Program (RLCIP) the Australian Government will provide one-off funding of \$250 million in 2008-09 to local councils to stimulate additional growth and economic activity in Australia as part of the Australian Government's contribution to address the global economic crisis.

Hepburn Shire Council may apply for at least \$425,000 of grant funds. These funds will be available for additional and ready-to-proceed community infrastructure projects and for additional stages of projects that are currently underway.

The funding will be provided directly to local governments as a one-off payment. The RLCIP will be administered by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department).

The Federal Government has also advised of another competitive program of funding for Strategic Projects. Under the RLCIP – Strategic Projects, funding will be available to local government for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$2 million. Larger projects and projects which include partnership funding will be given preference.

Report

Council is to receive an "as of right" \$425,000 grant from the Federal Government under the RLCIP with the requirements that funding be expended by 30 September 2009 and applications for funding to be submitted by no later than 30 January 2009.

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Projects that can be funded need to be consistent with the following list:

Examples of Community Infrastructure

Social and cultural infrastructure

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Town halls• Community centres• Libraries• Local heritage sites• Museums• Cultural centres• Enhancement of main streets and public | <ul style="list-style-type: none">• Theatre/music/art spaces• Historic buildings• Parks and gardens• Internet kiosk infrastructure• Kitchens for organisations• Community market areas |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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squares

Recreation facilities

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

Tourism infrastructure

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Local infrastructure to support or provide access to tourist facilities
- Community public attractions
- Buildings for exhibits

Children, youth and seniors facilities

- Playgroup centres
- Youth centres
- Scout/guide halls
- Senior citizens' centres

Access facilities

- Disabled access infrastructure
- Footbridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons
- Foreshore development
- Boat ramps

Environmental Initiatives

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

Funding will not be available for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

Council will be required to provide the Department with details of projects that will be funded by **30 January 2009**. Council will be required to enter into an agreement prior to receipt of the payment. Funding must be expended by **30 September 2009**.

Once funding is confirmed Council will be required to actively manage the project.

The Department will monitor the project's progress and expenditure of the funding through reports received under the agreement and may conduct site visits.

By **30 May 2009**, Councils will be required to provide a progress report on these projects.

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By **30 November 2009**, Councils will be required to provide details of progress on these projects; to provide a final report on the expenditure of Australian Government funding; and to demonstrate that they have spent the funding in accordance with the Guidelines.

It is recommended that Council utilise the funding on community infrastructure that would mainly contribute towards reducing Council's "Infrastructure Gap."

Suitable projects that would meet the funding guidelines are:

Project Description	Council Asset	Amount
<p><i>Major renovation and refurbishment of the Daylesford Public Toilets next to the Visitor Information Centre.</i></p> <p>The project would include various sustainable improvements to the building comprising the installation of an underground rainwater tank, diversion of stormwater into tank, installation of photovoltaic panels to provide power, waterless urinals, etc.</p>	Yes	\$115,000
<p><i>Creswick Arts Trail as an additional stage of the Creswick Tourism & Interpretive Centre project.</i></p> <p>The project would include the provision of interpretive signage, artwork and artspace.</p>	Yes	\$45,000
<p><i>Major renovation and refurbishment of Clunes Public Toilets and Collins Place as an additional stage of the Collins Place improvement program – Rotunda project.</i></p> <p>The project would include various sustainable improvements comprising the installation of underground rainwater tanks, diversion of stormwater into tanks, installation of photovoltaic panels to provide power, waterless urinals and landscaping improvements to Collins Place.</p>	Yes	\$235,000
<p><i>Skate Park Improvements.</i></p> <p>The project would include the provision of shade structures, seating and landscaping works at existing facilities.</p>	Yes	\$45,000
<p><i>Refurbishment of Trentham Public Toilets – Market Street</i></p> <p>The project would include tiling of toilets and installation of a rainwater tank.</p>	Yes	\$30,000
<p><i>Trentham Railway Station</i></p> <p>The project comprises exterior painting of Trentham Railway Station.</p>	No	\$20,000

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<i>Clunes Former School of Mines Building.</i>	No	\$60,000
The project would include upgrading of plumbing and provision of toilet facilities.		
<i>Glenlyon Hall</i>	No	\$50,000
The project involves installing a commercial kitchen.		
<i>Drummond Hall</i>	Yes	\$60,000
The project would comprise alterations to hall and upgrading of tennis court.		

Strategic Projects.

The Federal Government has also advised of another competitive program of funding for Strategic Projects.

Under the RLCIP – Strategic Projects, funding will be available to local government for a limited number of large strategic projects seeking a minimum Commonwealth contribution of \$2 million. Larger projects and projects which include partnership funding will be given preference.

Projects will be allocated funding on a nationally competitive basis and will be assessed by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department) on a tight timetable.

All local councils, or groups of councils, are eligible to apply for funds under RLCIP - Strategic Projects. Local councils may also apply on behalf of not-for-profit organisations. There is a limit of one application per Council or group of Councils.

Eligible projects must be additional and 'ready-to-proceed' (the project must be ready to commence construction within six months of signing the Funding Agreement [contract]), or be additional stages of projects that are currently underway.

The cut off date for applications is the **23 December 2008** and therefore work has commenced on preparing a submission for construction of a sports oval and pavilion/clubrooms at Doug Lindsay Reserve, Creswick

Relevant Policies / Council Plan implications

- Council Plan
- Asset & Resource Management
 - Economic Development
 - Service Delivery

Community / Engagement / Communication / Consultation

There has been press coverage on the funding and Council has received a written submission from the Trentham Residents & Traders Association concerning the Trentham Railway Station project.

9. GOVERNANCE AND STRATEGIC MATTERS

Financial & Resource Implications Initial & Ongoing

The RLCIP funding of \$425,000 can be used for project management costs, preparation of plans and specifications as well as construction or fit-out costs therefore Council does not need to incur any direct expenditure costs or to make any funding contributions.

The Doug Lindsay Reserve, Creswick - Strategic Project would require Council to contribute \$300,000. Should Council proceed to apply for this project then \$300,000 would need to be provided for in the 2009/10 budget by a combination of sale of Council owned vacant land in Creswick, allocating available Creswick funds from the Resort & Recreation Reserve and balance from loan funds.

Conflict of Interest declared:

Cr Sebastian Klein	Affiliated with Secondary College
Cr Janine Booth	Doug Lindsay Reserve
Cr Bill McClenaghan	Director of Tourist Railway

8.22pm Councillors Sebastian Klein & Bill McClenaghan left the room

Motion:

9.13.1 *That Council : Refer the following projects and submissions to the 2009/10 budget process for further consideration; Skate Park improvements, Trentham Railway Station, Clunes Former School of Mines Building, Glenlyon Hall, Drummond Hall, submission from Daylesford Spa Railway, Submission from Daylesford Secondary College, Submissions for a Roadside Vegetation Project.*

Moved: Cr Tim Hayes
Seconded: Cr Don Henderson
Carried.

8.29pm Councillors Sebastian Klein and Bill McClenaghan returned to the room.

8.29pm Councillor Rod May left the room.

8.31pm Councillor Rod May returned to the room.

8.32pm Councillor Janine Booth left the room.

Motion:

9.13.2 *That Council : Submit applications for the \$425,000 RLCIP, for the following projects:
Major renovation and refurbishment of the Daylesford Public Toilets next to the Visitor Information Centre - \$115,000.*

Creswick Art Trail as an additional stage of the Creswick Tourism & Interpretive Centre project - \$45,000

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Refurbishment of Trentham Public Toilets – Market Street - \$30,000

Major renovation and refurbishment of Clunes Public Toilets and Collins Place as an additional stage of the Collins Place improvement program – Rotunda project - \$235,000.

***Moved: Cr Jon Barrell
Seconded: Cr Don Henderson
Carried.***

Motion:

9.13.3 That Council : Submit and application for Doug Lindsay Reserve Project, as a Strategic Project for RLCIP and note that if successful that Council will need to include in the 2009/10 budget a Council contribution of \$300,000.

