

HEPBURN SHIRE COUNCIL

ORDINARY MEETING MINUTES

7pm Tuesday 22 January 2008

&

Reconvened Meeting of
5 February 2008

Senior Citizens Room
Rear Town Hall, Daylesford

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HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

VISION STATEMENT:

Hepburn Shire will be a vibrant, creative rural Shire with strong and healthy connected communities. Our Council will govern with integrity and inclusiveness. Our natural environment, productive agricultural land and rich heritage will remain valued and protected as assets for residents and visitors to appreciate and enjoy.

Council has in the COUNCIL PLAN established 5 objectives to enable your Team of Councillors and Officers to move forward.

Objective One – Strengthening Communities

Council will engage with and support our diverse communities to realise their potential and determine and achieve their aspirations.

- 1.1 To be a leader in community consultation, advocacy & engagement
- 1.2 Enhance community connectedness, capacity building and leadership
- 1.3 Enhance external relationships

Objective Two – Service Delivery

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

- 2.1 Improve service delivery
- 2.2 Improve internal and external communication
- 2.3 Further develop the range of facilities and programs

Objective Three – Asset and Resource Management

Council will effectively manage our assets and resources to create a better Shire for our community.

- 3.1 Improve the management of our assets
- 3.2 Foster & encourage leadership
- 3.3 Responsible financial management
- 3.4 Promote and encourage innovation
- 3.5 Tight, sharp, focussed, professional administration

Objective Four – Economic Development

Council will strengthen our local economy by working in partnership with business and community.

- 4.1 Develop partnerships with educational and research organisations
- 4.2 Promote and market the Shire
- 4.3 Encourage and support diversity of economic activity and employment

Objective Five – Heritage and Environment

Council, in partnership with our community will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

- 5.1 Promote & practise environmental management and sustainability
- 5.2 Respect and honour our unique historical and cultural attributes

Council has committed itself to these philosophies, to the five objectives, to the strategies of implementation and to being accountable to all of the Hepburn Shire.

Hepburn Shire is a wonderful home for all of us. Our Council Plan and the Community Plan provide a direction for the future.

**MINUTES OF THE ORDINARY MEETING
OF THE HEPBURN SHIRE COUNCIL HELD AT
DAYLESFORD SENIOR CITIZEN'S ROOM ON 22 JANUARY 2008,
& RE-CONVENED ON 5 FEBRUARY 2008
COMMENCING AT 7 PM**

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Cr Tim Hayes - Mayor
6 February 2008.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

PRESENT: Mayor, Cr Tim Hayes; Councillors Janine Booth, Bill McClenaghan, Heather Mutimer and David Smith.

IN ATTENDANCE: Chief Executive Officer, Victor Szwed; Director Infrastructure & Development, Rod Conway; Director Corporate Services, Chris Cowley. 1 Press, Donna Kelly and 90 + public.

The Mayor opened the meeting with a reading of the Council prayer.

OPENING PRAYER

Almighty God, we ask your blessing upon this Council.
direct and guide our deliberations.

We ask you to grant us wisdom and sensitivity as we deal with
the business of our Shire.

May each decision that we make advance the wellbeing of all our
residents.

This we pray. Amen

1. **APOLOGIES:** Nil

2. **DECLARATION OF CONFLICTS OF INTEREST:**

Cr Bill McClenaghan declared a pecuniary interest in item 5.1 in relation to: relating only to the first of five recommendations.

3. **CONFIRMATION OF MINUTES:**

3.1 **STATUTORY MEETING OF 7 December 2007**

3.2 **SPECIAL COUNCIL MEETING OF 10 December, 2007.**

3.3 **ORDINARY MEETING OF 18 December 2007**

Recommendation:

That item 3.1 Minutes of the Statutory Meeting held on 7 December 2007; item 3.2 Minutes of the Special Council Meeting held on 10 December 2007; and item 3.3 Minutes of the Ordinary Meeting held on 18 December 2007 (Attachment 1), be confirmed, as required under Section 93 (2) of the Local Government Act 1989.

Motion moved at Meeting:

Moved the Officer's Recommendation in relation to Item 3.1 and 3.3

**Moved: Cr Janine Booth
Seconded: Cr David Smith
Carried.**

Moved Item 3.2 provided that the A/O be amended from a Councillor to the CEO

**Moved: Cr Bill McClenaghan
Seconded: Cr Heather Mutimer
Carried.**

4. PETITIONS AND PUBLIC QUESTION TIME

This part of the Council Meeting allows 30 minutes for:

- tabling of petitions by Councillors and Officers;
- 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.

If you have questions about specific items in this Agenda, Council encourages you to attend the Agenda Meeting held a week before the Council Meeting. This allows reasonable time for us to consider your question or comment before making the decision at the Council Meeting.

Nil Petitions received.

Motion Moved at Meeting:

Moved that Public Question Time be extended by extra 30 Minutes.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.1 SPECIAL MEETING OF 10 DECEMBER 2007 – MATTERS ARISING

(A/O – Mayor)

Synopsis

At a Special Meeting of Council held on Monday 10 December 2007, Council received and considered the Investigation Report in regard to a complaint lodged by the Chief Executive Officer against Councillor Bill McClenaghan. Several recommendations were adopted by Council. This report provides an update on the progress of implementing the recommendations and seeks appropriate follow-up action by Council.

Report

At its meeting on 10 December, Council resolved as follows:

3.1.3 That Council confirm the resolution passed whilst in-camera as follows:

1. That the Investigator's Report be referred to the Office of Local Government.
2. That the Investigator's Report be referred to WorkSafe.
3. That both WorkSafe and the Office of Local Government be advised that Council will implement the four recommendations of the Investigator, on page 37 of the Report, as amended.
4. That the Report remains confidential, save the recommendations on page 37 as amended below.

Page 37 Recommendations:

1. That a Council Policy or Council Charter on Good Governance Principles, based on Standards Australia set of guidelines on Corporate Governance – AS 8000 – AS 8004, is developed as a matter of urgency. In doing so that it is ensured that such a document fits to the Quadruple Bottom Line for GOVERNANCE – that is Leadership, Management, Process, Image and Character. It is also imperative in development of such a policy or charter that appropriate penalties are attached if indeed the adopted provisions are breached.
2. That an email policy is established as a matter of urgency, which applies to all emails forwarded over the Council network, which sets out specific controls on use of email and acceptable language and tenor. It is imperative in the adoption of such a policy that every person that the policy pertains to understands that words written in a casual way and forwarded, through the immediacy of technology, without the recipient being aware of tone and all the other elements of language that the spoken work allow, can be very destructive to healthy, supportive relationships.
3. That Cr McClenaghan be offered counselling by an appropriate person as to his responsibility as a Councillor when dealing with staff and the CEO, with the understanding that any further breaches of the kind found in this Report or indeed of any future Policy or Charter will mean immediate disciplinary sanctions being taken against him.
4. That, if not already undertaken, that the whole of Council and Senior Management Group be offered a series of team building workshops or a weekend event of that kind in order to assist in building an effective and committed team.

CARRIED.

5. GOVERNANCE AND STRATEGIC MATTERS

In regard to the resolutions numbered 1, 2 and 4 above, the Mayor is working with the Manager Organisational Development with a view to organizing a series of workshops aimed at addressing some of the deficiencies that the Investigation Report has highlighted. These relate to the need to review the Council Code of Conduct, establishing a policy in regard to the use of the Council's email facility and Good Governance principles. As well, the workshops will focus on the results of the recent Staff Climate Survey, consideration of the introduction of a Cultural Change Program and the need to review the existing Organisational Structure of the Council.

In regard to the resolution numbered 3, Councillor McClenaghan has been contacted in writing on two occasions requesting him to favourably consider the offer of appropriate counseling. In the most recent contact, the Mayor wrote to Councillor McClenaghan on 10 January 2008 in the following terms:

Dear Bill,

I refer to my letter dated 18 December 2007 in which I formally made the offer for the provision of counseling in terms of the Council resolution of 10 December. In that letter I requested a response to the offer by Friday 21 December.

To date I have not received a response and I am again requesting you to consider the offer. Acceptance of the offer would, I believe, indicate a measure of good intent as well as a preparedness to work in a cooperative manner with your Council colleagues.

While I understand the defensive approach taken by you since Council considered the Investigator's Report and the subsequent media coverage, the fact remains that Council has received and accepted the Report. Whilst it was not unreasonable to expect you to disagree with the Report, there was no suggestion by you (until your email dated 8 January) that it was flawed or represented an incomplete process in any way. Indeed, you even suggested some changes to the recommendations at the time Councillors were deliberating upon the Report.

I do not believe the Report to be flawed in any way and, as I see it, the contents and findings of the Report provide prima facie evidence of breaches of the Occupational Health and Safety Act, the Local Government Act and the Council's own Code of Conduct.

The Report, together with the legal advice provided previously, also indicate that the Council itself is exposed to risk of prosecution and substantial penalties if it fails to act.

From my discussions with the Chief Executive Officer, he has indicated that all he is seeking is a moderation of behaviour in your dealings with him and other staff and that the acceptance by you of the offer of counseling would demonstrate a willingness on your part to do so.

Therefore, Bill, if your failure to respond to my letter of 18 December was meant to imply a rejection of the offer, I would request that you reconsider and advise me of your decision by Sunday evening. If it would assist, I am happy to meet with you over the next few days to discuss the matter further.

*Yours sincerely,
Cr Tim Hayes
Mayor*

5. GOVERNANCE AND STRATEGIC MATTERS

On 14 January Councillor McClenaghan responded to the letters from the Mayor declining the offer of counseling and reiterating his previously stated position rejecting the allegations and the conclusions contained in the Investigation Report. He has also indicated that he would 'not be a party to any recommendations contained in the internal investigation report as this may be interpreted as an admission that some or all allegations may be true'. Councillor McClenaghan further suggested that Council should take 'full responsibility for the situation that it has created and should now prove its allegations in a proper court of law'.

It needs to be clear that 'the situation' was not created by Council but by the individuals concerned. Council did not make the allegations nor has it 'sat in judgment' upon Councillor McClenaghan. However, once a complaint had been lodged by the Chief Executive Officer Council was bound to act and, on the advice available, the commissioning of an Investigation Report was the correct process to follow. As is known, the conclusion of the Investigation Report was that not only were the allegations of bullying substantiated, but also breaches of Council's Code of Conduct and the Councillor/Staff Relationships Policy. Further, as indicated in the advice by Council's solicitors dated 15 October 2007, where a Councillor engages in conduct which breaches [the *Occupational Health and Safety Act*], 'it is apparent that Section 76B of the Local Government Act 1989 may have been breached'. A copy of Section 76B is attached (**Attachment No. 2**)

Councillor McClenaghan participated in the Investigation and suggested amendments (which were accepted by the majority of Councillors) to the Recommendations contained therein. In regard to the 'offer' of counseling, it was reasonably expected by other Councillors that Councillor McClenaghan would be compliant.

As indicated in the Mayor's letter dated 10 January, the acceptance by Councillor McClenaghan of the offer of counseling would have indicated a degree of goodwill on his part in diffusing this issue.

Although it is in the process of addressing the several organizational issues referred to above (which would assist in adherence to sound Occupational Health and Safety practices), the Council is still left in the untenable position of having received an Investigation Report (and the legal advice of 15 October 2007) that provides *prima facie* evidence of breaches of the *Local Government Act* and its own Code of Conduct. Whilst Council, at its Special Meeting in December, referred a copy of the Investigation Report to the Office of Local Government it is now appropriate to formally request the Minister for Local Government to investigate the allegations that the *Local Government Act* may have been breached. It is considered that such a course of action would be the minimum expectation of the community and given the stance taken by Councillor McClenaghan would be welcomed by him.

It is appropriate also for Council to consider arrangements that would minimize contact between Councillor McClenaghan and the Chief Executive Officer notwithstanding that in practical terms this has already occurred to some extent.

In this matter, the Chief Executive Officer has requested Council to consider the reimbursement of his legal costs to date. In considering this request, Council needs to keep in mind that, on the basis of the findings of the Investigation Report and the public statements made by Councillor McClenaghan since the initial complaint was lodged, it is still open for the Chief Executive Officer to proceed with a complaint to WorkSafe under the provisions of the *Occupational Health and Safety Act*. In such an eventuality, the Council itself is exposed to a substantial risk and to a maximum fine of \$262,000. While a referral to Worksafe is a matter for the Chief Executive Officer, it would certainly not be in the best interests of the Council.

5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies/Council Plan Implications

The Council Plan, Code of Conduct and the Councillor/Staff Relationships Policy all have relevance.

Community/Engagement/Communication/Consultation

These most serious matters are of interest to the community.

Financial & Resource Implications

There are various financial and resource implications which are being considered.

Recommendations:

1. That given the findings contained in the Investigation Report received by Council at a Special Meeting held on 10 December 2007 and having regard to legal advice dated 15 October 2007, Council formally request the Minister for Local Government to determine whether the *Local Government Act* may have been breached.
2. That all Councillors be acquainted with the provisions of Section 76B of the *Local Government Act* (and of the penalties pertaining thereto) requiring them to exercise reasonable care and diligence and prohibiting them from making improper use of their position or of information acquired because of their position, to cause or attempt to cause, detriment to the Council.
3. That until further notice, all requests or matters raised by Councillor McClenaghan that would normally be referred to the Chief Executive Officer, be referred to the Mayor.
4. That all Councillors are required to participate in a series of workshops aimed at addressing the deficiencies that the Investigation Report has highlighted as outlined in this report.
5. That the Chief Executive Officer be reimbursed his legal costs relating to the lodging of the complaint against Councillor McClenaghan up to 22 January 2008.

9.15pm

Motion moved at meeting:

That the Councillors adjourn the meeting for 15 minutes to move in-camera to further discuss this matter.

Moved: Cr Bill McClenaghan
Seconded: Cr Heather Mutimer
Carried.

