



***MINUTES
HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL***

TUESDAY 16 JUNE 2009

**CLUNES TOWN HALL
BAILEY STREET
CLUNES
7PM**

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MINUTES

TUESDAY 16 JUNE 2009

Clunes Town Hall
Bailey Street, Clunes
Commencing 7PM

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1. WELCOME TO COUNTRY:

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

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

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

2. OPENING OF MEETING:

The meeting opened at 7.06pm

PRESENT: Mayor, Cr Bill McClenaghan, Deputy Mayor, Cr Janine Booth, Councillors Jon Barrell, Tim Hayes, Don Henderson and Sebastian Klein.

IN ATTENDANCE: Chief Executive Officer, Kaylene Conrick; General Manager Corporate Services, Lucy Roffey; General Manager Sustainable Development, Robert Jennings; Acting General Manager Infrastructure, Andrew Bourke; Acting General Manager Community Services, Martin Walmsley; Manager Planning, Sylvester Tan; Manager Governance and Information, Matthew Morgan; Manager Finance, John Traill.

STATEMENT OF COMMITMENT

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

3. APOLOGIES:

Cr Rod May

4. DECLARATION OF CONFLICTS OF INTEREST:

Cr Sebastian Klein declared a conflict of interest in Item 8.1 *Petition to rename Wolff Lane, Trentham.*

Cr Janine Booth declared a conflict of interest in Confidential Item 17.3 *Tender H199-2009 Replacement of Gooches Bridge over Kangaroo Creek, Back Glenlyon Road.*

5. CONFIRMATION OF MINUTES:

Motion

- 5.1 *That the Minutes of the Ordinary Meeting of Council held on 19 May 2009 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Cr Sebastian Klein

Seconded: Cr Don Henderson

Carried

6. NOTICES OF MOTION:

6.1 WOMENS HONOUR ROLL

(Action Officer – General Manager Community Services)

Date: 5 June 2009

File Ref: 16/04/01

MOTION

That Council request officers to prepare a report on Council's recognition of the Hepburn Shire Women's Honour Roll, the advantages and disadvantages of its inclusion as part of International Women's Day March 8th activities each year, and the most appropriate type of committee structure to support Council's involvement.

Background

Since its inception in 2005, the Hepburn Shire Women's Honour Roll has been included as part of International Women's Day activities and held on or near March 8th.

This year's event was held on Sunday May 24th at Daylesford Town Hall and provided for a Council Civic Reception in the format of an afternoon tea for the new Inductees, family and friends.

It is appropriate that Council now reviews this event, determines a process for the 2010 Hepburn Shire Honour Roll and considers its involvement in future International Women's Day activities.

Councillor Name: Janine Booth

Councillor Signature:



CEO Signature:



Moved: Cr Janine Booth

Seconded: Cr Don Henderson

Carried

6.2 PUBLISHING OF COUNCILLOR EXPENSES

(Action Officer – General Manager Corporate Services)

Date: 6 JUNE 2009

File Ref: 18/02/01

MOTION

That all Councillor expenses be posted on the council website. This is to include expenses incurred by Councillors and reimbursed .

Background

The ratepayers and residents have a right to know where their money is spent and in particular the amounts relating to elected representatives. This is one of the ways to show residents that the Council is determined to be transparent and accountable. We should not put any resident or ratepayer through the process of FOI.

Councillor expenses all have to be made and claimed following a clear process and are controlled by relevant laws.

Councillor Name: Don Henderson

Councillor Signature: 

CEO Signature: 

Moved: Cr Don Henderson

Seconded: Cr Sebastian Klein

Carried

6.3 INDOOR HEATED SWIMMING POOL IN DAYLESFORD REGION

(Action Officer – General Manager Sustainable Development)

Date: 9 June 2009

File Ref: 08/08/03

MOTION

That Councillors will conduct an in-house review of the currently available data (particularly prior feasibility studies) regarding the options for a heated indoor swimming pool in the Daylesford region, and report publicly on that review and any conclusions before 30 November 2009.

Background

During the recent Draft Council Plan public consultation meetings, a number of constituents raised the possibility of, and showed support for, an indoor, heated aquatic facility in the Daylesford area.

This matter has arisen in part due to concerns about the health and wellbeing of the older and ageing population of Hepburn Shire; namely those residents who require access to hydrotherapy facilities.

The longevity of the current Daylesford Swimming Pool has also been called into question, and combined with the above concern, a possible solution would be to consider the viability of an alternative facility catering for the health, fitness and recreation needs of all age groups.

Councillor Name: Jon Barrell

Councillor Signature: 

CEO Signature:



Moved: Cr Jon Barrell

Seconded: Cr Janine Booth

Carried

6.4 WELCOME TO COUNTRY

(Action Officer – General Manager Corporate Services)

Date: 9 June 2009

File Ref: 04/08/04

MOTION

That Council adopt the first two stanzas of Sissy Austin's "Welcome" poem as the official welcome to country for council, so that it reads:

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.

Here we all are together as one
All beneath our radiant sun
I would like to welcome you to Dja Dja Wrung Land
As we stand hand in hand

Think of all the people who stood on this land as a culture
And how they began to live
Remember aboriginals every heartbeat of the day
And the way on this land they had to live

This would replace the previous welcome to country at each council meeting with the whole poem to be read at the inauguration by new Councillors at the beginning of each term of office.

Background

Young poet Sissy Austin has twice read this poem at official engagements and each time has been commended widely by the audience for her skill with words and for having obtained permission from traditional elders to use this poem as a welcome to country, reflecting in the process Sissy's own heritage.

The benefits of this small measure include a more personable approach to this important aspect of reconciliation - one that has become somewhat staid as it is repeated by rote rather than with the intention the words literally hold.

This motion would support a number of points on our council plan, namely strategy 53:

"Involving young people in community life through council's youth programs and by maintaining and developing local recreational, cultural and education, training and employment opportunities for young people."

and in other parts of the plan:

"Young people will be provided with opportunities and a variety of cultural experiences" (p 20) and "more emphasis should be given to pre-European history and to our cultural heritage." (p 23)

The whole poem by Sissy Austin reads:

Here we all are together as one
All beneath our radiant sun
I would like to welcome you to Dja Dja Wrung Land
As we stand hand in hand


Think of all the people who stood on this land as a culture
And how they began to live
Remember aboriginals every heartbeat of the day
And the way on this land they had to live

This is a land of courage and hope
And this is a land of respect
Always love and care for this
For those who will never forget

Take this welcome as a message
And a way to feel love and secure
Look at every beautiful piece
As on this land, you're welcome to tour

Councillor Name: Sebastian Klein

Councillor Signature:

A handwritten signature in black ink, appearing to be "S Klein", written over a horizontal line.

CEO Signature:

A handwritten signature in black ink, appearing to be "KAR", written in a cursive style.

Moved: Cr Sebastian Klein
Seconded: Cr Janine Booth

Formal Motion

That the motion be deferred to be further discussed with Councillors and Indigenous groups.

Moved: Cr Tim Hayes
Seconded: Cr Don Henderson
Carried

6.5 CONSTRUCTION OF PUBLIC TOILET FACILITIES – COLLINS PLACE CLUNES & REDEVELOPMENT OF CLUNES MUSEUM

(Action Officer – General Manager Infrastructure)

Date: 9 June 2009

File Ref:1/2570/00036

MOTION

- 1. That in order to provide for the orderly development of Collins Place, Clunes and to accommodate any future redevelopment of the Clunes Museum, Council determine that the construction of the new public toilet facilities be located on the eastern side of Collins Place;*
- 2. That any additional cost of locating the public toilet facilities on the eastern side of Collins Place be appropriated in the 2009/2010 financial year through the sale of Council owned land situate at Canterbury Street, Clunes opposite the Clunes Primary School.*

Background

Some years ago Council assisted the Clunes Museum Committee of Management in developing concept plans for the redevelopment of the Museum building in order to make it more accessible to the public, to provide a secure and safe environment for volunteers and visitors, to provide additional space for research and display, to accommodate a visitor information centre and to house memorabilia from the Clunes Sub-branch of the RSL and a replica of the Port Phillip Mine model, currently exhibited at Museum Victoria.

The overarching vision that prompted the development of the concept plans was to establish a 'gold interpretative centre' in Victoria's First Gold Town.

In the original concept plan it was proposed that the current public toilet facilities (immediately to the rear of the museum building) be refurbished and incorporated in the redevelopment at a cost of approximately \$250,000.

The estimated cost of the redevelopment, including the cost of refurbishment of the public toilet facilities at that time was \$2.1 million.

Until last year, little work was undertaken to progress the concept plans however in November 2008 the Federal Government announced the first of its economic stimulus packages in which Council received an amount of \$425,000. Of this amount, Council allocated \$235,000 to upgrade the toilet facilities and to undertake further improvements in Collins Place. Tenders for the construction of the new toilet facilities in Clunes and to undertake refurbishments of similar facilities in Trentham and Daylesford were subsequently invited and closed earlier this month.