***Moved: Cr Don Henderson
Seconded: Cr Tim Hayes
Carried.***

8.35pm Councillor Janine Booth returned to the room.

9. GOVERNANCE AND STRATEGIC MATTERS

9.14 CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION – REQUEST FOR FUNDS 2008/09

(A/O – Manager Community Services)

File Ref: 40/04/08

Introduction

The purpose of this report is to advise Council of a request from the Chief Executive Officer of the Central Highlands Regional Library Corporation for additional funds in the current financial year to maintain two staff at all times in the Daylesford Branch.

Report

Hepburn Shire is part of the Central Highlands Library Corporation along with City of Ballarat, Moorabool Shire, Pyrenees Shire, Ararat Rural City Council, Central Goldfields Shire and Southern Grampians Shire.

A recent incident with a borrower in Daylesford has raised a number of concerns regarding safety and security of staff working alone across Hepburn Shire libraries. A report on single staff hours was discussed by the Central Highlands Regional Library Corporation (CHRLC) Board Meeting on 27 August and it was requested by the board that a further report be prepared to indicate options for reducing the risk to staff working alone across the three libraries in the Hepburn Shire.

To provide a safe workplace and to reassure staff, it was decided to temporarily place two staff members at Daylesford during opening hours at all times, funded through the relief staff budget. This is a temporary arrangement and additional funding from Council is required to maintain two staff at all times at the Daylesford library.

The current staffing levels do not meet the minimum standard for public library staffing. To ensure a safe workplace and to minimise any future risk to staff and library patrons, this report provides a number of options for Council to consider. The urgency in 2008/09 is for the Daylesford library staffing to be increased with the preference for two staff working at all times.

The attached report provides a number of options for reducing risk in single staffed libraries. In summary, three options are provided for the Daylesford library including:

- Option 1 – Provide two staff at all times, and maintain existing operating hours;
- Option 2 – Reduce opening hours with closure two half days and two staff at all times;
- Option 3 – Increase hours over time by 6 hour increments.

The report also considers single staffing issues for Creswick and Clunes libraries and recommends increasing staffing hours in 2009/10 for Creswick at a cost of \$23,671, and Clunes in 2010/12 at a cost of \$7,890.

Relevant Policies / Council Plan implications:

Objective Two – Council Plan - Service Delivery

Council will deliver responsive services to our community within available resources.

2.1 Improve service delivery

2.3 Further develop the range of facilities and programs

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Community / Engagement / Communication / Consultation:

N/A

Financial & Resource Implications Initial & Ongoing

Council's 2008/09 financial commitment to the Central Highlands Regional Library Corporation is \$324,000. There has been no provision within the current budget to address the single staffing issues.

Motion:**That Council:**

- 9.14.1** *Endorse Option 1 to staff the Daylesford Library with two staff at all times with an additional 25 hours from January 2009 at a cost of \$15,800 (until the end of the 2008/09 Financial Year)*
- 9.14.2** *Over three years from 2009/10 to 2011/12 meet the minimum staffing standard to eliminate the risk of staff working alone and increase services provided to the community.*
- 1.** *2009/10 Creswick additional 18 hours at a cost of \$23,671 per annum*
 - 2.** *2010/11 Clunes additional 6 hours at a cost of \$7,890 per annum*
 - 3.** *2011/12 Daylesford additional 10 hours at a cost of \$13,151 per annum*
- 9.14.3** *Council consider in its future planning opportunities to co locate library service with other Council or community facilities to minimise staff working alone.*

Moved: Cr Don Henderson**Seconded:** Cr Janine Booth**Carried.**

9. GOVERNANCE AND STRATEGIC MATTERS

Title: Reducing Risk in Single Staffed Libraries

Summary

To provide options for the Hepburn Shire Council to consider ways to assist in reducing the risk for staff working alone at the Daylesford, Creswick and Clunes libraries.

Background

The Occupational Health and Safety Act 2004 requires the employer to eliminate or reduce risks to health and safety, so far as is reasonably practicable. For staff working alone Work Safe suggest using a number of approaches to reduce the risks and of these CHRLC has applied communication through policies and procedure, training in dealing with difficult customers and distress alarms in all libraries. These steps assist in reducing the risk, but a heightened level of risk remains due to unpredictable customer behaviour.

Issues

Table 1 indicates library use and the significant increase in use for the Daylesford library. The nature of the community is changing with customer incidents increasing. As library use increases single staff libraries cannot adequately meet the customer service needs, achieve Council strategies or the strategies of the CHRLC Library Plan.

Table 1: Hepburn Shire Library Use 2007/2008

Statistic 2007/2008	Daylesford	Creswick	Clunes
FTE	1.85	0.65	0.4
FTE Minimum Standard	2.78	1.2	0.6
Hours open per wk	43	20	13
Staff alone	58%	90%	100%
Loans	73,436 (+2.7%)	31 438 (+1%)	14,274 (-4.5%)
Membership	4,331 (+4.3%)	1,866 (+2.8%)	1,341 (+1.8%)
Visits	53,810 (+9.6%)	19,485 (-5.8%)	12,400 (-2.3%)
Visits per minute	1 per 2.5 minutes	1 per 3 minutes	1 per 3.2 minutes

The Hepburn Shire Council libraries operate a total of 56 hours where staff work alone. Recognised in Victoria, the State Library of NSW and the State Library of Queensland Public Library Standards recommend 1 staff member for every 3000 population.

Table 2: Public Library Standard Minimum Staffing Levels

Hepburn	Minimum Staff 1 per 3000 pop	Existing Staffing	Difference	Hours per week	Cost at Band 3
Total	4.58	2.87	1.71	59.85	\$78,780

Providing staffing levels at the minimum standard of 1 staff member per 3000 population provides an additional 59.6 hours across the Hepburn Shire Council libraries. Applying the Standard the 56 single hours would be eliminated at a cost of \$78,780 at band 3.

As this is a significant change for the Hepburn Shire it would be a goal to work toward over four financial years. To resolve the immediate issue at Daylesford the following options are for consideration.

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Daylesford

Daylesford library is open Monday to Saturday for 43 hours, with 25 hours or 58% of time where staff work alone for 3 to 5 hour periods. Due to the high use of the library the risk of incidents is rated as high.

Daylesford Option 1: Provide two staff at all times

Cost: Annual \$31,600 From Jan 09 \$15,800 Risk Result: Low

Risk	Mon	Tues	Wed	Thu	Fri	Sat	Totals
Low							
Opening Times	10.00-6.00	10.00-6.00	10.00-6.00	10.00-6.00	10.00-6.00	10.00-1.00	
Hours Open	8	8	8	8	8	3	43
Additional Hours	4	5	4.5	4.5	3	3	25
Single Hours	0	0	0	0	0	0	0

Option 1 provides two staff at all times and will reduce the risk of incidents but also increase customer service, such as providing weekly early literacy sessions, school visits, internet training and community events. Opening hours remain the same, customer service increases and the risk is minimised to low.

Daylesford Option 2: Reduce opening hours - close two half days and two staff at all times

Cost: Annual \$20,384 from Nov 08/09 \$13,328 Risk: Low

Risk	Mon	Tues	Wed	Thu	Fri	Sat	Totals
Low							
Opening Times	2.00-6.00	10.00-6.00	2.00-6.00	10.00-6.00	10.00-6.00	10.00-1.00	
Hours Open	4	8	4	8	8	3	35
Additional Hours	0	5	0	4.5	3	3	15.5
Single Hours	0	0	0	0	0	0	0

Option 2 to reduce opening hours and provide two staff at all times reduces the risk of incidents but also reduces customer service by 8 hours or 18%. Customer complaints about reduced opening hours may occur but the risk to staff is reduced.

Daylesford Option 3: Increase hours over time by 6 hours increments

Cost: Variable Risk: Medium

Hours	Annual Cost	From Nov 08/09	Single Hours
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6 hrs	\$7,890	\$5,159	19
12 hrs	\$15,781	\$ 10,318	13
18 hrs	\$23,671	\$15,477	7
25 hrs	\$32,877	\$21,497	0

Option 3 increases the hours in 6 hour increments, increasing the staffing over time. This option does not fully resolve the risk but begins to address the risk and increases services during the hours that two staff are present.