10.15pm ***Moved that the Meeting be re-convened***
Moved: Cr Bill McClenaghan
Seconded: Cr Janine Booth
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

Moved that Items: 5.1; 5.2 and 5.3 be adjourned and dealt with in 14 days. (5 February 2008)

Moved: Cr Heather Mutimer

Seconded: Cr Janine Booth

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.2 REVISION OF POLICY 33 – EQUAL OPPORTUNITY and BULLYING & HARASSMENT PREVENTION POLICY

(A/O – Manager Organisational Development)

File Ref: 48/18/01

Synopsis

Council is aware that WorkSafe investigated the “alleged” harassment and bullying of a former Council employee. It must be noted that the allegations by that person of bullying and harassment have not been substantiated either through WorkSafe or through a comprehensive and separate internal investigation nor have other “alleged” cases which have been speculated on publicly without substance. Worksafe have made several recommendations and directions to improve our existing Policy and Procedures. The attached revised policy incorporates these. The WorkSafe inspector is scheduled to return to Council on 22 February 2008 to ensure that their recommendations and directions have been actioned.

Report

The Worksafe entry report and Improvement notice make several recommendations and directions for the upgrading and improvement of Council’s Policy 33 – Equal Opportunity & Harassment prevention Policy and procedures, including EO – 101 Issue Resolution Procedure. *(Management comments on these are included in brackets):*

The word “Bullying” be reinstated into the policy title to ensure that employees would be confident in referring to the correct policy and procedure if a matter was to arise. *(The existing policy already makes several references to “Bullying”, adding the word into the title will improve this and make it even clearer and this has been done.)*

The Policy display a definition of “Bullying” within its content and include forms of workplace bullying/harassment as well as signs & symptoms of bullying. *(This further enhancement assists staff and management to better understand this serious issue and has been included.)*

What to do in the event of workplace bullying/harassment. *(The existing policy already provided advice on what to do and this is now improved further.)*

Where to go for help. *(The existing policy already provided advice on where to go for help, and this has been further improved.)*

Consideration of how prevention could be incorporated into the procedure could be reviewed, as the current procedure tends to focus on the management of a harassment/discrimination allegation and little information is provided for the prevention. *(The policy has been enhanced in relation to prevention. Specific clauses have been inserted that deal with minimising harassment, bullying and discrimination. Further, Council’s recent revision of our Occupational Health & Safety System’s procedures has included dealing with Bullying at procedure OHS – 142 WORKPLACE BULLYING & VIOLENCE which reflects WorkSafe’s various guidance notes. EO – 101 is also being independently reviewed and will be circulated to Councillors shortly.)*

Regular training of staff should be scheduled with additional training for senior staff on dealing with issues, including building awareness that diffusion and control of escalating workplace bullying/harassment is necessary to enable employees to do their work in a manner that is safe and without risks to health.

(The Inspector requested when our Policy was updated, that refresher training be conducted for all staff, as well as separate additional training for supervisors and managers. This is currently being finalised. Extensive training occurred for

5. GOVERNANCE AND STRATEGIC MATTERS

all staff in 2005-6. In addition, as part of our formal induction process all new employees since November 2006 who have attended the Corporate Induction segment of Council's Induction program have been introduced to Council's Equal Opportunity contact Officers and our policy and procedures outlined to them. New employees receive an Induction Package of information which includes this Policy and Procedures. Council's Contact Officers have also been promoted in various Staff Newsletters.)

The above recommendations have now been incorporated into the latest revision of Policy 33.

The Inspector also requires that Council demonstrate a training attendance log and the provision of an outline of the training/education provided to staff. *(The Inspector wants to see a record of the refresher training content and who has attended the refresher training as part of their follow up of the Improvement Notice. Councillors will already be aware that we have had in place since 2004, a software program that records all training and development undertaken by staff and Councillors This program already provides any and all details of programs attended by staff.)*

The Inspector also made a further recommendation that a periodic opinion survey could proactively assist management in monitoring employee awareness of bullying prevention. This can be incorporated into future Staff Climate Surveys and separate, more specific surveys can also be organised .

Relevant Policies / Council Plan implications

Policy 33 was initially adopted by Council in January 2003 and subsequently modified in September 2006, following extensive training of staff on equal opportunity, bullying and harassment.

3. Asset and Resource Management

- 3.1 Improve the management of our assets
- 3.2 Foster & Encourage Leadership

Community / Engagement / Communication / Consultation

N/A

Financial & Resource Implications Initial & Ongoing

WorkSafe have recommended that refresher training covering Equal Opportunity, Bullying and Harassment, be conducted.

VECCI have provided a proposal to conduct training for staff through four sessions to manage numbers at each session and to provide all staff with an extensive opportunity to participate. A further training session is being provided and tailored for supervisors and managers. Total cost is expected to be around \$6,000 and the CEO has instructed that this training proceed as soon as possible. Early February is currently being targeted. Recently an article appeared in a regional newspaper claiming that Council had been given an ultimatum of "Fix its bullying policies or fork out more than \$260,000". This is not an accurate reflection of the actual situation. The Improvement notice is a standard WorkSafe form which includes various notes including advice that if an improvement notice is not complied with then a penalty of not more than \$52,405 can be issued where the notice is issued to an individual or not more than \$262,025 where the notice is issued to a body corporate. Clearly, if an improvement notice is not complied with then the potential penalty will vary depending on the extent of non-compliance, the demonstrated willingness to cooperate and the severity of the matters

5. GOVERNANCE AND STRATEGIC MATTERS

covered. A penalty to “fork out more than \$260,000” would be a most extreme case and as previously advised to Councillors, WorkSafe had already been written to on a proactive basis late last year by the CEO making a commitment to implement their recommendations and directions.

Recommendation:

That Council:

- 5.2.1 *Endorse and adopt the revised Policy 33 Equal Opportunity, Bullying & Harassment Prevention Policy.*
- 5.2.2 *Endorse the additional training expenditure of approximately \$6,000 noting that other budget areas will be closely monitored to aim for a balanced budget.*
- 5.2.3 *Note that copies of the revised, adopted policy will be provided to all Staff, Councillors and to WorkSafe and similarly the revised Procedure EO-101 will be provided shortly.*

Adjourned for 14 days (refer item 5.1)

5. GOVERNANCE AND STRATEGIC MATTERS

**5.3 COUNCILLOR STAFF RELATIONS – MATTER FOR
CONSIDERATION**

(A/O – Mayor)

File Ref:

Synopsis

A report will be presented to Council on this matter by the Mayor.

Report

Relevant Policies / Council Plan implications

Community / Engagement / Communication / Consultation

Financial & Resource Implications Initial & Ongoing

Recommendation:

That Council:

5.3 .1 Consider this matter and determine appropriate action.

Adjourned for 14 days (refer item 5.1)

5. GOVERNANCE AND STRATEGIC MATTERS

5.4 LOAN FOR REFURBISHMENT OF HEPBURN MINERAL SPRINGS BATHHOUSE

(A/O – Director of Corporate Services)

File Ref: 30/16/30

Synopsis

Council resolved to borrow \$1,200,000 towards the refurbishment of the Hepburn Mineral Springs Bathhouse when adopting the 2007/2008 Budget. The loan will need to be taken up prior to the end of January 2008 to meet the agreement with Major Projects Victoria in respect to the payment of Council's contribution to this project.

Report

The Council's 2007/2008 budget provided for a loan of \$1,200,000 to be taken out during the financial year to fund the Council's contribution to the refurbishment of Hepburn Mineral Springs Reserve Bathhouse.

For comparison purposes quotes are sought for provision of the loan at a set time on a specified day. The quotes are only open for a short period of time to achieve the most competitive rates. For this reason past practice has been to authorise the CEO to accept the most advantageous quote.

To further facilitate the process it is requested that the Council move a resolution authorising the CEO to sign and seal the Mortgage Document when it is available so that the loan can be drawn down by the end of the month.

Relevant Policies / Council Plan implications

This action is in line with Council Plan 2006-2011 Objective three dealing with Asset and Resource Management – Strategy 3.3 Responsible financial management.

Community / Engagement / Communication / Consultation

Not applicable.

Financial & Resource Implications Initial & Ongoing

The loan funds have been provided for in the 2007/2008 budget.

Recommendation:

That Council:

- 5.4.1 *Authorise the CEO to accept the most advantageous quote and sign and seal the mortgage documents for a loan of \$1,200,000 for the Council's contribution to the refurbishment of Hepburn Mineral Springs Reserve Bathhouse.*

Moved the Officer's Recommendation.

Moved: Cr Janine Booth
Seconded: Cr Bill McClenaghan
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.5 MONTHLY FINANCIAL REPORT 1/7/07 – 31/12/07

(A/O – Director Corporate Services)

File Ref: 30/08/16

Synopsis

A summary report on the Council's financial performance for the financial year to the 31 December 2007 is provided for information.

Report

The report shows the annual budget and year to date actuals with a percentage calculation based on the actual expenditure or income to the end of the reporting period. This should be viewed against the percentage of year completed which is shown in the report heading of 50%.

**Hepburn Shire Council
Monthly Financial Report December 2007
Percentage of year complete 50%**

	Annual	Actual	Percentage
	Budget	Dec-07	Of
	000's	000's	Budget
1. Administration			
Expenditure	4,984	2,469	50%
Income	(11,757)	(10,243)	87%
1. Administration	(6,773)	(7,774)	
2. Human And Community Services			
Expenditure	2,630	1,167	44%
Income	(1,830)	(937)	51%
2. Human And Community Services	800	230	
3. Regional Development/promotion			
Expenditure	1,932	873	45%
Income	(527)	(234)	44%
3. Regional Development/promotion	1,405	639	
4. Public Safety			
Expenditure	641	327	51%
Income	(254)	(76)	30%
4. Public Safety	387	251	
5. Recreation			
Expenditure	1162	582	50%
Income	(125)	(12)	10%
5. Recreation	1037	570	
6. Infrastructure Development			
Expenditure	4,904	1,638	33%
Income	(3,227)	(1,413)	44%
6. Infrastructure Development	1,677	226	

5. GOVERNANCE AND STRATEGIC MATTERS

**Hepburn Shire Council
Monthly Financial Report December 2007
Percentage of year complete 50%**

	Annual Budget 000's	Actual Dec-07 000's	Percentage Of Budget
7. Waste & Environment			
Expenditure	1,424	548	38%
Income	(1,469)	(1,406)	96%
7. Waste & Environment	(45)	(858)	
8. Unclassified			
Expenditure	18	1	8%
Income	(88)	(1)	1%
8. Unclassified	(70)	0	
9. Capital Works And Projects			
Expenditure	4,605	1,786	39%
Income	(3,025)	(557)	18%
9. Capital Works And Projects	1,580	1,229	
Report Total	(2)	(5,486)	

The report has been produced at a summary level to provide Council with a snap shot as at the end of December 2007. For those areas where the percentage varies significantly from the year completed percentage the following comments are provided.

Administration – Income. This relates to the recognition of all the rate income being included in the July figures which is when it is raised.

Human and Community Services – Expenditure. Some of this work is provided under contract with contract payments traditionally a month behind, e.g. the December account is normally paid in January.

Public Safety – Income. This relates mainly to health regulation fees due in January 08 and animal registrations where virtually all income is received by the end of April 08.

Recreation – Income. Bathhouse rent not expected to be received until March 2008. This income item will need to be reviewed during the mid year budget review based on advice that the project is running behind schedule.

Infrastructure Development - Expenditure. Majority of Road works takes place November - March

Infrastructure Development - Income. Income is received from two principal sources the grants commission which is paid quarterly and Roads 2 Recovery which is claimed when the works are completed.

Waste & Environment – Expenditure. The majority of this work is provided under contract with contract payments traditionally a month behind, e.g. the October account is normally paid in November.

5. GOVERNANCE AND STRATEGIC MATTERS

Waste & Environment – Income. This relates to the recognition of all the income for the Waste Management Charge, Garbage Charge and Recycling charge being included in the July figures which is when they are raised.

Unclassified –Expenditure & Income. Transfers to and from reserves are carried out at the end of year.

Capital & Projects – Expenditure & Income. Projects in this area are traditionally lumpy as such will be reported on separately in some detail as part of the Mid Year review process.

There are a number of individual accounts that are currently running either over or under budget, a number will be able to be corrected over the coming months. Others such as legal fees and bathhouse rent will need to be looked at in some detail when the Mid Year review is undertaken.

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:

Financial & Resource Implications Initial & Ongoing

Nil.

Recommendation:

That Council

5.5.1 *Receive and note the December 2007 monthly finance report and note that a mid-year Budget review is being prepared to consider issues in more detail.*

Moved the Officer's Recommendation.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.6 AUSTRALIA POST REQUEST FOR CHANGES TO LOCALITY BOUNDARIES

(A/O – Director Corporate Services)

File Ref: 52/04/01

Synopsis

A number of requests have been received from Australia post for minor amendments to locality boundaries within the Shire. It is proposed to seek community comments on the proposed changes before considering the requests.

Report

Australia Post has requested a number of small changes to the locality boundaries within the Hepburn shire to assist with the mail delivery within these areas.

The changes requested are as follows:-

- The moving of four properties one in Coliban Road and three in Landers Road from the locality of Springhill to the locality of Trentham.
- The moving of one property from the locality of Rocklyn to the locality of Mollongghip.
- The moving of two properties from the locality of Porcupine Ridge to the locality of Mount Franklin.
- The moving of one property from the locality of Newlyn to the locality of Kingston.
- The moving of one property from the locality of Eganstown to the locality of Blampied.
- The moving of one property from the locality of Clunes to the locality of Lawrence.
- The moving of one property from the locality of Broomfield to the locality of Creswick North.

In each case Australia Post has obtained written consent of the property owners to the change however Council is the responsible authority and must not only give its approval for the change but undertake the process to effect the change.