As is known, the Federal Government has released details of the further economic stimulus packages totaling \$650 million. Under this program there are two funding rounds, one of which closed on 22 May and the other opening on 1 July 2009. It has been proposed to submit an application for the Clunes Museum Redevelopment in the second round.

In order to give the redevelopment proposal application the best chance of success – and to achieve other Council objectives – it was considered desirable to revise the concept plans to incorporate the relocation of the Clunes Library, thus providing access to a potential \$500,000 grant under the *Living Libraries* program. It would also enable Council to dispose of the current branch library building and to use the proceeds from the sale (estimated at between \$200 – 250,000) as a Council contribution towards the redevelopment costs. In the longer term, the co-location of the Clunes Library with another community service would save at least \$20,000 per annum in operating expenses in that co-location would obviate the need to have the branch staffed by two staff at any one time. This proposal was favourably considered by not only the Clunes Museum Committee of Management and the Chief Executive of the Central Highlands Regional Library Corporation but by potential funding partners such as Regional Development Victoria.

The original concept for the museum redevelopment did not envisage the incorporation of the Clunes Branch Library and from discussions with the architect (who prepared the concept plans) its incorporation would not be possible without the footprint of the redevelopment being extended (thus increasing the costs) or by compromising the integrity of the overall objective of the project.

It has become clear that the construction of the new toilet facilities within the existing footprint would not only restrict any potential redevelopment of the Clunes Museum but would make a public toilet facility the central feature of such a redevelopment – hardly a desirable outcome.

Meetings and discussions have been held with Council officers, the local ward councillor and members of the Clunes Museum Committee of Management to determine the feasibility (admittedly at this late stage) of relocating the proposed new toilet facilities to another site within Collins Place. Three alternative sites have been identified and of these, the preferred site is on the eastern side of Collins Place directly opposite the intended site. This eastern location is supported by the Museum Committee of Management and it is understood that the Committee has written to Council expressing its preference.

Officers have advised that the estimated cost of relocating the toilet facilities to the eastern side of Collins Place would be in the region of \$50,000. Whilst this additional cost seems excessive it is considered preferable to the impediments raised by constructing the facilities at the intended location.

In order to meet any additional cost of relocating the facilities to the eastern side of Collins Place it is proposed to sell vacant land in Canterbury Street, Clunes immediately opposite the Clunes Primary School. This land overlooks the Clunes Township and although a valuation has not been obtained it could realistically be expected to derive \$50,000 to \$75,000 on the open market.

Conclusion

The Clunes Museum Redevelopment proposal – if it proceeds – will enhance the town's reputation as Victoria's First Gold Town and will position the town as a showpiece of both historic and modern architecture. Its value in economic and cultural terms should not be underestimated. More importantly, the prospect of such a redevelopment should neither be compromised nor impeded by the short sightedness of a council at the expense of a vision.

The redevelopment will probably represent the most significant development – and Council initiative - in the town for the next 10 to 15 years and is one that is keenly supported by the local community.

Given the great potential at the moment to attract government funding, Council has a 'once in a life time opportunity' to 'get it right' and to oversee a development that will be a source of pride to the people of Clunes, the Hepburn Shire and the wider region.

Councillor Name: Tim Hayes

Councillor Signature:



CEO Signature:



Cr Hayes tabled a copy of the William Barkell Centre Lease Agreement – see attachment 1

Amendment

- 1. That in order to provide for the orderly development of Collins Place, Clunes and to accommodate any future redevelopment of the Clunes Museum, Council propose that the construction of the new public toilet facilities be located on the eastern side of Collins Place;*
- 2. That any additional cost of locating the public toilet facilities on the eastern side of Collins Place be appropriated in the 2009/2010 financial year through the sale of Council owned land situated at Canterbury Street, Clunes opposite the Clunes Primary School.*
- 3. To hold a public meeting in Clunes to discuss this decision and seek feedback on the proposal.*

Moved: Cr Tim Hayes

Seconded: Cr Jon Barrell

Carried

ATTACHMENT 1

Item 6.5

LEASE AGREEMENT WILLIAM BARKELL CENTRE, CLUNES

This Agreement is made between the President, Councillors and Citizens of the Shire of Talbot and Clunes (hereinafter called the Council) and the Committee of the William Barkell Memorial Arts and Historic Centre (hereinafter called the Committee).

1. The Committee was formed initially as a sub committee of the Clunes Tourist and Development Association (hereinafter called the C.T.D.A.) to establish and maintain an Arts and Historic Centre in a building on Parts. of C.A.'s 19 & 18, Section 3, Clunes Parish, provided by gift to the Council for such use under the auspices of the said C.T.D.A.
2. It is recognized that the Committee is now a separate incorporated Body which continues to fulfil the task for which it was established.
3. It is acknowledged by Council that the C.T.D.A. has determined by a meeting resolution dated November 28th, 1994, that it offers no objection to the granting of a fifty year lease of such premises by the Council to the Committee under the conditions detailed in this Agreement.
4. Council acknowledges the vast amount of finance and voluntary labour which the Committee has contributed towards the success of the Barkell Centre.
5. Provided that the premises continues to be operated as an Arts and Historic Centre by a duly elected Committee, Council hereby agrees to lease to the Committee, for a period of FIFTY years from the date of this agreement, the premises referred to in Clause 1, on the following terms and conditions –
 - (a) The annual lease fee for the premises shall be Ten Dollars if demanded.
 - (b) The Council will charge no rates on the premises.
 - (c) The premises shall be used in accord with the aims and objectives of the Committee.
 - (d) The Committee undertakes to maintain the premises and to pay all electricity, telephone, water or other service charges.
 - (e) Nothing shall prevent the Council from assisting in meeting the costs of any major extensions, improvements, alterations or repairs in its budgetary process.
 - (f) No exterior changes or structural alterations shall be made to the premises without the approval of Council.
 - (g) In pursuance of its objectives, the Committee shall be permitted to impose such charges and fees in operating the premises as they may determine.

- (h) The Committee shall present to Council an annual financial statement and report of its operations.
- (i) Nothing shall prevent the Committee jointly operating the premises with any person or Body in pursuance of the aims and objectives of the Committee.
- (j) No Member of the Committee shall be held personally liable for any damage or theft relating to the premises and their contents.
- (k) Council is to be provided with keys to the premises for the purposes of safety and inspection.
6. Council undertakes to insure the premises and its contents.
7. The Committee may by notice in writing to the Council cancel the lease.
8. The Committee and the Council hereby agree that should this Agreement become void by the breaking of any condition or cancelled by direction of the Committee in writing the premises and their contents shall be vested in the Council subject only to those items of the contents which are clearly indicated to be of private ownership and had been provided to the Committee for the purpose of the conduct of the Centre.
9. With respect to the premises described as the William Barkell Arts and Historic Centre, the Council shall, on cancellation or voiding of the lease, consult and make agreement with the Clunes Tourist and Development Association as to the future of the premises in accordance with conditions embodied in the transfer of the premises to the Council dated 4th June, 1979.

*Signed on behalf of the William Barkell
Memorial Arts & Historic Centre Committee.*

J. Hannest President

Matricia B. Cook Secretary

*Countersigned on behalf of the Clunes Tourist
and Development Association*

Leo W. Ruffin President

Shirley Ruffin Secretary

*The Common Seal of the President, Councillors
and Citizens of the Shire of Talbot and Clunes*

was hereto affixed this 9th

day of December, 1994.

Robert D. Dyer Shire President

B. G. Johnson Councillor

[Signature] Acting Chief
Executive Officer

7. PRESENTATION OF REPORTS:

Cr Tim Hayes left the Chamber at 8.27pm.

Mayor's Report

Cr Bill McClenaghan, Holcombe Ward

The previous month started on a real high with Council winning two prestigious environmental awards from ECOBUY. On 20 May, I attended a ceremony in the Great Hall at the National Gallery of Victoria with the CEO and our Environmental Officer to receive awards for “Excellence in Green Purchasing – Small Rural Council” and the “Green Powered Champion Council”. Both Thea Laidlaw and I spoke at the event and Hepburn Shire received acclamation from other Councils and state government bodies. We also got targeted by salesmen desirous of selling us their clean green merchandise.

I attended a tree planting event with the Friends of Cornish Hill the following Friday when Daylesford Primary pupils planted trees in areas reclaimed from noxious weeds along the valley of Smith Creek on the South of Cornish Hill.

Sunday 24 May saw a Civic Reception at the Daylesford Town Hall to induct four local women, one posthumously, into the Women's Honour Roll and to acknowledge the great contribution of women to the life and wellbeing of their community.

On Monday 25 May, I attended a funding announcement in Creswick to see a State grant of \$50,000 announced for the Magic Pudding Playground, thus strengthening the work of a local volunteer committee. That evening, I attended a meeting of Daylesford Macedon Ranges Tourism and Daylesford Macedon Produce in Tylden to introduce the new Executive Officer and hear details of the new Regional Tourism Board. Council has been actively working with Tourism Victoria and at the local level to enhance tourism restructuring.