Creswick

Creswick Option: Manage the risk Cost: 08/ 09 Nil Risk: Low
 Cost: 09/10 \$23,600

	Mon	Tues	Wed	Thu	Fri	Sat	Total
Opening times	10.00-1.00 2.00 -5.00	closed	10.00-1.00 2.00 -5.00	closed	10.00-1.00 2.00 -5.00	10.00- 12.00	20
Single Hours	6		6		6	0	18

Creswick is co-located with the council building and council staff are available to support library staff. Procedures have been updated to ensure support is available. The risk can be further reduced by considering increasing hours to meet the minimum staffing standards in the 2009/10. This would also allow library staff to increase services including events, early literacy programs and internet training. An increase of 18 hours at a cost of \$23,671

Clunes

Clunes Option: Manage the risk Cost 08/09: Nil Risk: Low
 Cost 10/11: \$7,890

	Mon	Tues	Wed	Thu	Fri	Sat	Total
Opening times	closed	closed	9.30-11.30 1.00 – 5.00	closed	1.00 -5.30	9.30- 12.00	13
Single Hours			6		4.5	2.5	13

Clunes is a less busy branch and limited opening hours reduce the level of risk. Phone and a distress alarm is available. The risk is increased due to the time delay for response from Police or Security as they are not based in the town.

The risk can be further reduced by considering increasing Clunes in 2010/11 by 6 hours at a cost of \$7,890 to meet minimum staffing levels. This would reduce the risk of staff working alone by 50%. It would also allow the library to deliver a range of other services such as early literacy programs, community events and internet training.

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Recommendation

That Council:

1. Endorse Option 1 to staff the Daylesford Library with two staff at all times with additional 25 hours for a cost of \$15,800 from January 2010.

2. Over three years from 2009-10 and 2011-12 meet the minimum staffing standard to eliminate the risk of staff working alone and increase services provided to the community:
 - 2009-10 Creswick - additional 18 hours at a cost of \$23,671
 - 2010-11 Clunes - additional 6 hours at a cost of \$7,890
 - 2011/12 Daylesford - additional 10 hours at a cost of \$13,151

3. That the Hepburn Shire Council consider in its future planning opportunities to co-locate library services with other Council or community facilities to minimise staff working alone.

9. GOVERNANCE AND STRATEGIC MATTERS

9.15 MONTHLY FINANCIAL REPORT 1/7/08 – 30/11/08

(A/O – Manager Finance)

File Ref: 30/08/17

Synopsis

A summary report on the Council's financial performance for the financial year to the 30 November 2008 is provided for information.

Report

This report provides information on Council's operating performance for the 5 months to 30 November 2008 against the budget adopted by Council in July 2008. The report considers year to date budgets against year to date actual for each operating program and for all capital works.

The budget was adopted based on projected completion of projects and capital works at 30 June 2008 and information available at that time. Council will have an opportunity in January 2009 to review its budget based on current information about projects, variations that occur and new information.

Statutory Requirements

Under Section 138 of the Local Government Act 1989, at least quarterly a report comparing expenses and revenue to budget must be presented to the Council.

Variance Report

Corporate Services:

Variance (Deficit)/Surplus 000's: \$ 273

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
1 Corporate Services					
Revenue Services	Rates & Municipal Charge	-9,673	-9638	-9792	154
Grants Commission	Untied Government Grant	-2,201	-1100	-1109	9
Council	CEO's Office & Councillors	806	275	245	30
Financial Services	Financial Services	407	136	130	6
Technical Services	Engineering Services	794	327	322	5
Governance & IT	Governance Records Management & Information Technology	914	463	470	-7
Organisational Development	Human Resources and Risk Management	243	81	80	2
Other Administration	Office Operations, Postage etc	678	277	202	74
Total Corporate Services		-8,032	-9180	-9452	273

- Revenue services relates to supplementary valuations exceeding expectations.
- Council is represented by Round 1 of the community grants program that has not as yet been distributed.

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- Other Administration relates to the election costs which we are awaiting an account. This expenditure should have been profiled for payment in December.

Community Services:

Variance (Deficit)/Surplus 000's: \$ 6

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
2 Community Services					
Community Development	Community Development, Arts & Culture and Youth Services	521	214	197	17
Family & Childrens Services	Maternal & Child Health, Pre-Schools etc	168	43	44	-2
Aged & Disability Services	Home Care Services, Day Activity Centres Meals on Wheels	244	72	66	5
Housing	Housing	-6	-4	-7	3
Contract Services	Home Care Services provided under Contract for External Agencies	-8	-10	7	-17
Total Community Services		919	314	308	6

- Community Development includes \$10 thousand unbudgeted contribution received also position vacant for one and a half months.
- Contract Services relates to the invoicing of services which occurs in the month following the provision of the service. The profiles will be adjusted to reflect this for next month.

Regional Development:

Variance (Deficit)/Surplus 000's: \$ 144

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
3 Regional Development					
Planning & Heritage Services	Strategic & Statutory planning & Heritage services	734	253	182	71
Building Services	Building Inspections	58	22	-5	27
Tourism & Economic Development	Tourist information centres Caravan Parks & Economic Development	313	147	90	58
Community Amenities	Public Conveniences, Cemeteries	183	57	54	4
Library Services	Branch Libraries & Bookmobile	324	168	165	3

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Other Activities	Cultural	Community Museums	Events &	63	18	39	-21
Public Halls		Town Halls & Other Public Halls		144	56	54	2
Total Regional Development				1,820	721	578	144

- Planning services fees exceeding expectation. Delay in replacing statutory planning position.
- Building services in surplus due to extent of activity.
- Tourism & Economic Development is in surplus as a result of receiving an unbudgeted grant of \$75,000 however this will be offset by additional expenditure with an adjustment to the budget made at the mid year review.
- Other Cultural activities relates mainly to the supply of gas to the Creswick museum. The budget for this area will need to be increased as part of the mid year review.

Public Safety:

Variance (Deficit)/Surplus 000's: \$13

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
4 Public Safety					
Fire Prevention	Fire Hazards, signs Fire Access Tracks	17	10	6	4
Animal Control	Animal Management & Pound Operating	-43	11	7	5
Compliance	By-Laws Management & Parking	217	84	83	1
Health	Health Surveyor, Food Premises Inspections Immunisations etc	116	66	79	-13
Environmental Initiatives	Environmental Officer & Projects	145	68	53	14
School Crossings	School Crossing Supervision	18	7	5	2
Emergency Management	State Emergency Service contribution	5	0	0	0
Total Public Safety		475	246	233	13

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Recreation:

Variance (Deficit)/Surplus 000's: (\$44)

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
5 Recreation					
Parks & Gardens	Parks & Gardens Maintenance	231	74	99	-25
Reserves	Reserves Maintenance	665	270	260	11
Mineral Springs Reserves	Mineral Springs Reserves Maintenance	-354	-114	-28	-86
Swimming Areas	Swimming Areas Supervision & Maintenance	274	52	35	17
Recreation Management	Recreation Management	176	35	4	32
Indoor Recreation	Indoor Recreation Contribution	30	8	0	8
Total Recreation		1,023	325	369	-44

- Parks & Gardens and Reserves maintenance figures have not been adjusted for seasonal variations in work plans.
- The mineral springs reserves relates mainly to rental income from the bathhouse which has a turnover component. The Budget was based on the original projections of the lease holder which have not been achieved. This will need to be revised when Council undertakes its mid year budget review.
- Recreation management relates to an unbudgeted grant received in advance for \$36k for the Clunes Bowling Club. The budget will need to be adjusted during the mid year review however as the funds are spent the variance will reduce.

Infrastructure:

Variance (Deficit)/Surplus 000's: (\$ 43)

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
6 Infrastructure					
Road Maintenance	Local Road Maintenance plus Local & Federal Road Grants	225	227	270	-43
Depots	Works & Parks Depot Operations	51	25	25	0
Other Transport	Gravel Pits, Plant Hire & Private Works	-598	-251	-252	0
Total Infrastructure		-323	1	43	-43

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- Road maintenance figures have not been adjusted for seasonal variations in work plans.