Having received these requests the next steps in the process is that Council write to the effected property owners seeking their comments and also to place an advertisement advising that Council will be considering the requested changes and seeking general public comment from interested parties in accordance with section 223 of the Local Government Act 1989.

A further report will be prepared and presented to Council following the close of the public comment period.

Relevant Policies / Council Plan implications

Council plan objectives:-

- 3.5 Focussed, professional administration and
- 1.1 Community consultation, advocacy and engagement

5. GOVERNANCE AND STRATEGIC MATTERS

Community / Engagement / Communication / Consultation

Direct correspondence to effected property owners and advertising of the proposed changes in the Advocate seeking public comment from interested parties.

Financial & Resource Implications Initial & Ongoing

Initial advertising costs to be covered from Council's general advertising budget.

Recommendation:

That Council:

5.6.1 *Write to effected property owners advising them of the requested locality changes and seeking their comments*

5.6.2 *Place an advertisement in the Advocate newspaper advising of the requested locality changes seeking public comment*

Moved the Officer's Recommendation.

Moved: *Cr Janine Booth*
Seconded: *Cr Bill McClenaghan*
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.7 PUBLIC HALLS BUILDING MAINTENANCE GRANTS

(A/O – Director Infrastructure & Development)

File Ref: 06/06/01

Synopsis

The Dean Hall & Mechanics Institute, Trentham Neighbourhood Centre and Daylesford Neighbourhood Centre have made application to Council for a grant towards public halls/buildings maintenance works.

Report

Dean Hall & Mechanics Institute.

The Dean Hall & Mechanics Institute wishes to carry out further repair work to the roof of the hall.

The DHMI has advised that they are seeking the maximum grant from Council being \$3,000.00 and have the balance of funds.

Trentham Neighbourhood House

The Trentham Neighbourhood House (TNH) has obtained a quotation for repairs to holes in external cladding, enclose base of building in colourbond for fire prevention, widen doorways to enable disabled access and construct a front ramp. The amount of the quote is \$5,500.00

The TNH has funds for this work and seeks a grant from Council for \$2275.00 being 50% as per Council's policy.

Daylesford Neighbourhood House

The Daylesford Neighbourhood House (DNH) has obtained quotations and estimates for painting of toilet, resurfacing floors & painting of police quarters. The total amount is in the order of \$5,000

The DNH has funds for this work and seeks a grant from Council for \$2,500.00 being 50% as per Council's policy.

Relevant Policies / Council Plan implications:

Council Policy - No 42 - Public Buildings and Maintenance Grants.

Community / Engagement / Communication / Consultation:

Public Hall Committees were invited to apply for a grant as per Council's Policy No. 42. The grant applications are in response to the invitation.

5. GOVERNANCE AND STRATEGIC MATTERS

Financial Implications

Council has allocated \$25,000 in the 2007/2008 budget for Public Buildings Maintenance. A/c No. 4060 109

Expenditure as at 31 December 2007 was \$10,413.54

Sufficient funds are available should Council wish to approve all or any of the applications.

Recommendation:

That Council approve the following grants:

- 5.7.1 *\$3000.00 grant to the Dean Hall & Mechanics Institute Inc. for maintenance works to the Dean Hall.*
- 5.7.2 *\$2,275.00 grant to the Trentham Neighbourhood House Inc. for maintenance works to the Trentham Neighbourhood Centre*
- 5.7.3 *\$2,500.00 grant to the Daylesford Neighbourhood Centre for maintenance works to the Daylesford Neighbourhood Centre.*

Moved the Officer's Recommendation.

Moved: ***Cr David Smith***
Seconded: ***Cr Janine Booth***
Carried.

5. GOVERNANCE AND STRATEGIC MATTERS

5.8 TRENTHAM STREETScape

(A/O – Director Infrastructure & Development)

File Ref: 58/16/05

Synopsis

Trentham Residents and Traders Association (TRATA) are requesting Council to approve some sort of pots in High Street, Trentham so that some colour can be added to the streetscape.

Report

This matter was presented to the October 2007 Forward Planning Meeting whereby it was deferred to the November 2007 Forward Planning Meeting.

TRATA has written to Council acknowledging that streetscape works were carried out some years ago and that they believe the main street in places looks drab and unfinished. TRATA has stated that they *“would like to look at putting some sort of pots in certain areas so that some colour can be added, as is done in many towns. Does the Shire have any preference to the type of pot (i.e. barrels/concrete) that could be used and are there any restrictions on what we could look at. Maintenance of the pots would be our care. We feel this would be another way of making our town more attractive to the visitor.”*

Council's Heritage Advisor considers that pots would not be in keeping with the streetscape however understands that traders might wish to introduce some colour and has suggested that the pots only placed be placed out during the hours in which the business is operating.

Past experience with large pots, which appears to be what TRATA is requesting, as the size is too large to shift each day, is that the pots sometimes become a de-facto litter bin, and if not well maintained plants die or are not replaced and the soil also becomes quite dry due to non watering, etc.

The ability to locate large pots due to verandah posts, other street furniture and parallel parking, is limited however there would be some suitable locations that would not cause access problems.

Concrete pots are considered not to be in keeping with Trentham and therefore should Council agree to pots being placed in High Street then the following conditions are recommended:

1. Barrel type pots only of a standard type to be determined.
2. Each trader for which a pot is proposed to be installed must apply for a local law permit which will be assessed against access requirements, and pay the local law fee, or TRATA to co-ordinate so that a number can be considered together and if TRATA co-ordinates then the permit fee will be waived.
3. The individual trader will be responsible for arranging purchase, placement of and maintaining pots as well as provision of insurance.
4. Any pots not being properly maintained then the trader will be required to remove the pot.

5. GOVERNANCE AND STRATEGIC MATTERS

Relevant Policies / Council Plan Objectives

Council Local Law No. 6
Footpath Policy 19

Community / Engagement / Communication / Consultation:

TRATA is a representative organisation of residents and traders in Trentham.

Financial & Resource Implications Initial & Ongoing

Council will not incur any direct expenditure if it requires the traders to pay all capital costs and to maintain the pots.
Officer time in assessing permit applications, however there may be permit income to offset this.

Recommendation:

That Council:

5.8 .1 *Approve barrel type pots subject to the four (4) conditions mentioned within the report.*

5.8.2 *Advise TRATA of Council's decision.*

Moved the Officer's Recommendation.

Moved: Cr Heather Mutimer
Seconded: Cr Bill McClenaghan
Carrie

6. COUNCIL AS COMMITTEE OF MANAGEMENT OF CROWN LAND

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

**7.1 HERITAGE ADVISORY COMMITTEE – REVISED TERMS OF REFERENCE
VERSION JANUARY 2008**

(A/O – Manager Planning)

File Ref: 66/08/02

Synopsis

At its meeting of 16 November 2007, the Heritage Advisory Committee has given approval to the amended Terms of Reference, version January 2008. The amended Terms of Reference is hereby submitted to Council for adoption.

Report

The Heritage Advisory Committee's Terms of Reference was first adopted by Council on February 1997. The document has been amended three times since its adoption.

The Terms of Reference version has been amended to include:

- Removal of the reference of the Heritage Advisory Committee as a Section 86 Committee
- Revision and clarification of the objectives found under Clause 2 of the current Terms of Reference.
- Deletion from Clause 3 of the current Terms of Reference Clunes Bottle Museum from the membership of the Committee. The museum has not nominated representatives to the Committee for the past three years.
- New Clause 4 to clarify the roles and responsibilities of individuals within the Heritage Advisory Committee and to ensure the effectiveness of the Committee.

Clause 5 and Clause 6 of the current Terms of Reference have not been amended. Some minor grammatical corrections have been made to the document.

The Terms of Reference will be reviewed biennially by the Heritage Advisory Committee.

Current and proposed Terms of Reference are appended to Council for consideration.

Relevant Policies / Council Plan Objectives

Corporate Plan – 5 Heritage and Environment

Hepburn Planning Scheme

Financial & Resource Implications Initial & Ongoing

Nil

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendation:

That Council:

- 7.1.1. *Adopts the amended Terms of Reference of the Heritage Advisory Committee version dated 22 January 2008.*
- 7.1.2. *Revokes the Terms of Reference of the Heritage Advisory Committee version dated 18 July 2006.*

Motion Moved at Meeting

That Council adopt the amended terms of reference of the Heritage Advisory Committee dated 22 January 2008 with the following amendment.

That Council provide administration support to the Heritage Advisory Committee provided to other Advisory Committees.

Moved: Cr Heather Mutimer
Seconded: Cr Bill McClenaghan
Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.2 HERITAGE ADVISORY COMMITTEE – REACTIVATION OF WATER FOUNTAINS IN DAYLESFORD

(A/O – Manager Planning)

File Ref: 66/08/02

Synopsis

At its meeting of 16 November 2007 the Heritage Advisory Committee has recommended that Council considers re-activation of the two water fountains in Daylesford, namely the Wills Square fountain and the Post office square fountain including a 6-link chain or other measures be attached to the Post Office Square fountain to mitigate excess water spray to nearby properties.

Report

The matter pertaining to the two water fountains of Daylesford was tabled at the Committee meeting of 16 November 2007. The Committee has recommended that Council considers re-activation of both water fountains. A concern surrounding excess water spray drift from the Post Office Square water fountain onto nearby commercial properties was discussed in detail. It was decided by the Committee that a link chain may suffice in mitigating such incidents when the Post Office Square water fountain is switched on.

Whilst the use of recycling water was considered by Heritage Advisory Committee in the reactivation of both water fountains, Council has adopted the Sustainable Water Use Plan 2007 in August 2007. Under the Plan, Council has committed to a range of sustainable water use measures, strategies and implementations including turning off all water fountains.

Hence the proposal by the Committee to re-activate the two water fountains in Daylesford is not consistent with the Sustainable Water Use Plan 2007.

Relevant Policies / Council Plan Objectives

Corporate Plan – 5 – Heritage and Environment

Hepburn Planning Scheme

There are state planning policies that encourage sustainable use of water resources and the protection of natural environment through responsible use of water in interest of water quality and health of water catchments.

Financial & Resource Implications Initial & Ongoing

Nil

Recommendation:

7.2.1. That Council notes the recommendation of the Heritage Advisory Committee and informs the Committee that the water fountains of Wills Square and Post Office Square will not be reactivated in accordance with the Sustainable Water Use Plan 2007.

Moved: Cr Janine Booth

Seconded: Cr David Smith

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Cr Bill McClenaghan indicated an amendment being:

That Council notes the recommendation of the Heritage Advisory Committee and informs the Committee that the water fountains of Wills Square and Post Office Square will be dependent on a review of the Sustainable Water Use Plan 2007.

Both the Mover and Seconder of the original motion agreed to incorporate this in their motion.

Accordingly carried resolution is:

That Council:

7.2.1 Notes the recommendation of the Heritage Advisory Committee and informs the Committee that the water fountains of Wills Square and Post Office Square will be dependent on a review of the Sustainable Water Use Plan 2007.

Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.3 HERITAGE ADVISORY COMMITTEE – WHEELERS BRIDGE, LAWRENCE (NEAR ULLINA)

(A/O – Manager Planning)

File Ref: 66/08/02

Synopsis

At its meeting of 16 November 2007, the Heritage Advisory Committee has recommended that Council considers to review the condition of Wheelers Bridge and to place restriction on traffic movement over the bridge.

Report

Wheelers Bridge is a historic Monier Arch bridge built over Birch's Creek in the locality of Lawrence. It is referred also as the Creswick Bridge in some research documents. In one document, the bridge came to known due to the Wheelers contract, signed for the project between Monash and Anderson and the then Shire Council.

The significant of the Wheelers Bridge and design owes the fact that Sir John Monash was one of the engineers responsible for the Bridge. The Bridge has physical (built environment) and social heritage values.

Meeting of the Committee was held in Ullina for the month of October where a site visit was conducted of Wheelers Bridge. Ullina Landcare Group hosted the meeting and site visit.

The concern raised in relation to Wheelers Bridge was again discussed at the Committee's meeting of November.

Following the Committee's meeting, technical discussions were held between the Planning staff and Engineering staff of Council. From the discussions, it is ascertained that the Bridge has been inspected twice and remedial works have been carried out to the Bridge. A 15 tonnage limitation has been placed on traffic accessing Wheelers Bridge. It is also ascertained that monitoring of the Bridge occurs as part of any other Engineering operations.

It is considered that no further works will be required for Wheelers Bridge at present time. The tonnage limitation meets the load carrying capacity of the Bridge (upon its condition).

Relevant Policies / Council Plan Objectives

Corporate Plan – 3 Asset and Resource Management
3.1 – Improve the Management of Our Assets

Hepburn Planning Scheme

No relevant local planning policy affecting the development of Wheelers Bridge.

Financial & Resource Implications Initial & Ongoing

Nil

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendation:

That Council:

- 7.3.1. *Notes the recommendation of the Heritage Advisory Committee to review the condition of Wheelers Bridge and to place restriction on traffic movement over the Bridge.*
- 7.3.2. *Informs the Heritage Advisory Committee that remedial works have occurred and traffic limitations have been in place for Wheelers Bridge.*
- 7.3.3. *Informs the Heritage Advisory Committee that the condition of Wheelers Bridge will continue to be monitored*

Moved the Officer's Recommendation.

Moved: **Cr Janine Booth**
Seconded: **Cr David Smith**
Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.4 SECTION 86 COMMITTEE & ADVISORY COMMITTEE MINUTES

(A/O – Manager Administration)

File Ref: Various

Synopsis

Section 86 Committee and Advisory Committee minutes are tabled 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 5 October 2007 (File Ref. 5/2105/00400) (Section 86)
- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 5 November 2007 (File Ref. 1/0320/00070) (Section 86)
- Minutes of the Wombat Hill Botanic Gardens Advisory Committee dated 8 November 2007 (File Ref. 5/1330/01950 & 56/08/04) (Advisory)
- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 5 December 2007 (File Ref. 1/0320/00070) (Section 86)
- Minutes of the Clunes Museum Committee of Management dated 10 December 2007 (File Ref. 1/2570/00036) (Section 86)

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.