The M.A.V. State Council was held in Melbourne on Wednesday 27 May and I attended as Mayor and M.A.V. representative to participate in statewide local government activities, networking and information exchange. I returned the next day for a Mayoral training session with the M.A.V.

That Friday 29 May, we met with Department of Transport Grampians Regional Manager to discuss transport initiatives in the area. We learned that the Maryborough passenger train will ultimately stop at Creswick and Clunes after new disability access train stations are constructed in each town at a cost of about \$8 million each. Initially, the train will run express to Ballarat from Maryborough.

In the next week, I attended a Community Planning Session at Yandoit and later ran the election for the Yandoit Park and Recreation Reserve Crown Committee of Management.

After another Destination Daylesford meeting on Tuesday 4 Jun, it was time to move around the Shire with Council's 2009 – 2010 Budget Consultation meetings. I have attended already at Glenlyon, Creswick and this week in Daylesford with Clunes and Trentham to follow in the next two days. These meetings offer our various communities the opportunity to meet directly with Council in the formation of our next financial year's Budget.

Last Sunday I attended a lunch for Ballarat Legacy in Hepburn Springs. This will be the last time Legatees from Bacchus Marsh will meet with colleagues from Ballan, Daylesford and Ballarat as the area is being restructured. Council made a \$100 donation.

Lastly I would like to report on late news received only hours ago in that the State Government is allocating \$2.5 million to 19 bushfire affected Shires to create bushfire memorials. Allocations start just short of \$80,000 like in our case and rise to over \$400,000 for areas like Kinglake and Marysville. We have not seen the guidelines yet and I am told that they are quite broad and allow for a monument, a statue or an area set aside for reflection amongst other things. I am sure that this money will be spent in this Shire only after consultation with residents and ratepayers who fought the fires and also those whose lives and businesses were traumatised and impacted by the fires.

Councillors' Reports

Cr Jon Barrell, Birch Ward

The ARC Advisory Committee – no recent meeting.

The Wombat Hill Botanical Gardens Advisory Committee Meeting was held on 02/06/09 and the Water Re-Use Projects are set to proceed. The annual meeting of stakeholders including Landscape Architect Mr John Hawker from Heritage Victoria was also held and a list of 10 priority projects was considered for further development.

The Destination Daylesford Campaign Committee met on Thursday 4 June and was addressed by Mr Graham Middleton, the Interim CEO of the new Regional Tourism Board. The steps required during the transition to that RTA, and a local Hepburn Shire Regional Tourism Association, were discussed.

Cr May and I attended the consultancy meetings regarding Hepburn Mineral Springs Reserve and Lake Daylesford, run by consultants for HSC & VMWC. I wish to inform Councillors that the consultation period continues until Mid July or so.

Cr Tim Hayes, Cameron Ward

Cr Hayes did not deliver a report.

Cr Janine Booth, Creswick Ward

As well as all the usual monthly Councillor briefing sessions, Delegated Planning Committee Meeting and Council meetings I have, over the last month, attended Structure Plan review meeting and several Council Plan and Budget review meetings including the Creswick Ward Draft Budget meeting which was attended by 5 community members.

I have also attended a number of Community meetings in Creswick Ward including a meeting with the “Friends of the Town Hall” group to review the recent upgrade works at the Hall and as part of the “showcasing” of those works I recently attended a performance of “Dinner in a Dry Dam” in the newly painted and heated Hall which was capably organized by our Arts and Cultural officer Sue Jones and attended by 80 appreciative guests.

I attended the launch of a new Carer Support Group which will provide support and information for Carers in the Creswick area and is supported by a number of organizations including Hepburn Shire, Carers Victoria, the John Curtin Hostel and Hepburn Health Service.

I also attended a bus trip that was organised by the Doug Lindsay Community fundraising group to the multipurpose Function facility at Beaufort. This enabled the two Creswick Ward Councillors, the fundraising group and representatives from potential sporting and community Doug Lindsay Reserve user groups to see first hand the scope and functionality of the Beaufort multipurpose facility. This will assist the groups in working with Council officers to understand and identify the needs and requirements of such a proposed facility at Doug Lindsay Reserve.

I attended a meeting with Cr Hayes (Cameron Ward) and Cr Henderson (Creswick Ward) and our CEO with the Mayor and CEO of central Goldfields Shire to discuss proposed joint actions in relation to the re-establishment of passenger rail services to Creswick and Clunes. This was indicated as part of the State Governments Country Rail Services upgrade and will be progressively developed following the reinstating of passenger services from Ballarat to Maryborough.

And finally, as part of Councils commitment to Councillor training I, along with the Mayor, attended the third session of the MAVs “Maximising the Mayoralty” training session and learned further leadership skills and techniques to better and more productively engage with our Community and achieve stronger more supported outcomes. I also attended a “Conflict of Interest” training session with Council officers recently in Castlemaine run by the Department of Planning and Community Development which provided us with valuable case studies and detailed support information that will help us better understand the complexities of Conflicts of Interest matters relating to Councillors and Staff.

Cr Don Henderson, Creswick Ward

I have attended several meetings since last council meeting including public consultations at Glenlyon and Creswick. The Creswick meeting was poorly attended by residents and from this I take it that the ratepayers are happy with the draft budget .It seems that a meeting concerning the DLRR clashed with this important event. I attended the Audit Committee and shared the

concern about late receipt of the agenda. Not much seems to be happening here but I am hopeful that things will change later. Mr Mayor in order to properly consider the implications of this 139 page agenda and attachments some of which I received on Monday evening I had to put in an apology for the CDC meeting and cannot report on this. You may be assured that I have been diligently looking after ratepayers and residents.

Cr Sebastian Klein, Coliban Ward

In the month to Tuesday the 16th I attended:

- The friends of Bobonaro, Timor Leste Independence day celebrations. With a panel of Director and actors from the film Balibo.
- Tree planting with the Friends of Cornish Hill and Daylesford PS.
- Spudfest, with a huge turn out and good times.
- Women's Honour Roll, good to see women honoured, especially Trentham's Kath Brown.
- Tourism Vic Funding Dinner in Tylden. Good to see the attention on some of our tourism operators over this side of the shire.
- VLGA T.L. Working Group - our communities' attitude to aid and to developing neighbours is a credit in a world where many developing countries are exploited.
- Meeting with DSE and Trentham community regarding better deal for Trentham public facilities.
- And a CHAF meeting in Beaufort.

Cr Tim Hayes returned to the Chamber at 8.32pm

Motion

7.1.1 That Council receives and notes the reports of the Mayor and Councillors.

Moved: Cr Jon Barrell
Seconded: Cr Janine Booth
Carried

8. PUBLIC PARTICIPATION TIME:

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

- Responding to questions that have been submitted by members of the community
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the CEO by 12 noon on the day of the Council meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the CEO by 12 noon on the day of the Council meeting.

Questions may be taken on notice and responded to later. Likewise, some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

8.1. PETITIONS:

8.1.1 WOLFF LANE TRENTHAM – PETITION TO RENAME

(A/O – MANAGER FINANCE)

File Ref: 58/02/03

Introduction

This report is in relation to a petition tabled at the Council meeting on 21 April 2009 requesting that Council rename Wolff Lane, Trentham to Bakery Lane.

Report

Council resolved on 18 November, 2008 to name the un-named section of laneway between High Street and Albert Street, Trentham as Wolff Lane.

The following submission containing 121 names (51 reside outside of Hepburn Shire) was tabled and received at the Council meeting held on 21 April 2009:-

“Please support us to ensure our laneway is named Bakery Lane, not Wolff Lane as proposed by Hepburn Shire Council”

The petition goes on to say:-

“The town’s bakery has operated in this laneway since 1866. While John Wolff was the first baker, he has been followed by four other baking families, including us. We are the only dwelling or business operating from the laneway and hence have the greatest stake in its name. “Bakery Lane” informs people of the laneways primary purpose for the last 140 years and will help

visitors locate Red Beard – winners of the best food business in the Hepburn region in 2008 and surely worthy of our Council's support. We are living history not dead history.”

The laneway is now officially Wolff Lane however Council may rename this laneway if it considers the petition has merit and that Bakery Lane would be a more appropriate name. This would involve a statutory process similar to that of naming an un-named road. The proposed name would need to be advertised in the local paper calling for submissions in accordance with section 223 of the Local Government Act. Council would then consider any submissions made before making a decision on the proposed new name.

While Council has power to name roads, it must when exercising this power, act in accordance with guidelines (Geographic Names Victoria – GNV) provided by the Registrar of Geographic Names.