Waste Management:

Variance (Deficit)/Surplus 000's: \$ 50

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
7 Waste Management					
Waste Revenue	Waste Management, Garbage, Recycling Charges and Fees	-1,493	-1447	-1459	12
Street Cleaning	Street sweeping and Clearance of Street Bins	124	46	43	3
Waste Management	Operation of Transfer Stations and Recycling Facility	1,353	479	444	35
Land Management	Support for Landcare Groups & Weed Eradication Programs	14	2	1	0
Total Waste Management		-22	-920	-970	50

- Awaiting receipt of account from contractor.

9. GOVERNANCE AND STRATEGIC MATTERS

Unclassified:

Variance (Deficit)/Surplus 000's: \$64

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
8 Unclassified					
Oncost Accounts	Clearing Oncost Clearing Accounts	0	-14	-78	64
Unclassified	Minor Expenditure Unclassified	125	0	0	0
Total Unclassified		125	-14	-78	64

- Superannuation payment of \$106 thousand processed in early November.

Operating Summary:

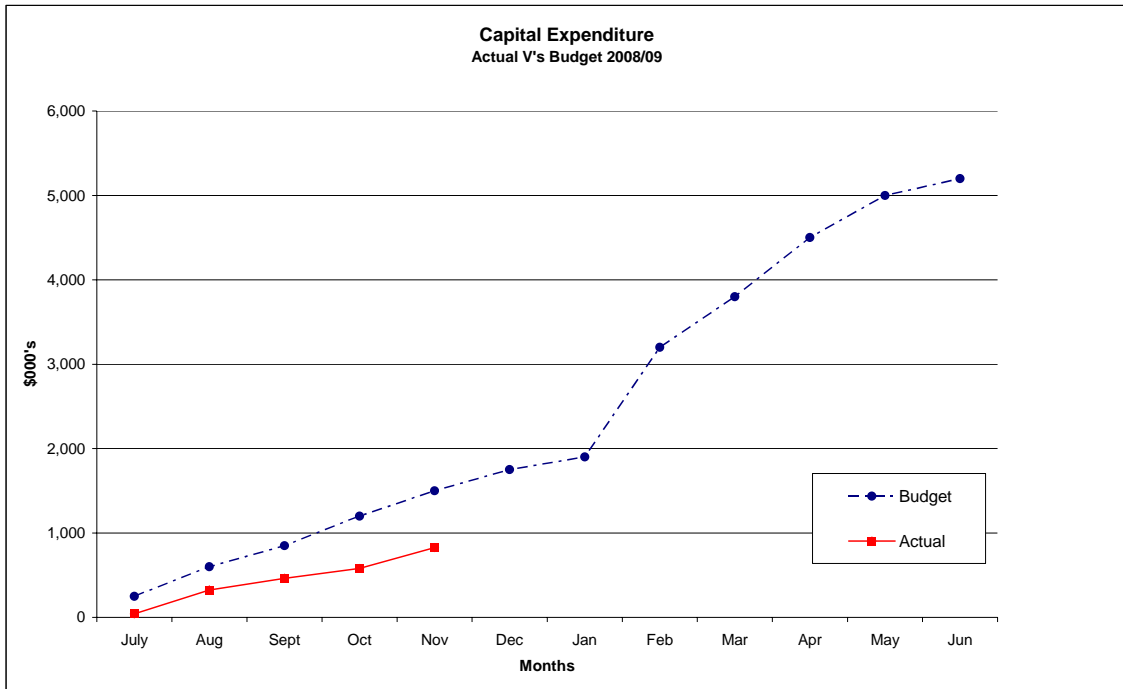
The year to date operating result against budget currently indicates a positive variance of \$454 thousand. After only five months of the financial year it is to be expected that there would be few variations that cannot be explained because of timing differences, projects to be carried over from 2007/2008 or projects where unbudgeted funding has been received. The net operating result is monitored each month to ensure that the overall budget is met by year end.

Capital Works and Major Projects:

Program	Major Activities	Annual Budget \$000's	YTD Budgets \$000's	YTD Actuals \$000's	YTD Variance \$000's
9 Capital Expenditure / Income					
Buildings	Buildings	550	219	333	-115
Environment	Environment	82	0	0	0
Mineral Springs	Mineral Springs	97	47	108	-61
Other	Debt Redemption & Sale of Land	373	150	64	86
Parks & Gardens	Parks & Gardens	193	2	6	-3
Plant & Equipment	Plant & Equipment	794	15	78	-64
Recreation	Recreation	101	20	-133	153
Roads & Pavements	Roads & Pavements	2,518	71	78	-7
Swimming Areas	Swimming Areas	94	8	8	1
Waste Management	Waste Management	58	0	0	0
Total Capital Expenditure		4,861	533	542	-9

The 2008/2009 capital works program is in its early stages as projects are being scoped and designed and contracts let. Main variations in this area relate to projects carried over from 2007/2008 that will be adjusted as part of the mid-year budget review. The year end surplus for 2007/2008 confirms that a number of projects were not completed and will have to be accommodated in 2008/2009.

9. GOVERNANCE AND STRATEGIC MATTERS



9. GOVERNANCE AND STRATEGIC MATTERS

Balance Sheet

The Balance Sheet as at 30 November 2008 is as follows:-

Balance Sheet As at 30 November 2008		
	30-Jun-08	30-Nov-08
	\$	\$
Assets		
Current assets		
Cash and cash equivalents	2,714,945	3,642,572
Trade and other receivables	1,399,255	9,033,942
Accrued income	8,126	8,126
Prepayments	5,475	-
Inventories	61,134	79,477
Non-current assets classified as held for sale	66,100	66,100
Total current assets	<u>4,255,035</u>	<u>12,830,217</u>
Non-current assets		
Trade and other receivables	2,359	1,957
Financial assets	955,055	955,055
Investments in associates accounted for using the equity method	375,000	375,000
Capital Works and Income for 2008/09		542,105
Property, plant and equipment, infrastructure	150,160,328	150,160,328
Total non-current assets	<u>151,492,742</u>	<u>152,034,445</u>
Total assets	<u>155,747,777</u>	<u>164,864,662</u>
Liabilities		
Current liabilities		
Trade and other payables	(1,524,239)	(107,831)
Trust funds and deposits	(808,616)	(738,312)
Provisions	(1,378,072)	(1,429,755)
Interest-bearing loans and borrowings	(372,853)	(372,853)
Total current liabilities	<u>(4,083,780)</u>	<u>(2,648,751)</u>
Non-current liabilities		
Provisions	(715,559)	(715,559)
Interest-bearing loans and borrowings	(2,161,784)	(2,161,784)
Total non-current liabilities	<u>(2,877,343)</u>	<u>(2,877,343)</u>
Total liabilities	<u>(6,961,123)</u>	<u>(5,526,094)</u>
Net Assets	<u>148,786,654</u>	<u>159,338,567</u>
Equity		
Accumulated surplus	(83,373,098)	(83,373,098)
Operating result for period		(10,523,580)
Reserves	(65,413,555)	(65,441,889)
Total Equity	<u>(148,786,654)</u>	<u>(159,338,567)</u>

9. GOVERNANCE AND STRATEGIC MATTERS

Current Assets:

Cash and investments at 30 November total \$3.6 million and include \$0.95 million for the Long Service Leave Provision.

Net current receivables are \$9 million including \$6.8 million in rates. Trade debtors at 30 November are \$460 thousand. Debtors are being monitored and regular follow up action taken to minimise any write offs.

Council is generally owed money for the GST input tax credit and BAS's are lodged monthly. All legislative requirements are being met.

Current Liabilities:

The major items here are the creditors control, current loan liability, provision for landfill rehabilitation and employee provisions. Deposits and Securities are reviewed quarterly and refunds or transfers made where applicable.

Non-Current Assets:

These include all infrastructure assets and for the purpose of this report the net cost of current capital and major works has been treated as works in progress and added to the balance sheet here.