Recommendation:

That Council

7.4.1 *Note the Minutes of the Committees listed above*

Moved the Officer's Recommendation.

Moved: Cr Janine Booth
Seconded: Cr Bill McClenaghan
Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.5 WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE

(A/O – Director Infrastructure & Development)

File Ref: 5/1330/01950

Synopsis

The terms of reference for the Wombat Hill Botanic Gardens Advisory Committee has a provision that appointment to the Committee is for a two year period and that the Friends of Wombat Hill Botanic Gardens are invited to nominate three representatives to be on the Committee and Council publicly invites applications for the two community representatives.

This report provides information on the nominations from the Friends and applications received for the community positions.

Report

In accordance with the terms of reference expressions of interest were invited for the two community representatives.

Notices were placed in the Hepburn Advocate inviting applications for the two community representatives with a closing date being 4 January 2008.

The Selection Criteria to be used in appointing the community members as advertised was:

- **Demonstrated interest in botanic gardens and /or landscape.**
- **Interpersonal skills**
- **Ability to work as part of a team**

No submissions were received by the closing date and therefore re-advertising will occur in February 2008.

The Friends have nominated Gael Shannon, Russell Wilkinson and Robert Hewat.

The previous representatives from the Friends who have not been re-nominated are Susan Clabburn and Frank Page. A letter has already been sent to both these residents thanking them for their contributions over the past two years to the WHBGAC.

Relevant Policies / Council Plan Objectives

Wombat Hill Botanic Gardens Advisory Committee Terms of Reference.

Financial & Resource Implications Initial & Ongoing

The Advisory Committee is envisaged not to require any specific funding for meeting purposes other than a venue for meeting and some minor catering (tea, coffee). The Advisory Committee however will make recommendations to Council which will require Council funding to a higher level than in the past.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recommendation

- 7.5.1. *That Council appoint Gael Shannon, Russell Wilkinson & Robert Hewat as members of the Wombat Hill Botanic Gardens Advisory Committee for a period of two years.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan
Seconded: Cr David Smith
Carried.

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

7.6 HEPBURN HEALTHY COMMUNITIES PROJECT – APPOINTMENT OF ADVISORY COMMITTEE 2008 AND REVISION OF TERMS OF REFERENCE

(A/O – Community Strengthening Co-ordinator)

File Ref: 50/12/05

Synopsis

The purpose of this report is for Council to consider community and professional nominations for appointment to the Hepburn Healthy Communities Advisory Committee and revision of the committee's terms of reference.

Report

Council adopted the Hepburn Healthy Communities Plan in March 2005. A recommendation of the Plan was the formation of an Advisory Committee.

The purpose of the Hepburn Healthy Communities Advisory Committee is to provide strategies and policy advice on planning, implementation and evaluation of the Hepburn Healthy Communities Project including the Municipal Public Health Plan 2005 – 2008 and the Hepburn Shire Social Plan 2005 – 2015 to the Chief Executive Officer, to ensure they benefit the local communities of the Shire.

The 2005 Terms of Reference for the Advisory Committee have been reviewed in consultation with the Advisory Committee to update and include their participation in the assessment of Community Grants (community strengthening applications) A copy of the Terms of Reference, is attached (Appendix 1). Revisions indicated in bold lower case.

The Advisory Committee is a community based committee appointed by Council. Hepburn Shire Council will:

- Receive guidance and advice from the Advisory Committee
- Seek specific advice on policy and strategic issues
- Refer issues to the Advisory Committee

Councillor Booth has represented Council on the Advisory Committee in 2007. The membership has been quite stable over 2007. Members have been invited to participate for the remaining year of the project. The following community members have nominated to be on the Advisory Committee.

® - indicates reappointment for 2008

®Maureen Gleeson - Manager of Community Health Hepburn Health Service	Whole of Shire
®Janet McKay – Child & Family Services	Daylesford (Whole of Shire)
®Jo Kidd	Daylesford
®Sussan Smith	Creswick
®Kathleen Brannigan – Daylesford Neighbourhood Centre	Daylesford
®Fiona Robson	Daylesford
Pauline Fay - Dept of Planning & Community Development	Whole of Shire
®Michelle Leishman	Clunes
®Ally Parnaby - Hepburn Health Service	Whole of Shire
®Dianne Parsons	Trentham
®Mary-Faeth Chenery	Daylesford

7. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

All nominees meet the eligibility criteria as detailed in the Terms of Reference and offer a mix of community and skill based representation.

The Advisory Committee will continue to have the power to co-opt expertise and knowledge and to establish working groups to manage specific priorities.

Council's Community Strengthening Co-ordinator – Brian Dunn will act as the Executive Officer of the Advisory Committee and various other officers such as the Chief Executive Officer, Senior Environmental Health Officer, Manager Tourism and Recreation will assist in resourcing the Committee.

Under the Terms of Reference, the Advisory Committee will:

- Ensure that Council is fully informed as to the community's needs and priorities
- Undertake the implementation and evaluation of outcomes of the Plans in a timely manner
- Advise Council on evidence-based findings that will add value and promote good practice to achieve effective and efficient outcomes for residents.
- Work to develop sustainable indicators and benchmarks based on Best Value, to grow capacity within Council and the Community.

Relevant Policies/Council Plan Objectives

- Council Plan
Objective 1 – Strengthening the Community;
Enhance community connectedness, capacity building, leadership and external relationships

Financial/Resource Implications Initial & Ongoing

Project funding of \$300,000 was received from the Community Support Fund to resource the Hepburn Healthy Communities Project. In addition Council has allocated resources within 2007/08 budget to support the project including the Advisory Committee.

Recommendation:

That Council:

7.6.1 Appoint Pauline Fay to the Hepburn Healthy Communities Advisory Committee for a period of one year. Reappoint Maureen Gleeson, Janet McKay, Jo Kidd, Sussan Smith, Kathleen Brannigan, Fiona Robson, Michelle Leishman, Mary-Faeth Chenery, Dianne Parsons, Ally Parnaby to the Hepburn Healthy Communities Advisory Committee for a period of one year.

7.6.2 Adopt the revised Terms of Reference.

Moved the Officer's Recommendation.

Moved: Cr Janine Booth
Seconded: Cr Bill McClenaghan
Carried.

8. STATUTORY MATTERS

8.1 APPLICATION NO 2007/9593 - 67 WEST STREET, DAYLESFORD. PROPOSED: VARIATION OF CARRIAGEWAY EASEMENT

(A/O – Planning Officer 2)

File Ref: 3/7420/05200/P

Synopsis

Applicant:	A & J Walsh Surveyors
Location:	67 West Street, Daylesford.
Proposal:	Variation of a Carriageway Easement
Zoning:	Residential One
Overlay Controls:	ESO1, ESO2, NCO2
No of Objections Received:	One
Recommendation:	Refuse to Grant a Permit



8. STATUTORY MATTERS

PLAN OF VARIATION OF EASEMENT		LRS Use only		LRS Use only	
EDITION		EDITION		EDITION	
Location of Land Parish: Vernal Township: Daylesford Section: 1 Crown Allotment: 410-D LTO base record: DCPB/Burchill Title Reference: Vol 0020 Fol 583 Local Plan Reference: Postal Address: 61 West Street, Daylesford, 3460 M.G.A. Coordinates: E 24650 Zone 101 approx centre of plot N 5385540 55		Council Certification and Endorsement Council Name: HEPBURN SHIRE Ref: / / 1. This plan is certified under section 5 of the Subdivision Act 1988. 2. This plan is certified under section 10(1) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Council Delegate Council name Date		LRS Use only Statement of Compliance / Completion Statement: Received <input type="checkbox"/> Date / / LRS Use only PLAN REGISTERED TIME DATE / / Assistent Registrar of Titles Notations Depth Limitation Does not apply Purpose of Plan: VARIATION OF THE CARRIAGEWAY EASEMENT SHOWN AS E-1 OR E-2 IN 10022 P.L. 95. Grounds for Variation: HEPBURN SHIRE PLANNING PERMIT No.20077 This is a Spear Plan. Survey:- This plan is not based on survey. This survey has been connected to permanent marks found in ground and Survey Area no. 50.	
Easement Information					
Legend A - Appurtenant Easement E - Encumbering Easement F - Encumbering Easement (Road)					
Easement Reference	Purpose	Plan (Metric)	Origin	Land Benefited/Or Favoured	
E-1	CARRIAGEWAY	3-20	*2039Y (Block 552 No.228)	See Y2039Y	
E-2	DRAINAGE	1-21	Y2035Y (Block 663 No.228)	See Y2035Y	
A & J Walsh Land Surveyors Pty. Ltd. P.O. Box 75, Daylesford, 3460 Tel. & Fax 53483833				SHEET 1 OF 1 SHEETS	
ORIGINAL SCALE 1:500 1" = 500'		LICENSED SURVEYOR (PRINT): JAMES PATRICK WALSH SIGNATURE: <i>Digitally Signed</i> DATE: / / REF 1670 VERSION 2		DATE: / / COUNCIL DELEGATE SIGNATURE:	

8. STATUTORY MATTERS

Report

INTRODUCTION

This report has been prepared to assist Council in reaching a determination on a planning application seeking approval for the variation of a carriageway easement.

The site is a suburban lot on the east side of West Street. The site has an area of 801m², and has been developed with a single dwelling.

PROPOSAL

The proposal is to vary a carriageway easement. There is a carriageway easement registered on the title to the land at 67 West Street. The easement lies along the northern boundary of the lot. The land benefiting from the easement is the land to the east, known as 65 West Street. The carriageway easement is the sole legal access to 65 West Street. The width of the easement is 3.62metres, and the application seeks planning approval to vary this easement by reducing its width to 3.2metres.

No reason has been given why the easement should be varied. A visit to the site indicates that the applicant wishes to widen the entrance way to their lot, with a gate post proposed to encroach on the existing easement.

ADVERTISING/NOTICE OF APPLICATION

The application was advertised by sending notices to the owners and occupiers of adjoining land. Council has received one objection, which is discussed below.

STATE PLANNING POLICY FRAMEWORK (SPPF)

Not relevant

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Not relevant

ZONE AND OVERLAY PROVISIONS

These are not relevant as they are not permit triggers.

PARTICULAR PROVISIONS

Clause 52.02 – Easements, Restrictions and Reserves. A permit is required before a person proceeds:

Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

The application seeks to vary an easement, so a permit is required under clause 52.02.

ASSESSMENT

In assessing this application, the findings of Deputy President M.F. McNamara in *Focused Vision Pty Ltd v Nillumbik SC [2003] VCAT 1393 (7 July 2003)* are relied upon.

8. STATUTORY MATTERS

That appeal involved a proposal to remove a carriageway easement, whereas this proposal is to vary such an easement. The matters raised are however substantially identical.

An easement is a property right. The owner of the property which benefits from the easement in this case enjoys the right to pass and repass freely over the relevant portion of what is known as the servient tenement. The planning system established by the Planning and Environment Act 1987 has as its core function the regulation for the public benefit of the use and development of land. It is not part of its core function to re-adjust ownership rights between owners of land, as distinct from regulating the use and development of land which they own. Clause 52.02 would then appear to be something of an anomaly. Section 23 of the Subdivision Act enables an owner of land to vary or remove an easement over land which they own. This allows them to affect a property right attached to the dominant tenement which benefits from the easement, without a legislative requirement to gain the approval of the owner of the dominant tenement. What is required is a planning permit, under Clause 52.02 of the scheme.

Clause 52.02 establishes the requirement for a planning permit. It does not, however, offer any guidance in deciding on an application. For this, we must turn to Clause 65. At the outset, Clause 65 states that "Because a permit can be granted does not imply that a permit should or will be granted." In this case, the application seeks to vary a property right enjoyed by a neighbouring property owner. It would be reasonable then to expect compelling planning considerations before deciding that a permit should be issued.

The decision guidelines of Clause 65.01 are not particularly helpful. Of the twelve possible considerations, only the following two are at all relevant:

- The matters set out in Section 60 of the Act.
- The orderly planning of the area.

Matters set out in Section 60

As established by Deputy President McNamara, "easement" does not hold the same meaning as "restriction". Consequently, the matters set out in Section 60(2) to (7), which deal specifically with restrictions, are not valid considerations. Neither are the matters of 60(1A) relevant to the present case. This leaves the matters set out in Section 60(1). These are:

- (a) the relevant planning scheme
- (b) the objectives of planning in Victoria
- (c) all objections received which have not been withdrawn
- (d) any decision and comments of a referral authority
- (e) any significant environmental effects.

(d)& (e) are not relevant.

- (a) The Hepburn Planning Scheme has been considered, and has been found to offer no useful guidance.
- (b) The objectives of planning in Victoria as set out in Section 4 of the Act are silent on the matter of property rights.
- (c) One objection was received. This was from the owner of 65 West Street, the property benefiting from the easement.

The objector's concerns can be summarised as follows:

- (1) Loss of legal rights.
- (2) Loss of property value.

8. STATUTORY MATTERS

- (3) Access to property will be more difficult.
- (4) Future development of property will be more difficult.
- (5) Legal rights should not be extinguished unless there are strong public policy grounds for doing so.

Consideration of these follows:

- (1) It has been established that the enjoyment of an easement is a property right. Insofar as this constitutes a legal right, the objection is valid.
- (2) Loss of property value is not a valid planning consideration.
- (3) It is evident that a reduction in width of the carriageway easement will make access more difficult.
- (4) It follows from (3) that if access is more difficult, future development may also be impeded.
- (5) This is substantially supported by the consideration that it would be reasonable to expect compelling planning considerations before deciding that a permit should be issued which reduces or extinguishes a property right.