What is encouraged when allocating a name:-

- As far as possible, ambiguity and potential confusion should not occur.
- Names must be locality unique (preferably shire wide unique).
- Consider if adjoining properties will be accessed from and numbered to the road.
- Consultation – advertising and writing direct to people most affected.
- A name should be relevant to the area – have some historical link, relate to a geological or topographical feature or perhaps have a locally known name.
- Names should be written in *Australian English**, preferably not exceeding 25 characters, easy to pronounce, spell and write. (*Australian English is defined in the Macquarie Dictionary – *the dialect of English which is spoken by Australians. It is characterised by particular accent, lexis and idiom.*)
- Indigenous names may be adopted if the name is appropriate to the locality, provided relevant indigenous groups are consulted and there is agreement to the proposed name.
- If a directional or similar device is to be used to define road extremities, it should be used as a suffix – e.g. Palmerston Road West.
- If a number is to be included, it should be written in full – e.g. Ten Mile Road.

What is discouraged:-

- Roads should not be named after a trade or commercial enterprise and preferably not a living person. (There may be exceptional circumstances where it is appropriate for a living person's name to be used.)
- A name should not be derogatory or offensive on the grounds of race, ethnicity, religion or gender.
- Road name prefixes should not be used – e.g. North Glenlyon Road.

- The apostrophe should not be used in names indicating the possessive case – e.g. Richardsons Lane. This gives consistent matching and retrieval of names in database systems, especially for emergency services use.
- Avoid similarity of names in the same or immediate area – e.g. White Street and Whyte Street.

The report presented to Council on 18 November 2008 indicated that there was strong support for both Bakery Lane and Wolff Lane, both were then considered against the Geographic Names Victoria guidelines. Bakery lane was considered a trade name and therefore should be discouraged while Wolff Lane because of its historical link should be encouraged. Wolff Lane was subsequently recommended and adopted by Council.

Relevant Policies

The Local Government Act 1989 gives the Council powers (Section 206) in relation to naming roads. When exercising this power, we must act in accordance with guidelines (*Geographic Names Victoria –GNV*) provided by the Registrar of Geographic Names. The Registrar has the responsibility to record changes in Vicnames Register as road names are a critical component for Emergency Service Organisations.

Community Engagement

Not applicable

Having declared a conflict of interest in item 8.1.1, Cr Sebastian Klein left the Chamber at 8.45pm.

Cr Don Henderson moved a motion to rename Wolff Lane to Bakery Lane, but as there was no seconder, the motion lapsed.

Motion

That Council:

8.1.1.1 Retain the name Wolff Lane.

8.1.1.2 Notify the petitioners of Council's decision.

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried

Cr Sebastian Klein returned to the Chamber at 8.53pm.

8.1.2 MULCHAYS ROAD TRENTHAM – PETITION RE UPGRADE WORKS

Motion

8.1.2.1 That Council receives the petition re Mulchays Rd, Trentham

Moved: Cr Sebastian Klein

Seconded: Cr Don Henderson

Carried

8.2 QUESTIONS

1. Submitted by Christian Wild, PO Box Daylesford

Question:

A suggestion – Slightly disguised as a question. Would “Council” consider please initiating a “listen and respond” session where any person can make suggestions to “Council”? My proposal is that this be a two hour session held once per month. Suggestions from the previous session can be given a response by a council representative – after a month’s consideration.

Response

By Mayor:

Council currently provides a number of opportunities in which members of the community can speak with Council and make suggestions and provide feedback. These opportunities include;

- Public Participation Time – provided in monthly Ordinary Meetings of Council
- Monthly Councillor Ward Meetings
- Consultation meetings – for example, Council Plan, Annual Budget and Management Plans consultation meetings.
- In addition, Councillors, in their day- to-day contact with the community welcome suggestions and feedback from the community.

2. Submitted by John Madigan, Hepburn Springs

Question:

Council, it seems, intends to allocate the majority of Federal infrastructure funding to Clunes at the expense of the rest of the Shire!! The result of this is that Hepburn Springs is receiving four

fifths (4/5) of nothing!! Council has a proposal before it for more money for the toilet block in Clunes, dependent upon the sale of council owned land.

1. Has Council agreed to sell this land and if so, when did council make this decision??
2. How can extra expenditure on this toilet block be justified when there are so many other pressing needs in the Shire??

Response

By Mayor:

- Council has earlier this evening considered a Notice of Motion regarding the sale of this land. Accordingly, the Council has proposed that in order to provide for the orderly development of Collins Place, Clunes and to accommodate any future redevelopment of the Clunes Museum, the new public toilet facilities are to be constructed on the eastern side of Collins Place. Further, Council resolved that any additional cost of locating the public toilet facilities on the eastern side of Collins Place be appropriated in the 2009/2010 financial year through the sale of Council owned land situated at Canterbury Street, Clunes opposite the Clunes Primary School. Council also decided to hold a public meeting in Clunes to discuss this decision and seek feedback on the proposal.
- Hepburn Shire Council received \$425,000 in funding from the Federal Government as part of its economic stimulus package. Council was presented with very tight timelines when selecting projects that could qualify for this funding – essentially we had to find projects that were ‘ready to go’ when the matter came before Council last December.

3. Submitted by Lorraine J Sewell, Smeaton

Question:

At the Delegated Planning Committee Meeting on 10th March 09, whereby 20 persons attended – and MORE “than a few” made representations before the Committee of Councillors, Mr Tan said that a public meeting would be held on May 26th in Smeaton to present the Wind Energy Facility Guidelines. I wish to know why there has been no communication from Council concerning this meeting, what is the status of this meeting proposed by Mr Tan, and ask why our Cameron Ward representative has not kept the participating presenters informed. The people who deliberated long and hard on their submissions, AND those who spoke at the meeting deserve more respect.

Response

By Mayor

- There has been discussion about an information session being held in Smeaton. Smeaton is an appropriate location given the majority of those who have made submissions are from that area.

- The Wind Energy Facility Guidelines are formally presented for Council's consideration later tonight. As part of this, Council has been asked to consider a recommendation to hold a public information session to assist public understanding of the guidelines after their adoption.

4. Submitted by Bev Wolfe, Clunes

Question

I have taken a photo of a Bicycle Stand that is situated in Sturt Street Ballarat. This particular stand would look good in Fraser Street Clunes, and seeing that Sturt St is also a Heritage St it would suit Clunes. We in Clunes are still waiting for the bus seat that was promised in February. Have the Council any word about the train stopping in Clunes and Creswick. I was on the V Line Bus last Friday and driver had to refuse passengers entry as there was no more seating on bus. I will close hoping to hear results of these questions tonight. I will also have the photos at meeting as they might not come out properly on Email.

Response

By Mayor:

- Thank you for your suggestion in relation to the bike stands. I will be happy to refer the photographs [see attached] of these designs to our Infrastructure department for consideration.
- With the scheduled return of a passenger rail service between Ballarat and Maryborough, Council is working very hard in support of passenger stops at both Creswick and Clunes. As part of this, we have met with representatives of the Department of Transport and the Central Goldfields Shire Council. We are hopeful of a decision on this matter soon.

By CEO:

- Arrangements are in place for the bus seat to be installed within the next three weeks.

9 EXECUTIVE SERVICES REPORT:

9.1 Appointment of Acting Chief Executive Officer

(A/O - Chief Executive Officer)

File Ref: 16/10/01

Introduction

Council is advised that it is the intention of the Chief Executive Officer to be absent on Annual Leave from 3 August 2009 to 17 August 2009, both dates inclusive.

It is understood that it has been Council practice to appoint an Acting Chief Executive Officer during absence of the Chief Executive Officer on Annual Leave.

Motion

That Council:

9.1.1 *Approves the Annual Leave of the CEO for the period 3 August 2009 to 17 August 2009, both dates inclusive.*

9.1.2 *Appoints Lucy Roffey as Acting Chief Executive Officer during this time.*

Moved: Cr Jon Barrell

Seconded: Cr Janine Booth

Carried

9.2 ANNUAL LOCAL GOVERNMENT COMMUNITY SATISFACTION SURVEY

(A/O – Chief Executive Officer)

File Ref:16/08/01

Introduction

This report considers the 2009 published results from the annual Local Government Community Satisfaction Survey (LGCSS).

A copy of the report has been forwarded to Councillors under separate cover.

Background

The Department for Planning and Community Development (DPCD) and local government undertakes the annual Community Satisfaction Survey on behalf of the State Government, and for the benefit of the Local Government Sector. It is a state-wide survey intended to provide individual Local Governments with a realistic measure on how they are perceived by the community.

The survey is considered to be statistically significant. It comprises a telephone survey of 350 people throughout the Shire. It is the twelfth year of the survey.

The results form part of the Victorian Local Government Indicators which councils include in their annual reports.

Hepburn Shire Council's relative performance is shown in comparison to other 'Small Rural Shires' including Alpine, Ararat, Benalla, Buloke, Central Goldfields, Gannawarra, Golden Plains, Hindmarsh, Indigo, Loddon, Mansfield, Mount Alexander, Murrindindi, Northern Grampians, Pyrenees, Queenscliffe, Strathbogie, Towong, West Wimmera and Yarriambiack.

Report Structure

It is the twelfth year that Hepburn Shire Council has participated in the survey.