Non-Current Liabilities:

Major items here include loan liability, provision for landfill rehabilitation and provision for long service leave.

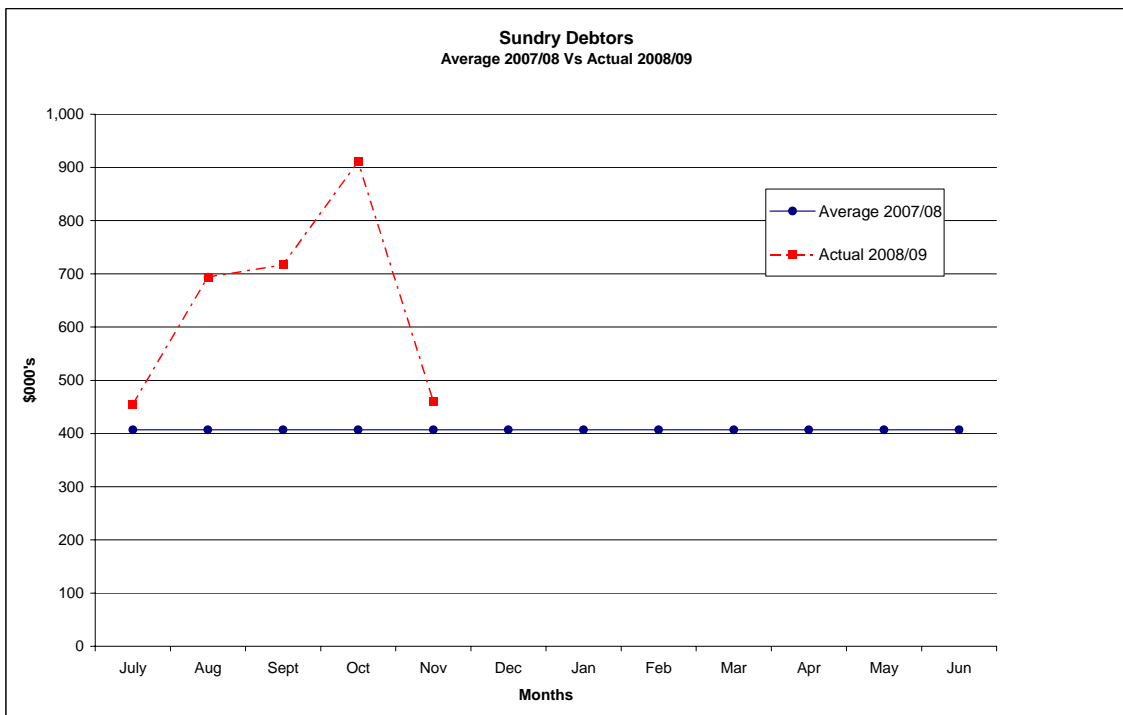
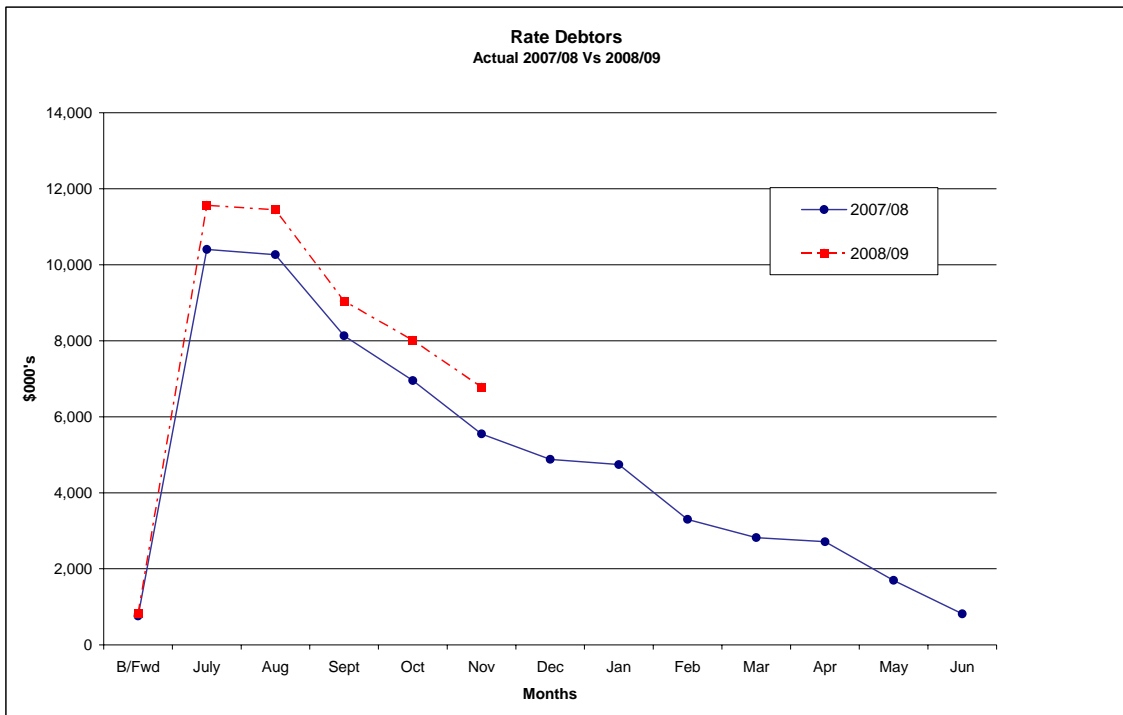
Conclusion:

As expected there are few major variations this stage in the financial year other than those caused by timing differences. However there are some areas that will be closely monitored and reviewed regularly with Management Team and responsible managers. As indicated a number of variances have resulted from projects carrying over from 2007/2008 or new projects where funding will be received in 2008/2009.

The mid year budget review in January 2009 will be an opportunity for these projects to be brought to account and the overall budget fine tuned with the knowledge of 6 months of operations. In the meantime managers will continue to review in detail both operating and capital budgets to ensure that the overall budget will be achieved.

Following for Councillors information are two graphs which show the level of Rate Debtors for 2008/09 in comparison to the previous year and the level of Sundry Debtors to the average level of sundry debtors for the previous year. Both are considered to be at acceptable levels at the end of November 2008.

9. GOVERNANCE AND STRATEGIC MATTERS



Relevant Policies / Council Plan Objectives

The Management of Council financials is in line with objective 3.3 of the adopted Council Plan 2006 – 2011.

Community / Engagement / Communication / Consultation:

Nil

9. GOVERNANCE AND STRATEGIC MATTERS

Financial & Resource Implications Initial & Ongoing

The reports attached provide the opportunity for constant review of Council's financial position to ensure compliance with budgets. The reports presented show the annual budget, year to date budget, year to date actuals and year to date variance. The reports note any variances against the year to date actual amount.

10.46pm ***Cr Tim Hayes left the room***

19.40pm ***Cr Tim Hayes returned to the room***

Motion:

9.15.1 ***That Council receives the Monthly Finance Report for the 5 months from 1 July 2008 to 30 November 2008.***

Moved: ***Cr Sebastian Klein***

Seconded: ***Cr Rod May***

Carried.

10. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

10.1 SECTION 86 COMMITTEE & ADVISORY COMMITTEE MINUTES

(A/O – Manager Governance and Information)

File Ref: Various

Introduction

Section 86 Committee and Advisory Committee minutes have been distributed to Councillors for noting.

Report

Please see listed below the minutes of various Section 86 and Advisory Committees for your information:

- Minutes of the Drummond Hall Committee of Management dated 28/11/08 (File Ref. 5/2105/00400)
- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 01/10/08 (File Ref. 1/0320/00070)
- Minutes of the Creswick InfoLink Committee of Management dated 18/09/08 & 23/10/08 (File Ref. 22/15/02)

Relevant Policies / Council Plan implications:

2.2 – Improve internal and external communication.

Community / Engagement / Communication / Consultation:

Members of the community are represented on these committees.

Financial Implications

Nil.