The Orderly Planning of the Area

The area between West Street and Millar Street is a residential area. No. 65 West Street has as its only legal access the carriageway easement on No. 67 West Street. The use and future development of No. 65 depends absolutely on this access. It could be argued that an accessway of 3.25 metres may be adequate for the purpose. However without a compelling reason to reduce the existing width of 3.62 metres, the reduction would be somewhat arbitrary. As such, it is not considered to be orderly planning.

Conclusion

The proposal to reduce the carriageway easement at 67 West Street reduces the property right enjoyed by the owners of 65 West Street. While there is minimal guidance in the planning scheme or the Act on which to base a decision, there is no compelling planning consideration which would support the proposal.

Any restriction on the carriageway width will impinge on the access for the current allotment and any development undertaken on this allotment.

Maintaining adequate widths for access and services is paramount and therefore, the current carriageway width should remain.

Financial & Resource Implications Initial & Ongoing

Possible costs of appeal

8. STATUTORY MATTERS

Recommendation:

That Council having caused notice of Planning Application No. 2007/9593 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 52.02 of the Hepburn Planning Scheme in respect of the land known and described as 67 West Street, Daylesford, for the VARIATION OF EASEMENT in accordance with the endorsed plans, with the application dated 24/10/2007 on the following grounds:

- 1 *The proposal is not in accord with the orderly planning of the area.*
- 2 *The proposal lacks the support of any compelling planning consideration.*

Moved the Officer's Recommendation.

Moved: *Cr David Smith*
Seconded: *Cr Janine Booth*
Carried.

8. STATUTORY MATTERS

8.2 SECTION 173 AGREEMENT BETWEEN HEPBURN SHIRE COUNCIL, CENTRAL HIGHLANDS REGION WATER CORPORATION, AND ORRISON PTY LTD, PLANNING PERMIT NO 2005/8816.

(A/O – Planning Administration Officer)

File Ref: 1/4630/01094/P

Synopsis

This report concerns a Section 173 Agreement provides for management of the waste water treatment and disposal facility for the subject property at CA 3, Section M, Parish of Spring Hill, under Condition 14 of Planning Permit 2005/8816, issued for the construction and use of 12.2 metre x 15.3 metre function room for wedding and corporate functions in conjunction with the existing outdoor recreation facility.

Applicant: ORRISON PTY LTD

Property: 2301 MIDLAND HIGHWAY, SPRINGMOUNT
CA 3, SECTION M, PARISH OF SPRING HILL

Report

The land owner/applicant is to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987, in accordance with the planning permit.

The agreement provides that the waste water treatment and disposal facility be maintained, repaired and inspected at CA 3, Section M, Parish of Spring Hill, under Condition 14 of Planning Permit 2005/8816.

Relevant Policies / Council Plan implications:

Community / Engagement / Communication / Consultation:

Financial Implications

Nil

Recommendation:

8.2.1 *Sign and seal the Section 173 Agreement between Hepburn Shire Council, Central Highlands Rural Water Corporation and Orrison Pty Ltd, as detailed under item 8.2*

Moved the Officer's Recommendation.

Moved: Cr David Smith
Seconded: Cr Bill McClenaghan
Carried.

8. STATUTORY MATTERS

8.3 HEPBURN PLANNING SCHEME AMENDMENT C38, TO INCORPORATE THE REVISED STRUCTURE PLANS AND AMEND THE MUNICIPAL STRATEGIC STATEMENT

(A/O – Senior Strategic Planner)

File Ref: 66/20/11, 66/20/04C38

Synopsis

This follows the report on this amendment to Council's November meeting in 2007. The consultant engaged by Council has now completed the revised draft structure plans for the five main towns within the shire, to replace those currently in the Hepburn Planning Scheme.

Progress has been made with the process of preparing a planning scheme amendment. Council's resolution in November to support the revisions to the plans and text enabled the amendment to proceed under the Minister's current authorisation.

The Department of Planning & Community Development (DPCD) planners advised that some elements of the plans and report should be further clarified. At a similar time, reports were received from the water authorities that required some minor adjustments to the plans and text; it is requested that Council support these minor adjustments. Verification of the population growth estimates in the report was also requested, and contact with DPCD demographers led to small text revisions; in particular, Daylesford-Hepburn showed a significant loss from the 2001 census, the other towns showing small losses, possibly some gain in their peripheries.

Further revised plans and report have been submitted to the DPCD, which should reasonably satisfy the conditions to exhibit. It is hoped to place the amendment on formal public exhibition sometime in February 2008.

Report

The process of incorporating the revised structure plans for the five towns into the Hepburn Planning Scheme requires a planning scheme amendment to be prepared and formally placed on public exhibition, once Ministerial authorisation to exhibit the amendment is obtained. After lodging the draft documents with DPCD, the State planners advised that such authorisation was subject to addressing several conditions.

The State planners wish to be assured that Council endorses responses to the conditions, for the purpose of formal exhibition, particularly where the response could be seen as a new direction; therefore a detailed report on the conditions and resultant revisions to the plans and text were put to the November 2007 Council meeting.

Conditions for authorisation

More justification for all urban growth had to be provided. Population projections were assisted by the recent availability of the 2006 Census figures and assistance from DPCD demographers, which showed that Daylesford-Hepburn's growth has levelled, the permanent population dropping by nearly 300. The other towns showed small population losses from inside town census boundaries, with possibly some peripheral growth outside. The overall Shire population was down to 14,235 from 14,828 (see enclosed diagram). The demographers are preparing a report, 'Towns in Time' to be released this year, which should provide more information. The response in the structure plans is set out for each town below.

8. STATUTORY MATTERS

The appropriateness of development control methods to be used to achieve the strategic planning objectives had to be elaborated. The list of possible planning policies for each town was revised to be more focussed, together with the use of policies in conjunction with overlay controls and studies, to be introduced or strengthened. These control options are further clarified, town-by-town below.

The depiction of the urban growth boundary for Clunes and Trentham, given the extensive Low Density Residential Zones on their peripheries, was clarified and re-worked to be more consistent with the other towns. The response to this condition is discussed with each town below.

Council's position on whether Clunes and Trentham should continue to use Township Zoning, or adopt Residential 1 Zoning, was clarified. Council supported the positive step of shedding Township Zoning in these two service towns, which are no longer just villages, and the text was revised accordingly. The introduction of Residential 1 Zoning is to be accompanied by a complement of commercial zones, which can all be addressed in a future planning scheme amendment.

Daylesford

Census figures are shown as combined with Hepburn. The 2006 census shows that both are losing permanent population, from 3382 to 3085. This is likely explained by a higher proportion of dwellings being used for weekend/holiday accommodation. There is ample capacity for this reduced demand in existing zonings, particularly in the north-east and south-east, plus the large Low Density Residential Zone in the south-west, at least in the 10-year planning period. Reference to possible future investigation areas was eliminated.

The guideline for encouragement of medium density close to the town centre was further revised from the Sept '06 version, avoiding the lake, hills and ridges, by bigger margins, but more proximate to the high school, at the suggestion of the DPCD planners.

Regarding controls and policies, studies are to be carried out for retail, traffic and parking in the central area. Work is well underway to provide appropriate controls for the eastern gateway and other entries, DPCD planners stressing that further progress must await settlement of the whole structure plan. Vegetation clearing controls which address fire risk and biodiversity are to be investigated for all 5 towns.

Hepburn Springs

Previous comments stand. Like Daylesford, projected growth is catered for by existing zonings, by infill development and the larger development areas near the northern end. Consolidation and infill is to occur around a town centre activity precinct.

Creswick

Some of the small loss of 30 from within the town census boundary may have just shifted outside, the outer Creswick district having a larger overall population, as well as larger area. As described in the earlier report, extensive underdeveloped residential zones, particularly in the north and west provide ample scope for estimated demand, minimising the need to look at re-zoning all of the Low Density Residential Zone

8. STATUTORY MATTERS

(LDRZ) south of Bald Hills Road to Residential 1 Zone (R1Z), except for the north-east corner of this area, which is substantially developed at residential standards. Controls at the entries are to be investigated, eg the Midland Hwy south entry, near Forest Resort.

A traffic and parking study of the central area is to take place. Reference to specific commercial development sites was removed, as having limited relevance to the long-term nature of structure planning, at the suggestion of DPCD planners.

Clunes

With a town population loss of only 34, some of this may have only moved further out, the overall Clunes district having a larger area and population. As mentioned before, extensive under-developed, residentially-zoned land should easily absorb the 10-year estimated demand. Alternatives in the Sept'06 plan suggested for the re-zoning of Low Density Residential Zone (LDRZ) to Township Zone (TZ) were reduced to areas most proximate to the town centre: in the west, to Kilkenny Ck; and in the north-east, only half of the large property, immediately east and north of the primary school, has been found to be reasonably suitable for connection to all services.

Regarding the extensive LDRZ continuing to the west and north, which consists mainly of 1-2 hectare lots, the State planners have been given more clarity, ie to only include LDRZ areas with smaller lots or those likely to be encouraged for subdivision into smaller lots within the Urban Growth Boundary (UGB), including the two LDRZ areas as described above.

On the matter of the further use of TZ, Council has supported the investigation of Residential 1 Zoning (R1Z), ideally for the same amendment as the above possible re-zonings.

With R1Z comes the need to provide zones for a range of commercial uses, including industry. The Sept'06 plan identified a 7.6 hectare site on the Smeaton Rd, just over a kilometre from the town centre, as having industrial potential, subject to investigation. The plan also identified the 5 hectare, under-utilised railway station site, just under a kilometre from the town centre, for investigation (which VicTrack can make available for lease). Only the latter is now to be shown for investigation, with servicing difficulties for the former having recently come to light.

In regard to consolidating residential development around the town centre, there was some concern for heritage buildings; however, the Heritage Overlays should provide sufficient control to keep second dwellings from dominating the genuine heritage buildings on many of the sites, which tend to be 1000 square metres in area. Therefore, the Clunes plan should provide a medium density guide line, like the others.

Town entrances are shown on the plan to be investigated for appropriate controls, particularly the south-east entry from Creswick, and the western entry, from Maryborough.

Trentham

The population loss from within the town boundary was 78, but the overall district is considerably larger in size and population, so some may have moved further out.

8. STATUTORY MATTERS

Extensive under-developed areas already in Township Zone (TZ) mainly east of the town centre, can absorb the estimated growth in the next 10 years.

Some of the western LDRZ areas within a kilometre of the town centre were identified on the Sept'06 plan for investigation to re-zoning for normal residential density, and this had to be clarified. Coliban Water advised that most of this land could be serviced, except for an area above the 710 metre contour, on the south-west edge of the investigation area, between Blue Mount Rd and Mulcahys Rd, west of the recent Manna Lane subdivision. Such western re-zoning should eventually balance the extensive residential land in the east; although a 3.3 hectare parcel east of the town centre on Victoria St is just north of the school, and should also be investigated for normal-to-medium-density residential development.

Council has agreed that TZ should be investigated for conversion to R1Z, similar to Clunes, to acknowledge Trentham's service town status and complement of commercial zones. This should include investigation of minor expansion west, and possibly east, of the existing Industrial 1 Zone between the disused rail line and Victoria St, plus the minor infill of the 'gap' in the Business 1 Zone, corner of Market St and Albert St.

For residential consolidation around the town centre with normal-to-medium-density housing, a guide line, as for the other towns, is considered the best option.

Town entrances and their features are shown on the plan, to be followed-up in future with special controls, after necessary investigation.

Formal exhibition of the planning scheme amendment

As mentioned in the earlier report, formal exhibition will allow for further community input/comment before the planning scheme amendment is finally adopted by Council. A further public workshop will be held for each of the five towns during the two month exhibition period.

Where submissions are received which cannot be resolved by changing the amendment in the manner requested, Council will need to refer the submission(s) to a panel in accordance with the provisions of the Act before making the final decision whether or not to adopt the amendment.

The proposed amendment to the planning scheme will replace the existing structure plans with the revised plans for the towns of Daylesford, Hepburn Springs, Clunes, Creswick and Trentham, and rewrite sections of the Municipal Strategic Statement, and revise Local Policies within the Hepburn Planning Scheme, to strengthen policy support for the five structure plans.

Conclusion

It is recommended that Council agree to the further revisions to the plans and report as described above, including: minor reduction of the medium density housing guide line for Daylesford to avoid sensitive Neighbourhood Character areas; in Clunes, following advice by Central Highlands Water, reduction of the north-east residential development area to just north and east of the school, and deletion of the Smeaton Rd industrial investigation area; and in Trentham, reduction of the south-west edge of the western residential investigation area, in accordance with findings of Coliban Water.

8. STATUTORY MATTERS

Relevant Policies / Council Plan Objectives

Hepburn Planning Scheme (over)

Council Plan Objectives No. 2 - Service Delivery, No. 3 – Asset and Resource Management, No. 5 – Heritage and Environment

Community / Engagement / Communication / Consultation

The review of the Structure plans was first informally undertaken with extensive community consultation, mainly in workshops.

Further community consultation will be undertaken as part of the formal exhibition of the amendment to the planning scheme process, including workshops for each town during exhibition.

Financial & Resource Implications Initial & Ongoing

There is a current budget allocation for the review and amendment of the Hepburn Planning Scheme.

Recommendation:

That Council resolve to:

- 1 *Adopt the further revisions to the September 2006 version of the structure plans and report as outlined in the body of this Council report, referred to as December 2007 revisions, and seek the Minister's authorisation to prepare and exhibit an amendment (C38) to the Hepburn Planning Scheme, ie amendment of the relevant sections of the Municipal Strategic Statement Clause 21, and Local Planning Policies Clause 22, which includes:*
 - *The incorporation of the revised structure plans for Daylesford, Hepburn Springs, Clunes, Creswick and Trentham in Clause 21.03-3 of the Municipal Strategic Statement;*
 - *The modification of the table at Clause 21.01-5 (Key town and settlements) and insert updated census data;*
 - *The amendment of clause 21.5 Settlement & Housing;*
 - *The deletion of local policy 22.07, and the inclusion of relevant statements of the policy, inserted in Clause 21.05 of the Municipal Strategic Statement.*
 - *The listing of the "Hepburn Structure Plan Review" July 2007 as a reference document.*

- 2 *Place this amendment on exhibition for a period of no less than two months.*

Moved the Officer's Recommendation.