The Survey provides interesting trend and comparative information. The report is divided into two main sections and reports on each local government by:

1. Overall performance, advocacy, customer contact and community engagement; and
2. Nine key service areas:
 - Local Roads and Footpaths
 - Health and Human Services
 - Recreational Facilities

- Appearance of Public Areas
- Traffic Management and Parking Facilities
- Waste Management
- Enforcement of By Laws
- Economic Development
- Town Planning Policy and Approvals

Results are provided in a variety of formats including relative performance to other Councils, trend data over time and reasons given for 'needs improvement'.

Key Findings

There was a statistically significant increase in satisfaction for Overall Performance, Advocacy and Community Engagement as compared to Hepburn's 2008 result.

31% of respondents felt that council had improved its performance since 2008.

Health and Human Services remains our area with highest satisfaction.

Our lowest performance area continues to be Local roads and footpaths.

Our strengths, where performance and importance are relatively high, include Appearance of Public Areas, Advocacy and Enforcement of Local Laws.

Key improvement areas are:

- Community Engagement.
- Town Planning Policy and Approvals.
- Local Roads and Footpaths.
- Recreational Facilities and Economic Development.

Overall Performance, Advocacy, Customer Contact and Community Engagement

A statistically significant increase in satisfaction occurred for Overall performance, Advocacy and Community Engagement, when you compare 2008 results.

There were no decreases in satisfaction in this group.

Hepburn Shire Council's overall rating remains at the lower end in the small rural shires group, rating similarly for Advocacy, Community Engagement and Customer Contact.

Community engagement is identified as a future focus with results indicating a strong connection to overall performance. Even though Council's results show a significant improvement in this area 43% say improvement is needed.

Nine Key Specific Service Areas

There were no statistically significant increases or decreases in satisfaction with the specific service areas when comparing 2009 results with those of 2008.

All areas remain at the lower end in terms of results in the small rural shires group. Health and Human Services remains our area with highest satisfaction (indexed mean 74) followed by Appearance of Public Areas (indexed mean 65).

Town Planning Policies and Approvals and Local Roads and Footpaths fell below the ‘adequate’ level in 2009 as they did in 2008.

Key Improvement Areas

The key improvement areas for attention, where importance is high but performance relatively low are:

- Town planning policy and approvals. This is important to residents and 51% indicated they would like to see improvement.
- Local roads and footpaths. Although a little lower in relative importance, 55% seek improvement.
- Recreational Facilities and Economic Development. Each relatively important to residents, yet 33% and 34% respectively believe these are key areas in need of improvement.

Reasons for ‘Needs improvement’

Of the 350 respondents, a number indicated in their response that an improvement was needed. Some gave reasons for their answer, with the most common answer by percentage shown below.

Area	No. Respondents	% Reason	Reason Needs Improvement
Overall performance	113	32 26 25	Make decisions despite consultation/don't listen Rates are not giving value for money Council too focused on internal politics/don't achieve outcomes
Advocacy	53	42 23 19	Don't represent needs of community Not sure what the Council does/need to promote/communicate effectively Council does not make sufficient effort

Area	No. Respondents	% Reason	Reason Needs Improvement
Community Engagement	127	50 43 33	Don't consult sufficiently/effectively/with entire community Don't listen, need to take more notice of community's wishes Need to keep community better informed/communicate more
Customer contact	58	43 34 22	Lack of follow up Poor customer service/need better communication skills/personal service Not interested in helping/didn't take an interest
Local roads & footpaths	192	34 29 27	More frequent/better re-surfacing of roads More frequent/better slashing of roadside verges Improve /fix/repair uneven surface of footpaths
Health & human services	26	7 6 5	More resources /longer hours for Maternal & Child Health Facilities Increase resources for/availability of home help/MOWs More facilities/resources for Aged Care/better nursing homes
Recreational facilities	107	40 35 17	More/better Sporting Complexes (including pools) Better maintenance of Sporting facilities (including pools) More facilities/activities for younger people
Appearance of public areas	82	28 27 24	More frequent/better street cleaning Better maintenance of parks and gardens More frequent/better pruning of street trees/plants
Traffic management & parking facilities	94	54 43 17	More parking facilities adjacent to shopping and business centres More parking facilities/capacity Poor traffic/parking management
Waste management	96	36 28 14	No garbage collection More consistent /lower fees for tips etc More comprehensive recycling program/no recycling program

Area	No. Respondents	% Reason	Reason Needs Improvement
Enforcement of By Laws	86	36 33 29	Greater enforcement of animal Local Laws Greater enforcement of fire prevention Local Laws Greater enforcement of fire prevention Local Laws to clean up properties
Economic development	98	32 27 21	More/better Job creation programs/employment opportunities Encourage more tourism Too little support for local businesses/new business/many closing down
Town planning policy & approvals	136	32 25 14	More efficient/faster approval processes Better planning policies More consultation with community

Relevant Policies

Results for community satisfaction for overall performance generally of the council, for council's advocacy and community representation on key local areas and for council's engagement in decision making on key local issues form part of the Victorian Local Government Indicators which are included in our annual report.

The LGCSS enables Council to monitor its performance over time and benchmark against 'like groups' of councils.

Survey results focus attention on areas needing improvement.

Council's draft Council Plan 2009-2013 identifies effective community engagement as an important contributor to good governance. The Draft Plan includes key objectives around community engagement including the adoption of the International Association of Public Participations Consultation Framework as a guiding process for improved community engagement and the inclusion of community consultation plans.

The council is also committed to the development of communications plans that specifically address community engagement approaches on a project by project.

Financial

Council contributed \$4,655 (including GST) toward the cost of the survey.

Community Engagement

The survey is considered to be statistically significant. It comprises a telephone survey with a minimum of 350 people throughout the Shire.

The LGCSS results will be presented at meetings of the Executive Management Team and general staff.

A media release will be issued to communicate results with residents and ratepayers.

Conclusion

The LGCSS shows that Hepburn Shire Council has improved in three out of the four governance areas although it remains overall at the lower end of results for all governance performance indicators and all specific areas when compared to “like” shires in the small rural council’s category.

A more concerted focus on communication and consultation needs to be further built into our processes and culture to proactively address many of the reasons given for ‘needs improvement’ in the governance measures.

The Council’s commitment to improved community engagement was reflected in the recent round of public consultation meetings offered to community members interested in contributing to the development of the draft Council Plan 2009-2013. Public meetings were held in all wards, along with and a non-resident meeting in Melbourne. These meetings were attended by 126 community members, which points to the success of this process. A similar model will now be used for community feedback in relation to the draft Budget, with public meetings now scheduled for each ward this month.

In December 2008 Council commenced a process of focusing on Town Planning and Approvals following an external review resulting in a report titled Planning Review. The purpose of the report was to provide an independent analysis and commentary on the current business processes and protocols of the Town Planning business unit. The report involved three stages; Systems and Processes Review, Planning Policy and Strategy Review and Community workshops and consultations forums. The report made eighteen recommendations of which all have either commenced or have been addressed and completed.

Council has commenced its formal review of the Municipal Strategic Statement and Hepburn Shire Planning Scheme.

Hepburn Shire Council currently on average processes 72-75% of all planning applications within the statutory approval time of 60 days. The regional average is 71%.

The new Organisational Structure which better reflects Council's focus in the areas of Environmental Sustainability, Corporate Services, Community Development and Infrastructure has recently seen the employment of a General Manager Sustainable Development which holds responsibility for the areas of planning, environment, economic development and tourism and compliance,

The LGCSS is a valuable form of consultation and the results provide a tool to inform planning and drive improvements across all areas of Council.

Motion

9.2.1 That Council receives the results of the 2009 Local Government Community Satisfaction Survey.

Moved: Cr Jon Barrell

Seconded: Cr Tim Hayes

Carried

Cr Jon Barrell left the Chamber at 9.21pm.

10. CORPORATE SERVICES:

10.1 MONTHLY FINANCIAL REPORT 1/7/08 – 31/05/09

(A/O – Manager Finance)

File Ref: 30/08/17

Introduction

A summary report on the Council's financial performance for the financial year to the 31 May 2009 is provided for information.

Report

This report provides information on Council's operating performance for the 11 months to 31 May 2009 against the revised budget adopted by Council in February 2009. The report considers revised budgets against forecasts for each operating program and for all capital works.