Motion:***That Council***

10.1.1 *Note the Minutes of Drummond Hall Committee dated 28/11/08*

10.1.2 *Note the Minutes of the Clunes Historic Medlyn Complex Committee dated 01/10/08*

10.1.3 *Note the Minutes of the Creswick Infolink Committee dated 18/09/08 and 23/10/08*

Moved: *Cr Don Henderson*

Seconded: *Cr Janine Booth*

Carried.

**11.1 APPLICATION NO. 2008/9909, 1289 DAYLESFORD-MALMSBURY ROAD
DENVER - PROPOSED: BOUNDARY REALIGNMENT**

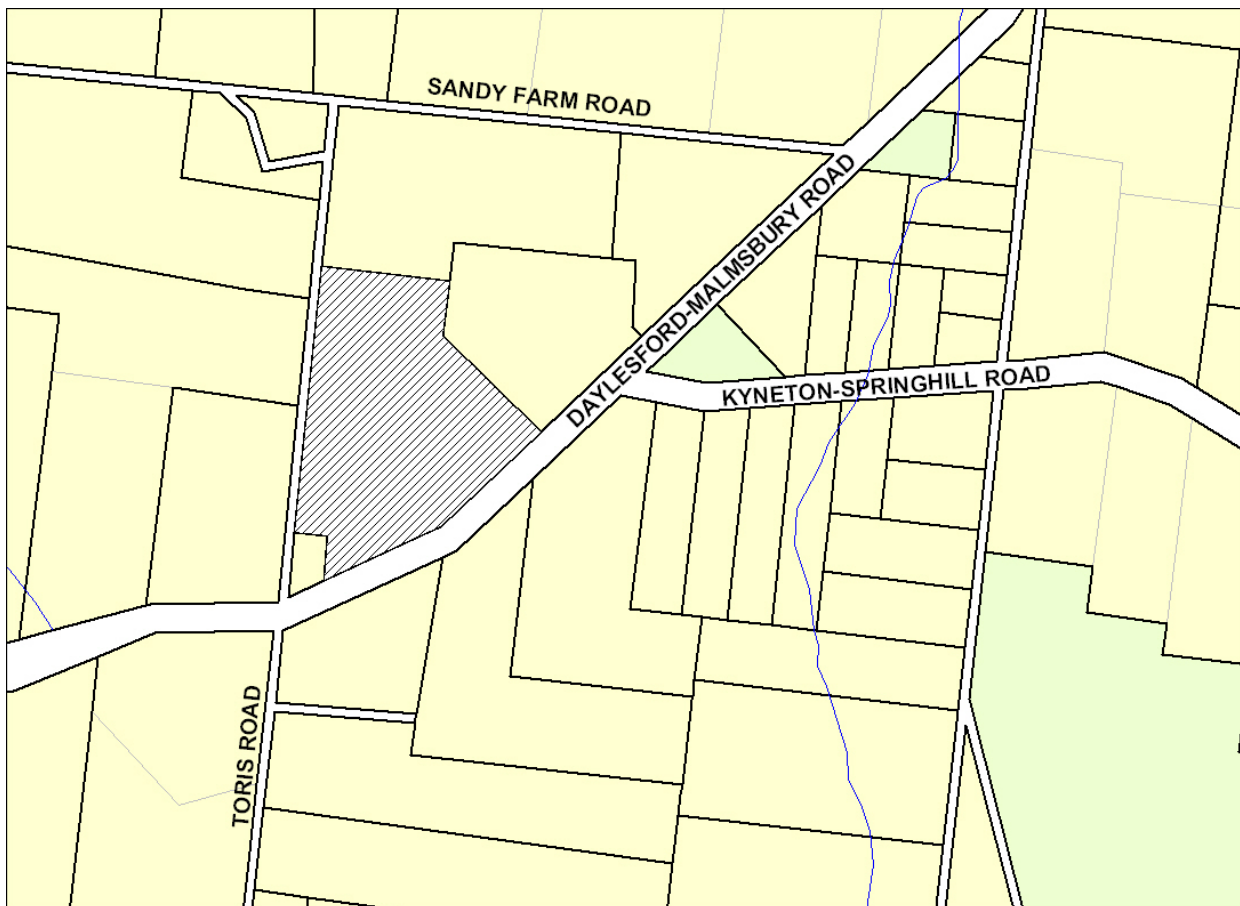
(A/O – Planning Officer 3)

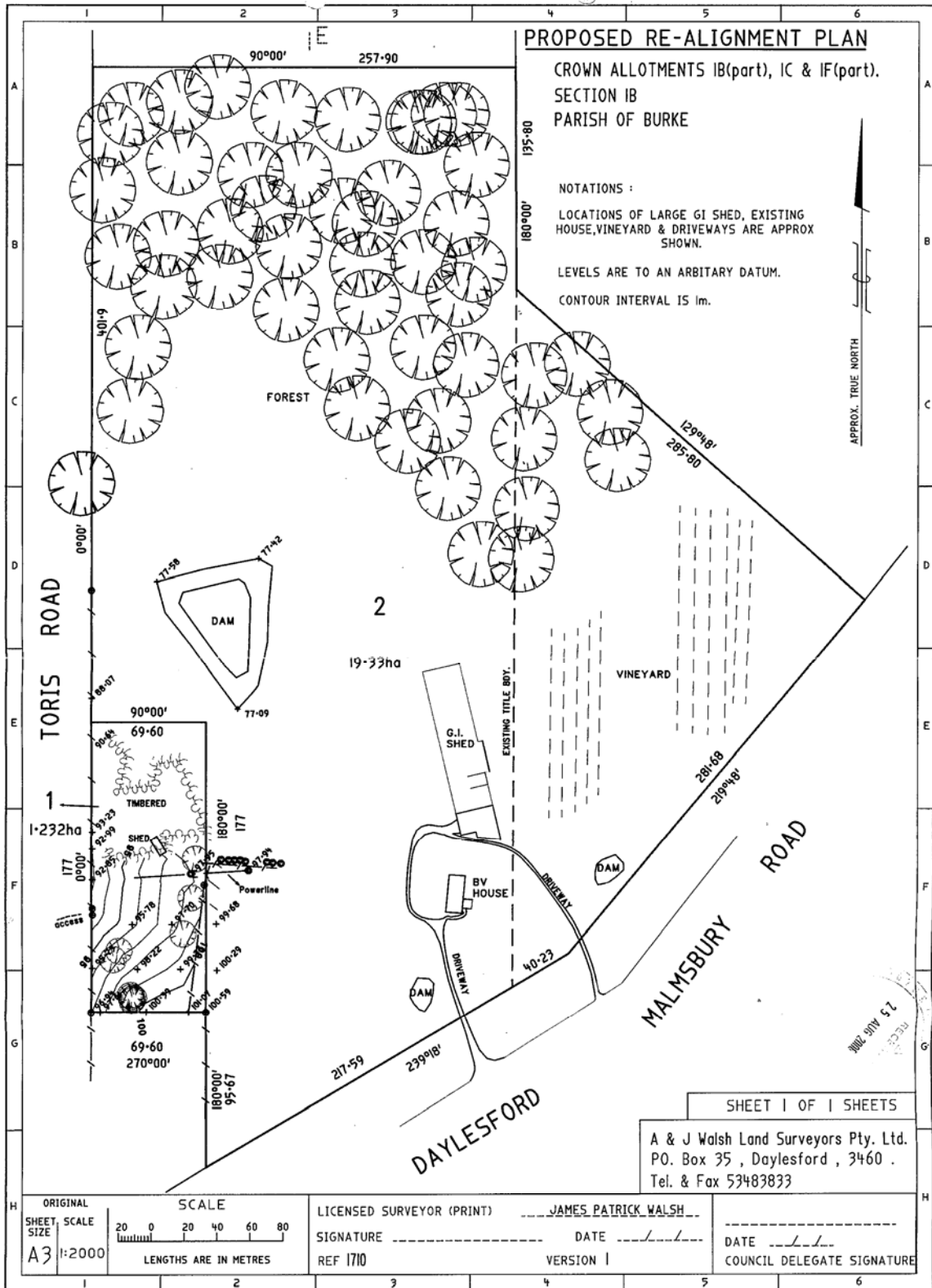
File Ref: 5/1940/02700/P

Introduction

Applicant: K & M Jones C/-Simon Merrigan
Location: 1289 Daylesford-Malmsbury Road, Denver
Proposal: Boundary Re-alignment
Zoning: Farming Zone – FZ – Area 3
Overlay Controls: ESO1, WMO
No of Objections received One

Recommendation	Refusal to Grant a Permit
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Report

INTRODUCTION

A planning application was submitted to council for boundary realignment on 25th August 2008.