Moved: Cr Bill McClenaghan
Seconded: Cr Heather Mutimer
Carried.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

10.38pm

Motion Moved at Meeting:

Subject to the lateness that Councillor reports be included in the Minutes so that they can be read separately.

Moved: Cr Janine Booth

Seconded: Cr David Smith

Carried.

Councillor Reports

**Cr. Bill McClenaghan
Holcombe Ward.**

It's a relatively quiet time over the Christmas / New Year period when many staff are on leave and many functions of the Council are in recess. Many regular engagements do not occur and all committees cease to function with their usual regularity. Things come back to life progressively through January.

Late last year after the final Council Meeting, I attended the Daylesford Secondary College Presentation Night and presented some awards sponsored by the Hepburn Shire Council. I am absolutely delighted with the display of talent amongst the students at this college. Their speaking ability, personal and team achievements and musical prowess is all worthy of high commendation. The school band played various pieces throughout the night and two of the highlights were a speech by the 2006 Dux Megan Helper (now studying medicine) and the Valedictory Address by Rosanna Powell (Dux of College 2007) and Lachlan Shaw. A totally awesome and inspirational evening with many of our finest young people at their very best. Congratulations to the Daylesford Secondary College for a wonderful event that would put many private schools to shame.

On New Year's Eve, I helped out as a volunteer to run the resurrected New Year's Eve Gala parade in Daylesford. Almost everyone has an expectation that this parade will occur but it appeared at one stage late last year that the parade would be cancelled because of the lack of volunteers to organize and run it.

Fortunately some community members came together and volunteered to perform all of the required tasks. The event was organized, insurance was arranged and it all just came together. I got the job of traffic marshal at the top roundabout and helped direct the various marchers, vehicles, floats and steam engines into the main street where there were the usual two passes through.

A great variety of participants made this parade one of the best that we have ever seen, indeed the best for some time. It appears that its future is assured although something like this can not be just taken for granted. Let's hope that the hard working volunteers who worked behind the scenes to organize it all keep up the great work. Although being hot and a Total Fire Ban, there were no fires and our great CFA volunteers were able to participate in full without being called away.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

On New Year's day I attended the annual Glenlyon Sports Day which is a real wider community event where everyone comes from miles around. Relaxing on a fine summer's day at the start of a new year under the big beautiful shady trees at the Glenlyon Recreation Reserve is what it's all about. Events staged include Wood chopping, picnicking, spinning wheels, bull-boar sausage eating competitions, mineral water drinking competitions and other competitions such as nail driving and gumboot tossing. I had a go at the mineral water drinking event this year and, after a false start, totally disgraced myself with an awful time score that won me the wooden spoon in that event. But at least I actually managed to drink the entire contents of that huge glass of off coloured strange tasting liquid although it felt like I was drinking the contents of a bucket. Unfortunately this year all horse events were cancelled because of the heat and equine influenza but we hope to have them back again next year. The Sports Day is run by local volunteers and they raise lots of money which is donated to local charities and volunteer groups.

Last week, I attended the annual "Wombat Awards" at the Daylesford Neighborhood Centre. The Wombat Award is given annually to a person who makes a significant contribution to the running of the centre. This year, the award went to Anne Finch who has been one of the stalwart volunteers at the centre over the years and was very instrumental in creating the centre originally out of a derelict court house that probably does not have the image of a warm and friendly place to go. However volunteers like Anne persevered and built it up, adding an extension to the rear of the building for adult learning classes. Everyone associates Anne with the teaching of computers and a display of randomly mis-arranged computers, screens, keyboards and other paraphernalia including copious amounts of blue cable going everywhere bore testimony to Anne's work. Many local people attended the function involving light refreshments, numerous speeches and a communal meal afterwards. The award itself is a lovely effigy of a rather rotund wombat, all crafted out of wood. The recipient gets to keep that for a year and then it passes on to the new recipient. A framed certificate is presented as a permanent keepsake.

Anne is currently doing work in Timor – Leste (East Timor) and came back for a week to receive her award. Whilst the certificate will go back to Timor – Leste with her to proudly hang over her desk, the wooden wombat award itself will remain here, just in case something happens to it. And that would be a shame. Congratulations to Anne Finch, another hard working community volunteer.

Cr Tim Hayes Cameron Ward

The period leading up to Christmas was understandably busy and I attended a number of functions of various organizations including the Clunes RSL, the Clunes Bottle Museum Committee of Management and the Clunes Probus Club.

On the 19 December, the Council's Culture & Arts Advisory Committee held an end of year 'get together' at the Dean Hall. This newly appointed Advisory Committee will soon be considering its objectives for the ensuing 12 months and I am confident the Committee will make a valuable contribution in providing a more public focus for the arts and the role that Council can play in the future.

The Annual Carols By Candlelight was held in Clunes on 19 December. Once again it was attended by at least 300 people and the extensive entertainment program was enjoyed by all.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

The following evening I attended the premiere of a short film produced by several young people in Clunes and made possible through funding from the Freeza program, the Hepburn Shire and other agencies. The film provided an insight into not only the capabilities and talent of our young people but also into the issues that they face in today's society.

On 21 December I co-hosted a Christmas function with David and Rhonda Smith at their Rocklyn property for staff of the Hepburn Shire. The function was greatly appreciated by the 60 or so staff members in attendance and I would like to thank Cr & Mrs Smith for their generosity in organizing and catering for the function.

Last week, on 16 January I attended the Annual Wombat Award given by the Daylesford Neighbourhood House to the person who has made a significant contribution to the development of the Neighbourhood House. This year the award was presented to Anne Finch.

As is known a number of trees along the Creswick Creek in Clunes were treated prior to Christmas by the North Central Catchment Management Authority. The trees are primarily poplars but included some mature elms. On 8 January I convened a meeting of representatives of the NCCMA, the DSE, Council, the Clunes Bowling Club, the CTDA and the Friends of Queens Park group to discuss this issue. It was acknowledged at the meeting that appropriate community consultation had not taken place and that this needed to be addressed in any future actions regarding this area. It was also agreed that the community's focus should be in working towards the revegetation of the area and the improvement of the waterway. In terms of the claims that some of the treated trees are in the Heritage Overlay area, I have asked for a report on this aspect to be referred to Council's Heritage Advisory Committee. It is unfortunate that the issue regarding the treatment of the trees resulted in vandalism yesterday of the two bowling greens and is a reminder that unless issues such as these can be discussed in a rationale manner, we risk encouraging criminal activities of this type.

Cr Janine Booth Creswick Ward

I am sure Councillors and Officers have appreciated a well earned break from the usual round of monthly meetings over the past month.

Just prior to Christmas the Organization was treated to the warm hospitality of the outgoing Mayor Cr Smith and his family at their home and farm at Rocklyn for an Aussie style Smith Family Christmas barbeque. Those who attend thoroughly enjoyed the opportunity to mingle with co-workers, enjoy good food and good company and took the opportunity to celebrate the festive season with a few drinks and relax and soak up the country atmosphere and hospitality.

We all appreciated the sentiment and effort by Cr Smith and his family to arrange this get together.

I enjoyed a relaxing respite from Council matters over the Festive period and the New Year has bought renewed enthusiasm and commitment to work positively in support of Councils initiatives.

9. COUNCILLOR REPORTS AND CONGRATULATIONS

With entrepreneurial development interest increasing in the Creswick area and reviews of structure plans I am looking forward to working with Councils planning officers to support and maintain good planning practices which reflect my Community's expectations. There are also Community Planning opportunities with Councils Advisory Committee CDC reviewing the Creswick Development Plan, the reprint of the Creswick Business directory as well as a Marketing Plan for Creswick.

I continue to support the pursuit of additional funding for Councils capital works project the Creswick Interpretive centre and provide support for funding for joint community use facilities at Melbourne University's School of Forestry Indoor Recreation facility. Recently I have represented the concerns of residents and been involved in discussions with the BRI nursery which has recently closed after operating for 10 years at the Parks Victoria site in Creswick providing supported employment and training opportunities for intellectually disabled persons.

All employees will be retrained and have relocated to other supported workshops in Ballarat with the BRI.

Discussions have centered around exploring opportunities of developing a Community Enterprise opportunity from this unfortunate closure and the possibility of developing partnerships between Community, Council and private enterprise, an area in which Creswick has already exhibited its commitment and expertise by the success and support for our Creswick Community Bendigo Bank.

I have also been involved in the organization of activities for Australia Day in Creswick Ward. Celebrations will begin with the Community breakfast at Park Lake with family activities organized later at Calemben Park and entertainment at the John Curtin Hostel.

So with the beginning of a New Year my commitment to working co-operatively and productively with my Community is refreshed and supported by the wealth of opportunities that Council provides for me to contribute.
I thank Officers and fellow Councillors for their support.
Janine Booth.- Creswick Ward Councillor.

No reports were received from Councillors Mutimer or Smith.

CLOSE OF MEETING

CLOSE OF MEETING

Motion Moved:

That this Council Meeting be adjourned to 7pm 14 days from now.

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

Carried.

This part of the meeting closed at 10.42pm.

RE-CONVENED MEETING – 5 FEBRUARY 2008.

The Meeting recommenced at 7-00pm on 5 February 2008 in the Daylesford Town Hall which is connected to the Senior Citizens Room.

Present: Mayor, Cr Tim Hayes; Councillors Janine Booth, David Smith, Heather Mutimer and Bill McClenaghan

In Attendance: Rod Conway A/CEO; Martin Walmsley A/DCS

The Mayor Cr Hayes declared the meeting open

Moved Cr Booth

Seconded Cr Smith

THAT IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT THAT THIS MEETING BE CLOSED TO MEMBERS OF THE PUBLIC TO DEAL WITH ITEMS 5.1, 5.2 & 5.3 AS THEY RELATE TO PERSONNEL MATTERS AND LEGAL ADVICE.

Cr McClenaghan declared a conflict of interest in Item 5.1 and left the meeting at 7-03 pm before the motion was voted on.

Cr Mutimer declared a conflict of interest in Item 5.3 and left the meeting at 7-03 pm before the motion was voted on.

As there was no opposition the Mayor declared the motion **carried**.

7-04pm Crs McClenaghan & Cr Mutimer re-entered the meeting.

7-05pm Mayor advised that the closed session of the meeting will be conducted in Mayor's Room.

IN CAMERA CONFIDENTIAL MINUTES NOT AVAILABLE FOR THE PUBLIC

8-57pm

Council resumed meeting in the Daylesford Town Hall

Moved: Cr Smith

Seconded: Cr Booth

CLOSE OF MEETING

THAT THE MEETING BE OPEN TO THE PUBLIC AND THAT THE DECISIONS MADE IN CAMERA BE RATIFIED IN OPEN COUNCIL.

As there was no opposition the Mayor declared the motion carried.

The Mayor advised the Meeting that in relation to Item 5.1 Special Meeting of 10 December 2007 – Matters Arising:

5.1.1 THAT COUNCIL AS A POSITIVE MEANS OF BOTH DEFUSING AND FULLY ADDRESSING ALL OF THE CURRENT ISSUES ENTER A PROCESS OF PROFESSIONAL MEDIATION AND ENGAGE A SKILLED AND QUALIFIED MEDIATOR FOR THIS PURPOSE AS SOON AS POSSIBLE.

Item 5.2 – Revision of Policy 33

Moved: Cr Bill McClenaghan

Seconded: Cr Heather Mutimer

THAT THIS ITEM BE DEFERRED TO THE FEBRUARY ORDINARY MEETING OF COUNCIL TO ENABLE FURTHER REVIEW OF POLICY.

As there was no opposition the Mayor declared the motion **carried**.

Item 5.3 – Councillor Staff Relations.

Moved: Cr David Smith

Seconded: Cr Janine Booth

THAT THIS ITEM BE WITHDRAWN FROM AGENDA

As there was no opposition the Mayor declared the motion **carried**.

There being no further business the meeting closed at 9-03pm

ATTACHMENTS

- ATTACHMENT 1** **(Item 3)** Minutes of The Ordinary Meeting Of Council
Held On :
Statutory Meeting – 7 December 2007 ;Special Council
Meeting – 10 December 2007;Ordinary Meeting – 18
December 2007
- ATTACHMENT 2** (Item 5.1) Local Government Act 1989 – Section 76B
- ATTACHMENT 3** Item 5.2)Policy Number 33 – Equal Opportunity and
Bullying & Harassment Prevention Policy
- ATTACHMENT 4** (Item 5.6)Australia Post request for Changes to Locality
Boundaries
- ATTACHMENT 5** (Item 7.1) Heritage Advisory Committee – Terms of
Reference
- ATTACHMENT 6** (Item 7.6) Terms of Reference for Hepburn Healthy
Communities

ATTACHMENT 1

**Minutes of The Ordinary Meeting Of Council
Held On :**

Statutory Meeting – 7 December 2007

Special Council Meeting – 10 December 2007

Ordinary Meeting – 18 December 2007

The minutes will be tabled at the meeting.

ATTACHMENT 2

Victorian Consolidated Legislation

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Local Government Act 1989 - SECT 76B

Rules of conduct

76B. Rules of conduct

(1) In performing the role of a Councillor or a member of a special committee,
a person-

- (a) must act honestly;
- (b) must exercise reasonable care and diligence.

(2) A person who fails to comply with subsection (1) is guilty of an offence against this Act.

(3) A person who is, or has been, a Councillor or member of a special committee-

- (a) must not make improper use of their position-
 - (i) to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
 - (ii) to cause, or attempt to cause, detriment to the Council;
- (b) must not make improper use of information acquired because of their position-
 - (i) to gain, or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
 - (ii) to cause, or attempt to cause, detriment to the Council.