Statutory Requirements

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

Variance Report

Corporate Services:

Variance (Deficit)/Surplus 000's:

\$ 109

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
CORPORATE SERVICES					
<i>INCOME</i>					
Revenue Services (Rates & M/C)	9834	9850	9850	0	
Grants Commission	2,219	2,219	2,219	0	
Other Income	419	348	456	108	1
`Total Income	12471	12,416	12,524	108	
<i>EXPENDITURE</i>					
Council	656	788	789	(1)	
Financial Services	618	712	712	0	
Technical Services	861	974	970	4	
Governance & IT	825	918	928	(10)	2
Organisational Development	195	223	227	(4)	
Other Administration	448	571	559	12	3
`Total Expenses	3602	4,185	4,186	1	
NET	8869	8,231	8,339	109	
Notes					
1	Corporate Services \$60k additional interest on investments from grants received early, Technical Services \$13k bus stop supervision fee, Information Technology \$7k traineeship grant, Customer Services reimbursement of legal fees \$24k				
2	Revised estimate for events insurance, increase \$4k increase in estimate for minor equipment purchase and maintenance \$6k				
3	Savings predicted in postage \$7k Debt redemption \$10k				

Community Services:

Variance (Deficit)/Surplus 000's:

\$82

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
COMMUNITY SERVICES					
<i>INCOME</i>					
Community Development	281	228	279	51	4
Family & Children's Services	87	101	101	0	
Aged & Disability Services	1033	1,101	1,098	(3)	
Housing	48	47	85	38	5
Contract Services	333	247	347	100	6
Total Income	1782	1,724	1911	187	
<i>EXPENDITURE</i>					
Community Development	695	807	823	(16)	7
Family & Children's Services	192	260	260	0	
Aged & Disability Services	1151	1,346	1346	0	
Housing	43	41	47	(6)	
Contract Services	303	239	322	(83)	8
	2385	2,693	2798	(105)	
NET	(603)	(969)	(887)	82	
Notes					
<p>4 Increased grant received for Community Strengthening \$20k plus unbudgeted grant for bushfire recovery officer role \$30k</p> <p>5 Cameron Court Units Clunes</p> <p>6 Increase in contract services fee income due to extra demand mostly offset by increased costs, see note 8</p> <p>7 Unbudgeted cost of bushfire recovery officer \$16k (offset by grant of \$30k see note 4 balance of \$14k will be expended next financial year)</p> <p>8 Increase in contract services provided due to extra demand covered by increased fee income, see note 6</p>					

Regional Development:

Variance (Deficit)/Surplus 000's:

\$ 18

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Regional Development					
<i>INCOME</i>					
Planning & Heritage Services	149	186	164	(22)	9
Building Services	135	128	128	0	
Tourism & Economic Development	202	195	197	2	
Other Cultural Activities	8	0	8	8	10
Public Halls	5	6	6	0	
Total Income	498	515	503	(12)	
<i>EXPENDITURE</i>					
Planning & Heritage Services	670	793	776	17	11
Building Services	128	198	155	42	12
Tourism & Economic Development	289	345	350	(5)	13
Community Amenities	135	164	158	6	14
Library Services	341	340	350	(10)	15
Other Cultural Activities	64	69	83	(14)	16
Public Halls	55	83	89	(6)	17
Total Expenses	1682	1,991	1,961	30	
NET	(1,184)	(1,476)	(1,458)	18	
Notes					

- 9 Estimate for planning fees reduced due to decline in planning applications
- 10 Unbudgeted grant Received
- 11 Decision to defer replacement in planning area due to reduced planning activity
- 12 Operating expenditure will be less than forecast due to temporary cover for extended annual leave not required this financial year \$42k
- 13 Tourism Information Centre printing & stationery revised forecast by \$2k
Jubilee Lake Caravan Park building maintenance revised forecast costs by \$3k
- 14 Cleaning contractor's costs lower than anticipated forecast revised downwards by \$5k
- 15 Unbudgeted building maintenance Daylesford Branch Library
- 16 Increase in Cultural activities and community events partially offset by grant see note 10
- 17 Additional building maintenance required for Creswick Town Hall

Public Safety:

Variance (Deficit)/Surplus 000's: (\$9)

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Public Safety					
<i>INCOME</i>					
Fire Prevention	48	25	47	22	18
Animal Control	85	76	84	8	19
Compliance	28	32	32	0	
Health	130	134	129	(5)	20
School Crossing	8	8	8	0	
Total Income	299	275	300	25	
<i>EXPENDITURE</i>					
Fire Prevention	44	36	48	(12)	21
Animal Control	17	29	20	9	22
Compliance	232	254	254	0	
Health	248	260	290	(30)	23
Environmental Initiatives	93	114	116	(2)	
School Crossing	22	26	25	1	
Emergency Management	3	6	6	0	
Total Expenses	659	726	766	(34)	
NET	(360)	(451)	(466)	(9)	
Notes					

18 Fire prevention activity higher than anticipated offset by higher costs, see note 21

19 Animal Registration fees up by \$8k

20 Health fees forecast revised downwards by \$5k

21 Fire hazard removal fees and charges up due to increased activity mostly covered by increased income, see note 18

22 Pound operating costs forecast revised downwards based on activity level year to date

23 Increased costs to cover extended leave

Recreation:

Variance (Deficit)/Surplus 000's: (\$119)

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Recreation					
<i>INCOME</i>					
Parks & Gardens	1	1	1,	0	
Reserves	8	9	10	1	
Mineral Springs Reserves	325	385	385	0	
Total Income	335	395	396	1	
<i>Expenditure</i>					
Parks & Gardens	162	159	183	(23)	24
Reserves	588	688	707	(19)	25
Mineral Springs Reserves	238	209	276	(67)	26
Swimming Areas	226	229	243	(14)	27
Cemeteries	2	4	2	2	
Indoor Recreation	12	30	30	0	
Total Expenditure	1228	1320	1,440	(120)	
NET	(893)	(925)	(1,044)	(119)	
Notes					
24 Increased level of maintenance required for Daylesford Parks & Gardens \$22K					
25 Increased level of maintenance required for Clunes Reserves \$5K and Other Reserves of \$12k					
26 Costs associated with the trade mark protection project \$10K and increased maintenance costs of \$36					
27 Additional building maintenance required at Clunes \$6K, Creswick \$6k and Daylesford 2k					

Infrastructure:

Variance (Deficit)/Surplus 000's:

(\$7)

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009

	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Infrastructure					
<i>INCOME</i>					
Road Maintenance	1,751	1,774	1,774	0	
Other Transport	897	1080	1049	(31)	28
Total Income	2648	2,854	2,823	(31)	
<i>EXPENDITURE</i>					
Road Maintenance	1743	1,900	1888	12	29
Depots	44	51	53	(2)	
Other Transport	415	448	434	14	30
Total Expenses	2202	2,398	2375	24	
NET	446	456	448	(7)	
Notes					
28 Forecast based on expected level of plant hire usage/income					
29 Anticipated savings in street lighting forecast revised downwards by \$10K					
30 Expected level of costs associated with plant hire usage/expenditure relates to note 28					

Waste Management:

Variance (Deficit)/Surplus 000's:

\$ 16

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009

	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Waste Management					
<i>INCOME</i>					
Waste Revenue	1517	1,506	1526	20	31
Land Management	10	20	20	0	
Total Income	1,527	1,526	1,546	20	
<i>Expenditure</i>					
Street Cleaning	96	124	108	16	32
Waste Management	1111	1341	1,361	(20)	33
Land Management	6	34	34	0	
Total Expenditure	1214	1499	1,503	(4)	
NET	313	27	43	16	
Notes					

- 31 Increased level of activity at transfer stations resulting in higher fee income
- 32 Revised forecasts for savings in waste levy and transport and contractor costs.
- 33 Increased cost of sorting and transfer of recyclables from the transfer stations.

Unclassified:

Variance (Deficit)/Surplus 000's: (\$60)

DEPARTMENTAL REPORT FOR THE PERIOD ENDING 31 MAY 2009					
	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
Unclassified					
<i>INCOME</i>					
	34	0	40	40	34
Total Income	34	0	40	40	
<i>Expenditure</i>					
Unclassified	100	0	100	100	35
Total Expenditure	100	0	100	100	
NET	(66)	0	(60)	(60)	
Notes					
34 Relates to expenditure on February bushfire some costs will be reimbursed however too early					
35 to predict full amount of the reimbursement of costs. To date reimbursement of \$40k has been confirmed we have assumed full cost of the balance for the present.					

Operating Summary:

The forecast when measured against the revised budget adopted in February, following the mid year review, currently indicates a small positive variance of \$30k. The forecasts applied have been fairly conservative at this stage however as we head towards the financial year end the forecasts can be made with a higher degree of confidence and therefore a higher degree of accuracy.