PROPOSAL

It is proposed to realign the boundary of two Farming zone lots.

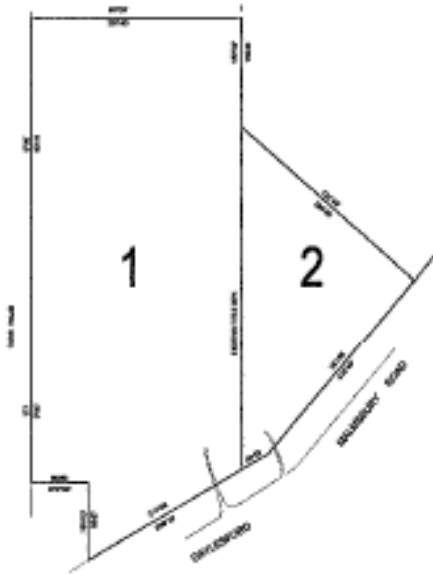


Fig 1: The current configuration of the titles

Lot 1 = CP 109590
Lot 2 = Lot 1 TP 178604



Fig 2: The proposed configuration of the titles

Source: Hak, E. August 2008. *An Evaluation of the Effect on Agriculture: Title re-alignment at Big Shed Wines*

The purpose of the boundary re-alignment is to have all existing buildings including the dwelling and outbuildings and the winery on one lot while allowing for the construction of a dwelling on the newly created lot 1. The applicant has submitted in the proposal that the current owners would wish to construct a dwelling on the proposed lot 1 which measures 1.232ha. (The development of a dwelling does not form part of this application.)

The proposed lot 2 would measure 19.33ha and currently contains an existing dwelling and a winery and associated outbuildings/sheds used for the operation of the existing winery known as Bed Shed Wines.

Access to lot 1 is proposed via Toris Road, an all weather access road not maintained by Council and which leads on to Daylesford-Malmsbury Road. The proposed lot 2 would use the existing access from Daylesford-Malmsbury Road.

REFERRAL AUTHORITIES

Section 55 Referral

Coliban Water No response
CFA: No objection

Section 52 Referral

Nil

REFERRAL WITHIN COUNCIL

Engineering: No objection subject to conditions

ADVERTISING/NOTICE OF APPLICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.

The notification has been carried out correctly.

Council has received one objection.

The main points of the objection are:

- The application cannot be properly categorised as an application for a boundary re-alignment as it does not seek the amendment of a title plan to correct a discrepancy in occupation.
- The application cannot be properly categorised as an application for boundary re-alignment as it does not seek an amendment of a title plan to correct an incorrectly drawn boundary.
- The application seeks to subdivide land by inappropriate means.
- The application attempts to create a separate title for an area considerably less than the minimum area permitted pursuant to the application planning zone.
- The application does not meet the relevant planning criteria.

Relevant Policies / Council Plan implications:

N/A

STATE PLANNING POLICY FRAMEWORK (SPPF)

Clause 15.01 Protection of catchments, waterways and groundwater

The objective of this clause is to assist in the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

A land capability assessment was submitted with the application however at this stage no further development has been proposed on either lot. If the proposal to re-align the boundaries is successful and an application for development on proposed lot 1 is submitted, the applicant will then be required to provide evidence that the lot is capable of treating and retaining all waste water on site.

Clause 15.07 Protection from Wildfire

The objective of this clause is to assist in the minimisation of risk to life, property, the natural environment and community infrastructure from wildfire.

The applicant has demonstrated that all fire fighting measures have been incorporated into the proposal. The applicant has not submitted plans for development on either

proposed lot at this stage. The application was submitted to the CFA for comment. The CFA did not object to the proposal.

The application meets the objectives of this clause.

Clause 17.05 Agriculture

The objective of this clause is to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland. Permanent removal of agricultural land must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

The proposal to re-align the property boundary will not change the majority of the existing use of the land; however the proposed lot 1 and intended proposal to apply for the development of a dwelling will permanently remove this land from agricultural use.

This form of unplanned development fails to meet the objectives of this clause.

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Clause 21.08 Rural Land Use and Agriculture

The key issues of this clause are:

- Rural land provides an attractive landscape and environmental setting in many parts of the Shire.
- Protection of high quality agricultural land from encroachment of urban land uses.
- Maintenance of rural land holdings with a potential for productive agricultural uses, including new and emerging rural enterprises.
- Lifestyle preferences including rural living opportunities changing the traditional agricultural potential of large rural areas of the Shire and leading to fragmentation of productive agricultural land.
- Scattered and unplanned rural living development needs to be managed and an adequate supply of 'rural residential' land provided, according to demand and supply projections, to avoid loss of productive agricultural land to non-productive land use.

This proposal seeks to realign the boundaries to allow for the future development of a dwelling on the proposed lot 1. (The development of a dwelling on lot 1 does not form a part of this permit.) No agricultural use has been proposed for lot 1. This will result in a permanent change in land use leading to an unplanned and unorderly rural living development. The subject land is rated as high quality agricultural land and as such should be protected from unplanned loss.

The application fails to meet the objectives of this clause.

Clause 22.04 Rural Land

The objectives of this clause relevant to this application are:

- To prevent the unsustainable use of agricultural land which results in the loss of the quantity and quality of natural resources and limits the realisation of its full productive potential.
- To limit subdivision of land that will be incompatible with the utilisation of land for sustainable resource use.
- To ensure that the use and development of land does not conflict with adjoining and nearby agricultural uses.
- Discourage the subdivision of lots that can result in a concentration of lots likely to change the use and character of the rural area.

The proposal to re-align the boundary to essentially create a lot for the development of a dwelling for rural residential living may set a precedence that will contribute to a proliferation of dwellings in this area. This would lead to a conflict of land uses and would not constitute an orderly planning outcome.

The application fails to meet the objectives of this clause.

ZONE AND OVERLAY PROVISIONS

Clause 35.07-3 Farming Zone – Subdivision

A planning permit is required for boundary realignment in the farming zone. The subdivision must be a re-subdivision of existing lots and the number of lots must not be increased. The applicant must enter into a Section 173 agreement which ensures that the land may not be further subdivided. This agreement must be registered on title.

The application meets the above-mentioned requirements however the proposal if successful will provide a lot measuring only 1.232 ha in size (lot 1). This lot will be removed from agriculture and approval would imply that a dwelling is able to be developed without any associated agricultural use. This may set precedence for further developments which are incompatible with adjoining land uses and which do not accord with the purpose of the Farming zone.

This proposal is not supported under the provisions of the Farming Zone as it will not support and enhance agricultural production and may permanently remove land from agricultural production, possibly leading to further and fragmented loss of agricultural land.

Clause 42.01-2 Environmental Significance Overlay 1 (ESO1)

The purpose of this clause is:

- To protect the quality of domestic water supplies within the Shire;
- To maintain and enhance the quality and quantity of water within watercourses;
- To prevent erosion of banks and streambeds and saltation of watercourses;
- To prevent pollution of water bodies, streams and water storages.

A land capability assessment was submitted with the application however at this stage no further development has been proposed on either lot. If the proposal to re-align the boundaries is successful and an application for development on proposed lot 1 is submitted, the applicant will then be required to provide evidence that the lot is capable of treating and retaining all waste water on site.

Clause 44.06-1 Wildfire Management Overlay

A permit is required for subdivision of lots with this overlay control.

The CFA did not object to this proposal as no development is proposed at this stage.