(4) A person who fails to comply with subsection (3) is guilty of an offence.

Penalty: 100 penalty units.



HEPBURN SHIRE COUNCIL

POLICY NUMBER 33:

EQUAL OPPORTUNITY and BULLYING & HARASSMENT PREVENTION POLICY

Reviewed January 2008

DATE LAST AMENDED: January 2008

DATE OF NEXT REVIEW: January 2010

DATE POLICY LAPSES:

REFERENCES:

- Policy 8 Human Resources
- Policy 37 Councillor / Staff Relationships
- Policy 4 Communication and Consultation
- EO-101 Equal Opportunity Issue Resolution Procedure
- OHS-142 Workplace Bullying & Violence
- Policy 47 Councillor Code of Conduct
- Equal Opportunity Contact Officer Information available on Council's intranet

DATE ADOPTED: January 2003

1. PURPOSE

Hepburn Shire Council is committed to providing a workplace free of all forms of Discrimination, Bullying and Harassment. This policy clearly articulates Council's commitment to a workplace which is free of any sort of harassment of all employees. Any such behaviour is unacceptable.

Hepburn Shire Council is committed to the principles of Equal Opportunity, the prevention of any form of Harassment and Workplace Bullying as espoused in legislation both Federal and State including the Local Government Act (1989), Victorian Equal Opportunity Act 1995 (Vic), The Workplace Relations Act (1996), Occupational Health Safety Act (2004)

2. SCOPE

This policy shall apply to all staff in recruitment, when considering promotion or advancement, training, development or other matters affecting staff in their employment. This policy also applies equally to volunteers, councillors, contractors and community members interacting with Council.

3. POLICY

Hepburn Shire Council is committed to Equal Opportunity and diversity in its workplace and providing a workplace for staff which is free of all forms of harassment. Our aim is to ensure fairness and equity in our organisation where the rights of individuals are upheld and everyone is treated with respect, fairness, equity and dignity. Selection of individuals for employment, promotion or advancement, training and staff development will be on the basis of professional merit, in fair and open competition according to the selection criteria, relevant/appropriate qualifications and knowledge relevant to the position.

Workplace bullying, discrimination, occupational violence and victimisation are unacceptable and illegal. Any complaint of harassment will be treated with the utmost seriousness. Appropriate training and procedures will be put in place to ensure the workplace culture reflects Hepburn Shire Council's commitment to upholding the rights of individuals to be treated with respect, fairness, equity and dignity.

Practices will be adopted to ensure a workplace free of discrimination, where each person has reasonable opportunity to progress to the extent of their ability. These practices will be supported by training to raise awareness for staff in general, but particularly for staff with supervisory responsibilities.

PART ONE:

EQUAL OPPORTUNITY

1. DEFINITIONS

Legislation provides that there shall be no discrimination, direct or indirect, in employment matters relating to:

Gender
Race
Disability/Impairment (including prior Work
Cover claims)
Marital status
Status as a parent
Political belief or activity
Religious belief or activity
Industrial activity
Lawful sexual activity
Age
Physical features
Pregnancies
Status as a carer
HIV/AIDS status
Sexual orientation
Breastfeeding
Gender identity
Personal association with someone who has
or is assumed to have, one of the above
characteristics

ATTACHMENT 3

DIRECT DISCRIMINATION

Direct discrimination can be intentional or unintentional and come from:

- Rules or practices which specifically exclude people because of their particular personal characteristics (of gender, race, disability, sexual preference etc) or which treat them less favourably;
- Decisions, policies and practices which are based on stereotypical assumptions about an individual.

INDIRECT DISCRIMINATION

Indirect discrimination is the outcome of unreasonable rules, practices and decisions which appear to be neutral, but which in fact have an adverse impact on a particular group or individual. For example, to only offer training and development opportunities to staff members at times that prevents workers who are parents with family responsibilities from attending.

PART TWO:

BULLYING

1. DEFINITIONS

Bullying

Workplace bullying is usually defined as “repeated, unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety or welfare (including their psychological welfare). A single incident of bullying-style behaviour is not normally considered as constituting workplace bullying.

Managers should develop an alertness to signs and symptoms, such as changes in a staff member’s behaviour, expressed dissatisfaction at work, i.e. increased absenteeism or an increase in grievances or complaints.

Within the definition:

“unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

“behaviour” includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening

“risk to health and safety”: includes risk to the mental or physical health of the employee

What types of behaviour could amount to bullying?

Bullying can take many forms. Below are just some examples.

- Practical jokes
- Being sworn at
- Someone insulting you
- Being excessively supervised
- Being constantly criticised
- Being put down in public
- Rumours being spread about you
- Being overloaded with work or not given enough work to do
- Not getting the information you need to do your job
- Your personal effects or work equipment being damaged
- Being threatened with the sack

ATTACHMENT 3

2. PROCEDURE

Councils' tool for managing workplace bullying can be found within our OH&S manual at OHS - 142 Workplace Bullying & Violence.

PART THREE:

HARASSMENT

1. DEFINITIONS

Harassment

Harassment is any form of inappropriate or improper behaviour which is perceived by the affected person(s) to be personally offensive. It is generally an expression of improper use of power by one person over another, or behaviour which creates a hostile and unproductive work environment. It may occur at work or outside the workplace at functions connected with work. While harassment sometimes can be unconscious or stem from ignorance, it is nevertheless an abuse of power. By its very nature, harassment is unwelcome and unsolicited. It includes:

- Offensive jokes, posters, e-mails, suggestions or derogatory comments about physical appearance or culture;
- Unfair allocation of menial or unpleasant duties or tasks;
- Intimidation, abuse or assault;
- Any form of bullying;
- Unsubstantiated allegations.

Harassment may occur from an individual or a group.

Sexual Harassment

The Human Rights Equal Opportunity Commission and various Equal Opportunity Tribunals have constituted that sexual harassment includes the following:

- Sexual jokes, offensive telephone calls, e-mails, displays of obscene or pornographic photographs, pictures, posters, audio or video tapes, reading matter or subjects;
- Sexual propositions or persistent requests for dates;
- Unwelcome physical contact such as patting, pinching or touching in a sexual way;
- Intrusive remarks, questions or insinuation about a person's sexual or private life;
- Comments about a person's appearance or body;
- Indecent exposure, unfastening of clothing;
- Sexual assault and rape (sexual assault and rape are criminal offences and the victim should report the offence to police);
- Demands that certain sexually suggestive clothing be worn;
- Sexual intercourse under threat of loss of employment.

PART FOUR:

PROCEDURE

1. Minimising harassment, bullying and discrimination

Procedure number OH&S-142 outlines the appropriate measures to eliminate the potential for exposure to workplace bullying.

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This procedure outlines Councils' commitment to creating;

- awareness of the issue amongst employees, managers and supervisors through regular training.
- independent advice and counsel through the appointment of appropriately trained staff as contact officers.
- a well understood grievance procedure.
- and ensuring that all managers respond immediately when they observe or become aware of any issue that may be considered to constitute harassment, bullying discrimination and/or harassment .
- also developing an alertness to signs and symptoms, such as changes on behaviour, expressed dissatisfaction at work i.e. increased absenteeism or an increase in grievances or complaints. This means that even one-off or seemingly minor incidents need to be addressed by management as soon as they are reported or noticed, so as to
 - a) check whether they are part of a previously unnoticed pattern, and
 - b) ensure they do not escalate and become major problems.

2. What you can do if you feel you are being harassed, bullied or discriminated against?

- Do not ignore your feelings;
- Inform the offender that the behaviour is offensive, unacceptable and against Council policy;
- Discuss the issue with your Manager who, if the situation is not immediately able to be rectified, will involve either the Payroll / Personnel Officer; or Council's Equal Opportunity Officers who are available for advice, assistance and support.
- Employees may choose to involve the Human Resources unit directly, who will investigate and try to resolve the matter. The Manager Organisational Development will advise the CEO if a satisfactory outcome is not likely to be achieved in a reasonable amount of time;
- Employees can access the Issue Resolution Procedure, EO – 101, from the Staff Pages on Council's Intranet.
- Employees may also seek advice and assistance from the Inquiries Officer, Equal Opportunity Commission, 3rd Floor, 380 Lonsdale Street, Melbourne 3000, phone: (03) 92817100,
- The Australian Services Union 116 Queensberry Street, Carlton South VIC 3053 (03)93423400; or
- In matters which might involve a criminal offence, the Police.

3. What will happen if you make a complaint?

The process outlined in the EO – 101 Equal Opportunity Issue Resolution Procedure will be followed.

4. *Role of the Contact Officer*

The Contact Officer, often a peer, will be an employee who has received appropriate training. Staff may find these people preferable to speak to, at least initially, with any concerns they may have regarding harassment. The role of the Contact Officer is defined in detail in the Equal Opportunity Contact Officer Information document available on Council's intranet. The names of Contact Officers are also listed in that document.

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5. *If a complaint is substantiated what will occur?*

If an employee is found to be harassing another employee(s), depending on the seriousness of the breach and surrounding circumstances, the consequences could range from counselling to formal disciplinary action which could include dismissal. In some circumstances criminal or civil action could be initiated.

As with all policies, any disputes arising out of the application of this policy will be settled in accordance with the Grievance & Discipline Procedure outlined in the Hepburn Shire Council Enterprise Agreement.

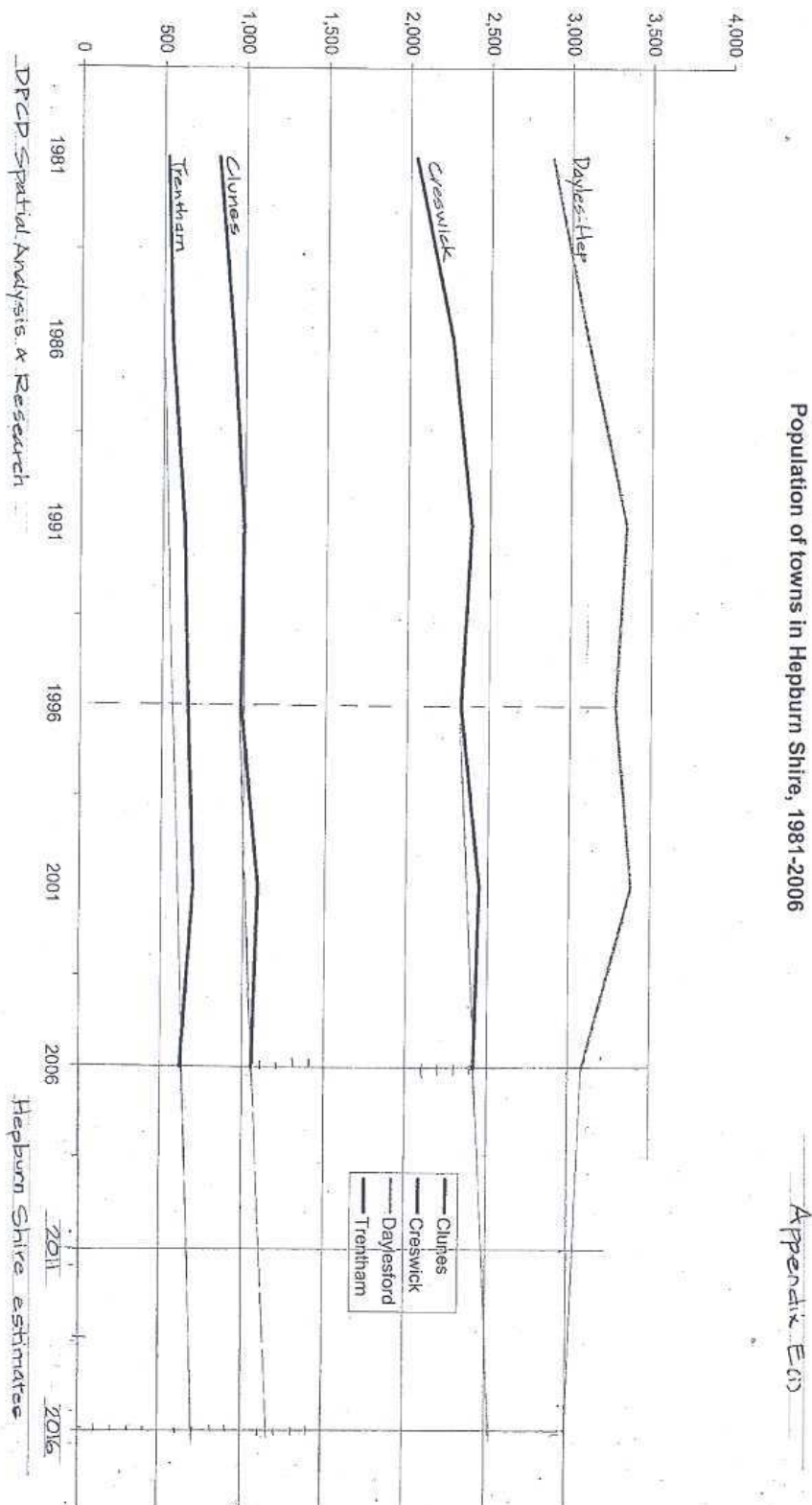
Policy End

ATTACHMENT 4

Hepburn Shire - DPCD town boundaries (red) and ABS suburb boundaries (blue) Appendix E(ii)



ATTACHMENT 4



ATTACHMENT 5



Hepburn Shire Council
HERITAGE ADVISORY COMMITTEE – TERMS OF REFERENCE

ADOPTED 18 FEBRUARY 1997, AMENDED 21 AUGUST 2001, 17
AUGUST 2004 AND 18TH JULY 2006

1. INTRODUCTION

These terms of reference have been prepared for Hepburn Council's Heritage Advisory Committee. These Terms of reference replace the Operating Guidelines first adopted by Council on 18 February 1997 and subsequently amended on 21 August 2001 and 17 August 2004

The Heritage Advisory Committee is appointed by Council pursuant to section 86 of the Local Government Act 1989, to advise Council on heritage matters. The Heritage Advisory Committee was last appointed by Council at the Council Meeting of the 17th October 2006.