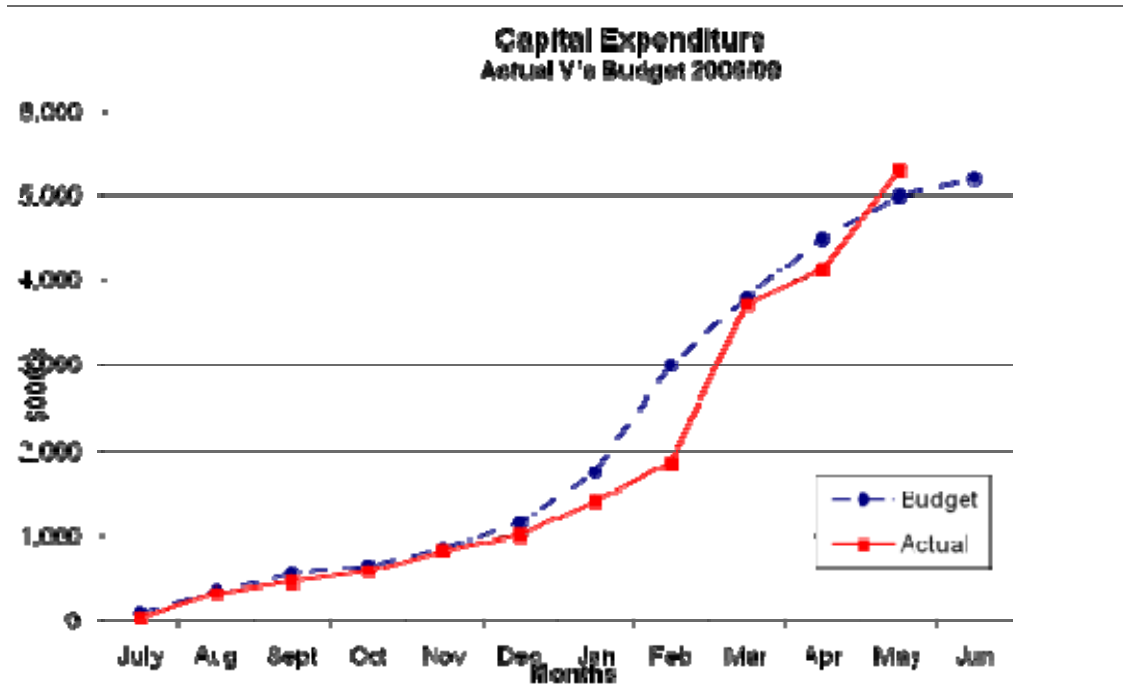
With less than one month of the year to go reports to managers are now being provided on a fortnightly basis following each pay runs in an effort to ensure that the overall budget is met by year end.

Capital Works and Major Projects:

Program	Major Activities	YTD Actual 000's	Revised Budget 000's	Forecast 000's	Budget Variance 000's	Note
9 Capital Income						
Buildings	Buildings	2030	2,226	2,226	0	
Federal Stimulus Package	Daylesford, Trentham & Clunes Public Toilet Upgrade	425	425	425	0	
Mineral Springs	Mineral Springs	0	38	0	(38)	36
Other	Debt Redemption & Sale of Land/Springs Medical Centre	380	447	447	0	
Parks & Gardens	Parks & Gardens	29	29	29	0	
Plant & Equipment	Plant & Equipment	139	312	312	0	
Recreation	Recreation	178	365	365	0	
Roads & Pavements	Roads & Pavements	193	45	193	148	37
Total Capital Income		3306	3,887	3,997	110	
9 Capital Expenditure						
Buildings	Buildings	1893	2,891	2,894	(3)	
Environment	Environment	25	106	106	0	
Federal Stimulus Package	Daylesford, Trentham & Clunes Public Toilet Upgrade	80	82	95	(13)	38
Mineral Springs	Mineral Springs	158	233	233	0	
Other	Debt Redemption & Sale of Land/Springs Medical Centre	600	942	942	0	
Parks & Gardens	Parks & Gardens	97	173	173	0	
Plant & Equipment	Plant & Equipment	599	1,115	1,115	0	
Recreation	Recreation	228	627	627	0	
Roads & Pavements	Roads & Pavements	2154	2,712	2,800	(88)	39
Swimming Areas	Swimming Areas	51	140	140	0	
Waste Management	Waste Management	0	58	58	0	
Total Capital Expenditure		5,885	9,079	9,183	(104)	
Net		(2,579)	(5,192)	(5,186)	6	
36 Hepburn Mineral Springs Reserve grant that had been accounted for in last financial year						
37 Relates to a grant received in relation to the construction of bus stops offset by additional expenditure refer note 39						
38 Revised level of expenditure for current financial year on Federal stimulus package projects						
39 Refer to note 34						

The 2008/2009 capital works program will see the majority of projects completed or substantially underway by the end of the financial year.

There will be some projects that will need to be carried forward into the next financial year for various reasons. A more detailed report will be provided to the July 2009 Council meeting in regard to this area.



Balance Sheet

Balance Sheet		
As at 31 May 2009		
	000's	000's
	30-Jun-08	31-May-09
	\$	\$
Assets		
Current assets		
Cash and cash equivalents	2,715	4,153
Trade and other receivables	1,400	2,578
Accrued income	8	8
Prepayments	5	47
Inventories	61	89
Non-current assets classified as held for sale	66	66
Total current assets	4,255	6,941
Non-current assets		
Trade and other receivables	2	2
Financial assets	955	948
Investments in associates accounted for using the equity method	375	375
Capital Works and Income for 2008/09	0	2,579
Property, plant and equipment, infrastructure	150,160	150,160
Total non-current assets	151,492	154,064
Total assets	155,748	161,005
Liabilities		
Current liabilities		
Trade and other payables	(1,524)	(94)
Trust funds and deposits	(808)	(835)
Provisions	(1,378)	(1,401)
Interest-bearing loans and borrowings	(372)	(373)
Total current liabilities	(4,082)	(2,703)
Non-current liabilities		
Provisions	(716)	(716)
Interest-bearing loans and borrowings	(2,162)	(2,162)
Total non-current liabilities	(2,878)	(2,878)
Total liabilities	(6,960)	(5,581)
Net Assets	148,787	155,424
Equity		
Accumulated surplus	(83,373)	(83,373)
Operating result for period	0	(6522)
Reserves	(65,414)	(65,529)
Total Equity	(148,787)	(155,424)

Current Assets:

Cash and investments at 31 May total \$4.2 million and includes \$0.95 million for the Long Service Leave Provision.

Net current receivables are \$2.6 million including \$1.9 million in rates. Trade debtors at 31 May are \$425 thousand. Debtors are being monitored and regular follow up action taken to minimise any write offs.

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

Current Liabilities:

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

Non-Current Assets:

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

Non-Current Liabilities:

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

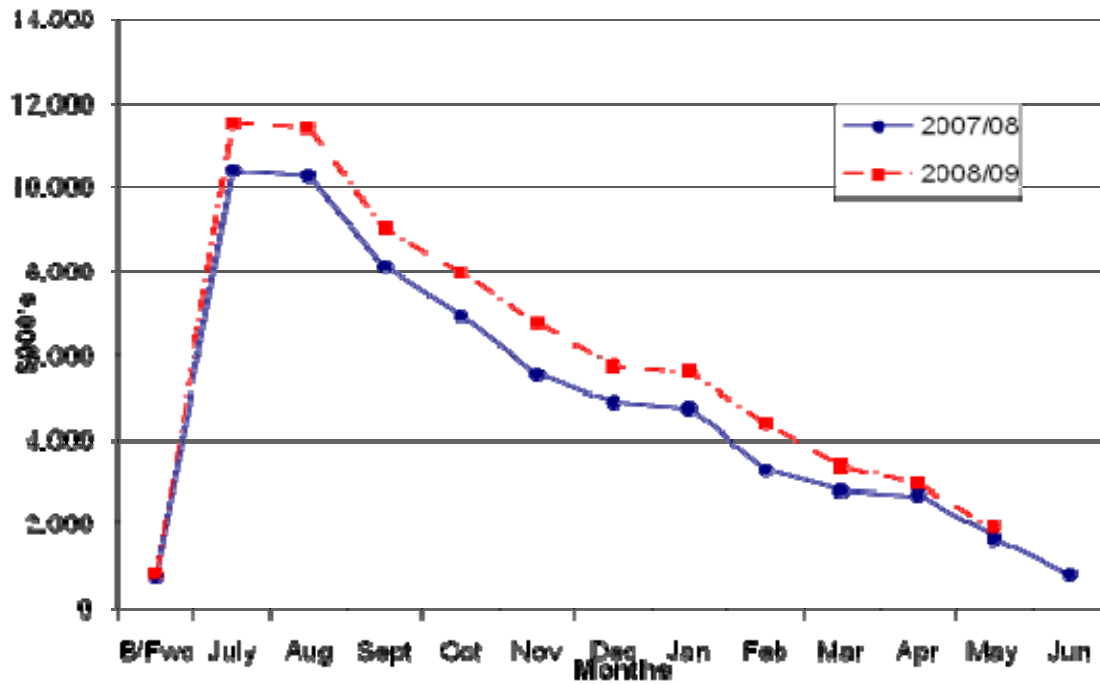
Conclusion:

While there have been some changes in both the income and expenditure areas since the mid year review it is expected that the final result will be close to what was predicted at that time. The capital and projects area will have some projects that need to be carried forward into next financial year.