ASSESSMENT

The applicant has sought to re-align the boundary between two existing lots in the Farming zone. The applicant has stated in the application:

“The current property owners wish to retire from the vineyard and winery activities but remain on the property to provide guidance to their son who will take over the daily operation of the vineyard. To facilitate this changeover, the applicants wish to construct a dwelling on the proposed lot 1. Lot 2 will consist of the existing dwelling, winery building, cellar door facility and vineyard. This property will continue to operate as a vineyard and winery. Some grazing activities will continue to be conducted.”

The proposal to allow for the existing structures and winery to be located on one title has planning merit. To re-align a boundary to allow for the development of a dwelling on a small allotment in the Farming zone does not accord with the purpose of the zone. Such a development will:

- Permanently remove land from agricultural production.
- Have the potential to limit the operation and expansion of adjoining and nearby agricultural uses.
- Result in the loss and fragmentation of productive agricultural land.
- Lead to a concentration or proliferation of dwellings in the area.

The applicant was advised 18/09/2008 by letter that the application in its current form did not have officer support. In particular, the application did not adequately address the following clauses in the planning scheme:

- Clause 17.05 - Agriculture - to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land.
- Clause 21.08 - Rural Land Use & Agriculture – to protect areas of high – very high quality agricultural land from non-complementary uses. (The subject site is designated as 'high quality' agricultural land.)
- Clause 22.04 - Rural Land – To prevent the unsustainable use of agricultural land which results in the loss of the quantity and quality of natural resources and limits the realisation of its full productive potential.
- Clause 35.07 – Farming Zone – The proposal has not adequately addressed the decision guidelines at Clause 35.07-6 and does not appear to meet the purpose of the zone.

The applicant advised Council by letter 29/09/2008 that they reject the request for further information and disagreed with the assessment that the application should not be supported and asked that a determination be made based on the material submitted.

Accepting that the Planning Scheme does allow for boundary re-alignments in the Farming zone the Responsible Authority must also take into consideration the decision guidelines of Clause 65 which states:

“Because a permit can be granted does not imply that a permit should or will be granted.”

The re-alignment of the boundaries which creates a lot only suitable for the development of a dwelling for rural residential purposes does not constitute orderly planning of the area. The proposal does not meet the objective of the Farming zone and should be refused.

Community / Engagement / Communication / Consultation:

Community consultation was not undertaken.

Financial & Resource Implications Initial & Ongoing

Financial implication resulting from a VCAT review.

Motion:

That Council having caused notice of Planning Application No. 2008/9909 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of Clause 35.07-3 of the Hepburn Planning Scheme in respect of the land known and described as 1289 Daylesford-Malmsbury Road, Denver; CP 109590 PSH PBU; Lot 1 TP 178604, PSH PBU, for a boundary realignment in accordance with the attached plans, with the application dated 25th August 2008 on the following grounds:

- 1. The application does not meet the objectives of Clause 35.07-6 of the Farming Zone.**
 - **Permanently remove land from agricultural production;**
 - **Has the potential to limit the operation and expansion of adjoining and nearby agricultural uses;**
 - **May result in the loss and fragmentation of productive agricultural land;**
 - **May lead to a concentration or proliferation of dwellings in the area;**
 - **The application may lead to a loss of agricultural land and may lead to a proliferation of dwellings in the farming zone.**

- 2. Clause 17.05 – Agriculture**
The application fails to meet the objectives of this clause.

- 3. Clause 21.08 Rural Land Use and Agriculture**
The application fails to meet the objectives of this clause.

- 4. Clause 22.04 Rural Land**
The application fails to meet the objectives of this clause.

- 5. Clause 65 Decision Guidelines**
The application does not constitute orderly planning or the area.

Moved: Cr Tim Hayes
Seconded: Cr Janine Booth
Carried

URGENT ITEM OF BUSINESS:

Motion:

That Council consider an item of urgent business relating to Military Service personnel.

***Moved: Cr Don Henderson
Seconded: Cr Rod May
Carried.***

Motion:

The Hepburn Shire Council, on behalf of residents and ratepayers, sends best wishes and appreciation to those military personnel who are spending their festive season in war zones and on peacekeeping missions overseas.

***Moved: Cr Don Henderson
Seconded: Cr Janine Booth
Carried.***

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, a Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following –

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer
- (c) industrial matters
- (d) contractual matters
- (e) proposed developments
- (f) legal advice
- (g) matters affecting the security of Council property
- (h) any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

The following matters are considered confidential matters and will be considered by Council “in-camera”.

The following matter is considered a confidential matter and will be considered by Council “in-camera”.

- Item 13.1 AUSTRALIA DAY AWARDS 2009**
(i) Council to determine the Australia Day Awards.

Motion:

11.01pm

- 10.1 That Council move in camera to discuss the 2009 Australia Day Awards***

Moved: Cr Rod May
Seconded: Cr Janine Booth
Carried.

13.1 AUSTRALIA DAY AWARDS 2009

(A/O Chief Executive Officer)

File Ref: 04/06/02

Introduction

Advertisements calling for nominations for Council's Australia Day Awards were placed in the local media and promoted on Council's website. Presentation of the Awards will take place at the Australia Day Eve Civic Reception, scheduled to be held on Sunday 25 January 2009.

Report

Each year, Council calls for nominations from the community for Australia Day Awards to be presented at the Shire-wide Ceremony the evening before Australia Day. The nominations are sought under the Australia Day Committee's guidance as they work within the State Department of Premier and Cabinet. The three categories are:

Citizen of the Year

Young Citizen of the Year

Community Event of the Year

The Australia Day Committee guidance notes indicate that the awards for persons should recognise those "who have made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years." The Community Event should recognise the "person or group who has staged the most outstanding community event during the year."

As per previous years and in accordance with the guidelines an assessment panel has met to consider the nominations and makes recommendations to Council. This comprised of community based people who have previously received an Australia Day Award and Council's CEO.

Nominations received: Citizen of the Year – 6; Young Citizen of the Year – 1 which was later withdrawn; Event of the Year – 3.

It was disappointing to note that the one only youth nomination was received and this was subsequently withdrawn. IT is therefore suggested that around July next year the 2009 recipients be invited to assist in the planning for the following awards nomination process to encourage widespread interest including involvement of the Youth Advisory Committee.

Panel members were each given a copy of the nomination and were able to assess them initially themselves. In each category there was a unanimous view on the recommendation. Each recommendation has an extensive background of outstanding service and benefit to the local community.

The nomination form provides the details of how each is worth of an Award. In fact, all nominees display achievement at a very high level. Council does not name the unsuccessful nominees out of respect and also as some have been nominated confidentially. While it would be nice to recognise them as well, it is difficult for some to face a public situation where they are announced as "missing out."

Award recipients are first contacted by 'phone to enquire if they would be prepared to accept the Award and this is followed with a confidential letter advising when and where the ceremony will take place. Council has had nominations that have declined accepting the Award.

All nominations are contacted after Australia Day advising them that they had been nominated.

Relevant Policies / Council Plan implications:

The recognition of community achievers is consistent with our Council Plan, Hepburn Healthy Communities and the State Government's strategic directions.

Community / Engagement / Communication / Consultation:

Nominations were sought through advertising in Council's Advocate page, the Ballarat Courier, via Community Newsletters, Hepburn Shire's website and press were issued with a release.

Financial & Resource Implications Initial & Ongoing

Council's Budget has a provision each year associated with Australia Day.

Motion:

That Council:

- 12.1.1 **Endorse the following recommendations for Australia Day 2009 Local Government Awards.**
- 12.1.2 **Young Citizen of the Year Award – that no Award be presented in 2009.**
- 12.1.3 **Citizen of the Year Award – Jo Van Oostveen**
- 12.1.4 **Event of the Year Award – Creswick Hospital Auxiliary “It's a Shoe Thing”**
- 12.1.5 **Advise the public that the Awards will be announced on Australia Day Eve Civic Reception and all members of the community are invited to attend.**

Moved: Cr Tim Hayes
Seconded: Cr Janine Booth
Carried.

Motion:

11.05pm

That Council re open the meeting to the public.

Moved: Cr Sebastian Klein
Seconded: Cr Don Henderson

CLOSE OF MEETING.

The meeting closed at 11.05pm.