Council is committed to working with the community to maximise retention, protection and enhancement of our heritage.

2. OBJECTIVES FOR THE HERITAGE ADVISORY COMMITTEE

- 2.1 To provide advice to Council on a range of Heritage and related matters.

ATTACHMENT 5

- 2.2 To provide advice to Council on the operation of its Heritage Loan Fund, Heritage Plaques program and to make recommendations on applications for funding to Council and/or Heritage Victoria.
- 2.3 To advise and assist Council to pursue the objectives of its Heritage Conservation Policy.
- 2.4 To provide advice to Council on the implementation and operation of Council's Significant Tree Register, as well as oversee the process for the assessment and inclusion of significant trees in the register.

3. OPERATION OF THE COMMITTEE

- 3.1 The members of the Heritage Advisory Committee are appointed by Council. Membership of the Heritage Advisory Committee shall comprise:

- One nominated representative from each of the following committees or organizations
 - Daylesford & District Historical Society
 - Trentham & District Historical Society
 - Clunes Museum (William Barkell Memorial Arts & Historical Centre Inc.)
 - Clunes Bottle Museum
 - Creswick Historical Society
 - Creswick Museum & Gold Battery
 - The Central Highlands Tourist Railway,
- Four Community representatives (as determined by Council)
- Councillor/s (as determined by Council)

ATTACHMENT 5

- 3.2 Each of the committees or organizations mentioned above shall be contacted and requested to nominate one person as well as a deputy to represent that organization on the Heritage Advisory Committee. It shall be the nominated person's (or the deputy's) responsibility to keep each of their organizations fully informed of the activities of the Heritage Advisory Committee.
- 3.3 The number of Community Representatives will be at Council's discretion and will generally be *four*. Council will advertise calling for nominations from the community unless the circumstances warrant otherwise. Individual nominees will be required to provide information regarding their membership of Historical Societies, Museum Committees of management or any other organizations with an interest in heritage.
- 3.4 Council will be represented on the Committee by one or more Councillors
- 3.5 The members mentioned in 3.1 are appointed for a period of two years. Prior to the term expiring or as soon after as practical, Council will call for nominations from community representatives and request that the committees or organizations named in 3.1 confirm their respective nominees for the committee.
- 3.6 Council will appoint the Chairperson.
- 3.7 Council's Local Law No. 1 Meeting and Common Seal applies to the operations of the Committee.
- 3.8 Council's Heritage Advisor will attend meetings to present reports to the committee when requested.

ATTACHMENT 5

- 3.9 Council's Chief Executive Officer, Director of Infrastructure and Development, Manager Planning & Economic Development, and other appropriate staff may attend meetings to participate and present reports and advice. Council's Strategic Planner will provide Executive Officer services to the Committee.
- 3.10 A quorum for a meeting shall be not less than the next whole number more than half of the total number of the committee members.
- 3.11 Members who do not attend three consecutive ordinary meetings of the Committee without apology will have their appointment to the Committee rescinded from that last missed ordinary meeting date.

4. LEGAL COVERAGE FOR MEMBERS OF COMMITTEE

Council's Insurance provides indemnity coverage for members of Council Committee who are acting on behalf of Council on accordance with the relevant instrument of delegation and Operating Guidelines and who are acting in good faith.

5. OUT OF POCKET EXPENSES:

Council will cover reasonable travel expenses for members of the Committee to attend meetings and other functions/events that they are required to attend. Travel expenses are calculated on the distance required to be travelled to attend a meeting, normally from the person's home within the Shire to the meeting and return journey.

ATTACHMENT 5

The rate of reimbursement for travel shall be as per the current rate specified in the award per kilometer for either a four or six cylinder vehicle, which ever is applicable, at the time the request for reimbursement is made.

If there are other out of pocket expenses then these should be brought to the attention of Council's Chief Executive officer for resolution. As far as practical, approval should be sought for such expenses prior to them being incurred.

ATTACHMENT 5



Hepburn Shire Council
HERITAGE ADVISORY COMMITTEE – TERMS OF REFERENCE

ADOPTED 18 FEBRUARY 1997, AMENDED 21 AUGUST 2001, 17
AUGUST 2004 18 JULY 2006 AND 22 JANUARY 2008

6. INTRODUCTION

These terms of reference have been prepared for Hepburn Council's Heritage Advisory Committee. These Terms of reference replace the Operating Guidelines first adopted by Council on 18 February 1997 and subsequently amended on 21 August 2001, 17 August 2004 and 18 July 2006.

The Heritage Advisory Committee is appointed by Council to advise Council on heritage matters. The Heritage Advisory Committee was last appointed by Council at the Council Meeting of the 17th October 2006.

Council is committed to working with the community to maximise retention, protection and enhancement of our heritage, through education programs and heritage incentives.

7. OBJECTIVES FOR THE HERITAGE ADVISORY COMMITTEE

2.1 To advise and assist Council to pursue the objectives of its Heritage Conservation Policy.

2.2 To provide advice to Council on a range of heritage and related matters including policies.

ATTACHMENT 5

- 2.3 To provide advice to council on the operation of:
- a. Heritage Loan fund
 - b. Heritage plaques program
 - c. Significant Tree Register
- 2.4 To advise and make recommendations on applications for funding to relevant state and commonwealth agencies.
- 2.5 To advise and comment on inclusion of significant trees in the Significant Tree Register.

8. OPERATION OF THE COMMITTEE

3.1 The members of the Heritage Advisory Committee are appointed by Council. Membership of the Heritage Advisory Committee shall comprise:

- One nominated representative from each of the following committees or organizations
 - Daylesford & District Historical Society
 - Trentham & District Historical Society
 - Clunes Museum (William Barkell Memorial Arts & Historical Centre Inc.)
 - Creswick Historical Society
 - Creswick Museum & Gold Battery
 - The Central Highlands Tourist Railway,
- Four Community representatives (as determined by the Committee and approved by the Chairperson)
- Councillor/s (as determined by Council)

ATTACHMENT 5

- 3.2 Each of the committees or organizations mentioned above shall be contacted and requested to nominate one person as well as a deputy to represent that organization on the Heritage Advisory Committee. It shall be the nominated person's (or the deputy's) responsibility to keep each of their organizations fully informed of the activities of the Heritage Advisory Committee.
- 3.3 The number of Community Representatives will generally be *four*. Council will advertise calling for nominations from the community unless the circumstances warrant otherwise. Individual nominees will be required to provide information regarding their membership of Historical Societies, Museum Committees of management or any other organizations with an interest in heritage.
- 3.4 Council will be represented on the Committee by one or more Councillors
- 3.5 The members mentioned in 3.1 are appointed for a period of two years. Prior to the term expiring or as soon after as practical, Council or Committee will call for nominations from community representatives and request that the committees or organizations named in 3.1 confirm their respective nominees for the committee.
- 3.6 The Committee will appoint the Chairperson.
- 3.7 Council's Local Law No. 1 Meeting and Common Seal applies to the operations of the Committee, excluding Clauses 2.3 and 2.4.

ATTACHMENT 5

- 3.8 Council's Heritage Advisor will attend meetings to present reports to the committee when requested.
- 3.9 Council's Chief Executive Officer, Director of Infrastructure and Development, Manager Planning or delegate may attend meetings to participate and present reports relative to the functions of the Heritage Advisory Committee.
- 3.10 The Committee is to present its minutes of each month to the officer responsible, being the Manager Planning for checking and inclusion in the agenda for the Ordinary Meeting of Council.
- 3.11 A quorum for a meeting shall be not less than three members with voting rights.
- 3.12 Members who do not attend three consecutive ordinary meetings of the Committee without apology may have their appointment to the Committee rescinded from that last missed ordinary meeting date.

4. ROLES AND RESPONSIBILITIES

- 4.1 The role and responsibilities of the Chairperson of the Heritage Advisory Committee are defined in Council's Local Law No 1 Meeting and Common Seal.
- 4.2 The role and responsibilities of the Councillor/s appointee on the Heritage Advisory Committee are defined by Council.
- 4.3 The role of the Council's Senior Officer and/or Officer at the Heritage Advisory Committee is to provide professional advice and technical support to the Committee in their respective expertise.
- 4.4 The definition of Senior Officer and Officer is listed in the Council's Local Law No. 1 Meeting and Common Seal.

5. LEGAL COVERAGE FOR MEMBERS OF COMMITTEE

ATTACHMENT 5

Council's Insurance provides indemnity coverage for members of Council Committee who are acting on behalf of Council on accordance with the relevant instrument of delegation and Operating Guidelines and who are acting in good faith.

6. OUT OF POCKET EXPENSES:

Council will cover reasonable travel expenses for members of the Committee to attend meetings and other functions/events that they are required to attend. Travel expenses are calculated on the distance required to be travelled to attend a meeting, normally from the person's home within the Shire to the meeting and return journey.

The rate of reimbursement for travel shall be as per the current rate specified in the award per kilometer for either a four or six cylinder vehicle, whichever is applicable, at the time the request for reimbursement is made.

If there are other out of pocket expenses then these should be brought to the attention of Council's Chief Executive officer for resolution. As far as practical, approval should be sought for such expenses prior to them being incurred.

ATTACHMENT 6

Appendix 1 Revised Terms of Reference for Hepburn Healthy Communities Advisory Committee

Revisions indicated in bold lower case letters.

Hepburn Healthy Communities Advisory Committee Terms of Reference

Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics through effective management and responsible government. We make a commitment to gain maximum advantage for our community from our natural and built assets.

Introduction

Hepburn Healthy Communities is fundamental to the overall strategic planning function of Council, and in informing State and Federal governments and other service providers about the needs and aspirations of communities within the Hepburn Shire. The plan identifies effective planning partnerships with the various communities, and government and non-government agencies. It contains the strategies identified at the local level for the communities and the Shire as a whole.

Hepburn Healthy Communities is a long-term planning strategy from which local Community Plans, Specific Project Plans and the Municipal Public Health Plan provide the short term implementation action plans. This planning framework will ensure that Council makes its full contribution to building internal capacity and the capacity of the Hepburn Communities to meet the present and future needs.

Committee Purpose

The purpose of the Hepburn Healthy Communities Advisory Committee (The Advisory Committee) is to provide **advice on the implementation of the project and participate in decision-making in the allocation of specific community grants.**

Underpinning Principles

The success of good social planning and implementation is dependent on each strategy adding positively to each of the four cornerstones of the community being the social, economic, built and natural dimension.

Prioritisation of resources shall be based on ensuring the positive impacts across the dimensions of the community.

The Hepburn Shire Council is committed to maintain a cooperative relationship with the community through open, two-way communication with The Advisory Committee, supported by Senior Management and the Chief Executive Officer of the Shire.

Strong local democracy involves community participation in decisions of resource allocation.

ATTACHMENT 6

Entity

The Advisory Committee will be a community based committee appointed by Council.
The Hepburn Shire Council will:

- Receive guidance and advice from The Advisory Committee
- Seek specific advice on policy and strategic issues
- Refer issues to The Advisory Committee
- **Receive recommendations from the Advisory Committee for resource allocation through the community grants scheme.**

Terms of Reference

The Advisory Committee will:

- Ensure the Council is fully informed as to the community's needs and priorities
- **Advise Council on** the implementation and evaluation of outcomes of the Plans in a timely manner
- Advise Council on evidence-based findings that will add value and promote good practice to achieve effective and efficient outcomes for residents.

Membership

Nominations will be called for, and membership appointed by Council annually. The Advisory Committee membership to be a mix of community and skills based members reflective of various age groups.

The group should consist of the following attributes:

1. Demonstrated experience and competency in at least one of the environmental dimensions; built, natural, economic, social
2. Location representative – urban and rural
3. Youth representative
4. Capacity to objectively consider integrated health and social planning issues, and the impacts for the whole Shire
5. Demonstrated ability to work as a part of a team and be solution focused

Membership may not need to be larger than twelve representatives (6 professionals / 6 community residents) supported by Shire Executive Officers.

The Advisory Committee to have the power to co-opt expertise and knowledge and establish working groups to manage specific priorities.

Terms of Office

Appointment will be until Jan 2009.

Casual vacancies that occur are to be ratified by Council.

Chair

Annually appointed by Advisory Committee for a one-year term.

Meetings

At least 4 meetings will be held annually.

The Advisory Committee members who fail to attend 2 consecutive meetings without explanation may be stood down from The Advisory Committee, following ratification by Council.

ATTACHMENT 6

The Chair, in conjunction with the Manager Community Services **or his representative**, will be responsible for calling meetings and preparing agendas. At least three weeks notice will be given for each meeting. **Agenda items will be invited 7 days before the meeting and agenda circulated 3 days prior.**

Relationship with other Council Committees

Joint working groups for specific projects may be created with members of The Advisory Committee and other Committees of Hepburn Shire Council, creating and improving information flow across the community.

Portfolios

Each committee member will be given the opportunity to select a portfolio of their interest. This will enable them to have a closer working relationship with projects in that area. Portfolio participation is not a mandatory requirement for participation on the committee.

Accountability

The Advisory Committee is accountable to Council and to the Community. The Advisory Committee is a committee appointed by Council to provide advice to Council on the implementation of integrated health and social planning. Council is ultimately responsible for all delegated action of the committee and consequently Council is responsible to determine the outcomes and any recommendations made by the Committee.

Reporting

The Advisory Committee will forward minutes of all meetings to the Council. The Council will report to The Advisory Committee on all matters relevant to integrated health and social planning in the Shire.

Declaration of Interests

To avoid any conflict of interest any person involved in a committee meeting must declare a direct or indirect pecuniary or vested interest that may arise with any business of the meeting and themselves. Without limiting its meaning an interest will include any situation whereby an independent, third party upon looking at the circumstances would, on the balance of probabilities, believe a person so involved had a conflict between their private business and the business of the meeting.