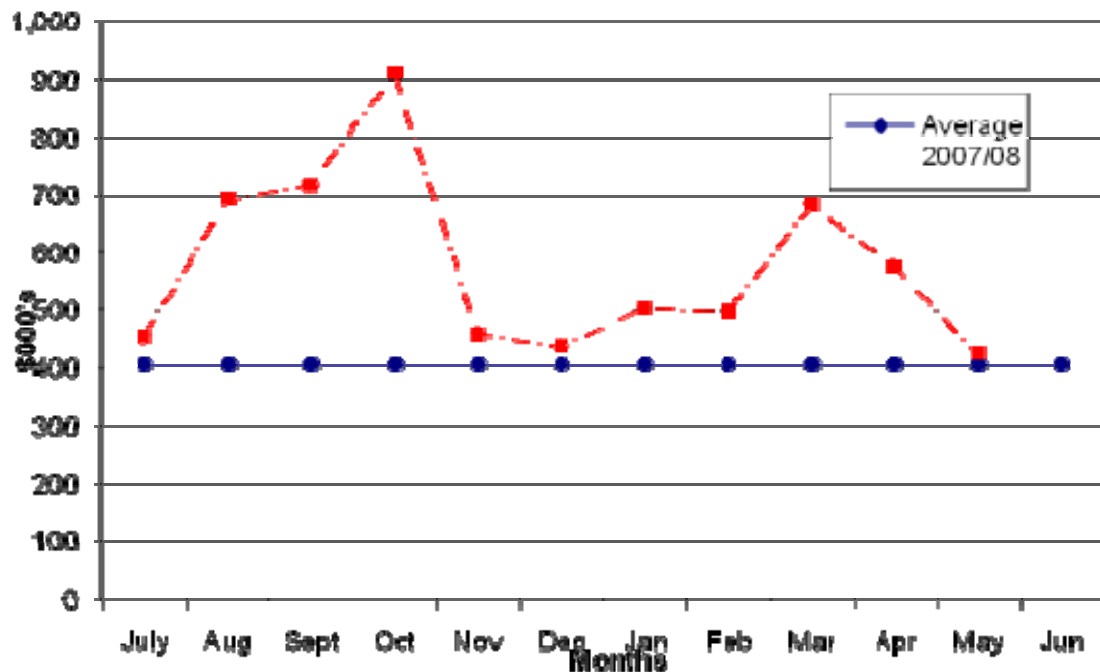
Managers will continue to review in detail both operating and capital budgets to ensure that the overall budget will be achieved.

Following for Councillors information are two graphs which show the level of Rate Debtors for 2008/09 in comparison to the previous year and the level of Sundry Debtors to the average level of sundry debtors for the previous year. Both are considered to be at acceptable levels at the end of May 2009.

Rate Debtors
Actual 2007/08 Vs 2008/09



Sundry Debtors
Average 2007/08 Vs Actual 2008/09



Relevant Policies

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

Community Engagement

Nil

Financial & Resource Implications Initial & Ongoing

This report provides the opportunity for constant review of Council's financial position to ensure compliance with budgets. The reports presented show the revised budget, year to date actuals, forecast and budget variance. The report notes any variances against the revised budget and forecast.

Cr Jon Barrell re-entered the Chamber at 9.23pm**Motion**

10.1.1 *That Council receives the Monthly Finance Report for the 11 months from 1 July 2008 to 31 May 2009.*

Moved: Cr Janine Booth

Seconded: Cr Sebastian Klein

Carried

10.2 LAND UNDER ROADS – ACCOUNTING POLICY

(A/O – Manager Finance)

File Ref: 30/08/17

Introduction

This report outlines the key aspects of the Accounting Standard AASB 1051 Land Under Roads and the choices available to Council and implications of these options, and recommends an accounting policy for adoption by Council.

Report

The Accounting Standard AASB 1051 Land Under Roads (“the Standard”) was issued in December 2007 and applies to Council in the financial year commencing 1 July 2008. The Standard requires that Land Under Roads (“LUR”) acquired after 1 July 2008 are recognised as assets on Council’s balance sheet and are accounted for in accordance with the Accounting Standard dealing with Property, Plant and Equipment (AASB 116). The Standard does however provide a choice regarding the recognition of LUR acquired prior to 1 July 2008.

Land Under Roads refers to land under roadways, and road reserves, including land under footpaths, nature strips and median strips. The main way in which Council would acquire additional LUR is through infrastructure assets within newly-created subdivisions being passed over to Council by the developers of the land.

Transitional arrangements have applied for a number years which allowed local governments to elect not to recognise land under roads as an asset. With the introduction of International Accounting Standards and the removal of AAS27 (the former Accounting Standard specific to local government), these transitional arrangements have now ceased.

Core Issues

LUR constitutes a separate class of assets for disclosure on Council’s balance sheet. As with other forms of land, LUR is considered to be a non-depreciable asset, that is, the value of the land is not expected to reduce over time and therefore no depreciation charge relating to these assets would be recorded in Council’s income statement.

LUR is a unique asset class in that the land itself, being under a road base and surface, would be very unlikely to be disposed of at any time by local government entities. The prevailing view among local government finance practitioners is that including LUR assets on a Council balance sheet does not add meaningful information to the users of Council’s financial statements.

There are two key aspects to consider in terms of accounting policy – (1) the treatment of LUR acquired prior to 1 July 2008 and (2) the treatment of LUR acquired after that time.

The choices available under the Accounting Standard and commentary on the various options were the subject of a circular issued by FinPro (Local Government Financial Professionals) in July 2008. The circular was prepared by the FinPro Technical Committee with input and sign-off by representatives from Local Government Victoria, the Auditor-General's office and the Municipal Group of Valuers.

There has also been work undertaken with respect to the valuation of LUR (i.e. how to actually value these assets which are not traded in an active market), with a methodology paper developed by the Municipal Group of Valuers and agreed by the parties mentioned above. This has also been circulated to local government finance practitioners.

LUR acquired up to 30 June 2008

The choices available to Councils under the Standard for which policy decisions are required are detailed below.

1. Whether to recognise as an asset LUR acquired up to 30 June 2008.
 - Councils can decide whether or not to recognise these LUR (AASB 1051 paragraph 8)
 - A final election must be made effective as at 1 July 2008 following the end of the 2007/08 financial year (para 9)
 - If LUR is recognised, any adjustments resulting from that election are made against the opening accumulated surplus (deficiency) balance as at 1 July 2008, in the 2008/09 financial statements (para 9)
 - The accounting policy for these LUR must be disclosed in the 2008/09 financial statements (para 11)

2. If these LUR are recognised, whether to recognise at fair value or deemed cost.
 - Councils can record these assets at fair value, or elect to use that fair value as the deemed cost at 1 July 2008 (para 13) and apply the relevant exemptions as if it were adopting Australian equivalents to IFRSs for the first time.

Some of the implications of each approach are outlined in the following table.

Recognising pre June 08 LUR	Not recognising pre June 08 LUR
Additional work initially to capture data on all LUR. The information available on Road Management Act Register and GIS mapping systems may assist.	Simpler approach. Never need to recognise pre June 08 LUR but need to track and record LUR acquired from July 08.
Enables all LUR to be shown on the balance sheet.	LUR recognised is an incomplete picture of the total assets managed by Council
Able to record at deemed cost and avoid the need to revalue in future years. If the fair value approach is adopted, then future revaluations will need to be undertaken and the booked values adjusted for material changes.	Cannot decide at a later stage to recognise pre June 08 LUR and seek deemed cost exemption.
Whole of municipality data source and valuation calculation possible.	Valuation data will need to be captured as new (individual) road reservations are progressively acquired.
May impact balance sheet by significant amount.	Councils receiving little new LUR from July 08 can apply materiality and not recognise the LUR post 1 July 2008 if it is not material. Councils would need to prove each year that the collective value of LUR not recognised is not material.

LUR acquired after 30 June 2008

LUR acquired after 30 June 2008 are accounted for under the provisions of AASB 116 Property, Plant & Equipment. This requires LUR to be initially measured at cost (AASB 116, para 15). Where LUR are acquired for no cost (e.g. donated assets), then the cost is taken to be the fair value at the date of acquisition (AASB 116, para Aus15.1),

After initial recognition of LUR, Councils need to choose either the cost model or the revaluation model as its accounting policy to be applied to the LUR asset class (AASB 116, para 29).

If the cost model is chosen, then subsequent revaluations of the LUR are not required, although new land acquired each year will need to be measured at fair value as a proxy for cost.

If the revaluation model is adopted, then fair value assessments will need to be performed on a regular cycle in the same way as other infrastructure assets. The concept of materiality would also apply.

Proposed accounting policy

Based on consideration of the various options, the proposed accounting policy for LUR is:

- Elect not to recognise LUR acquired prior to 1 July 2008
- Measure LUR at cost (being the fair value at the date of acquisition) and apply the cost model in future years.

The primary reasons for the proposed accounting policy are:

- Council officers agree with the general local government view that the inclusion of information on land under roads does not add value to the financial statements and may in fact create more confusion in understanding Council's financial position.
- While the value of LUR acquired from 1 July 2008 will need to be assessed and recorded, it is possible that this value would not grow to a material amount and therefore may not need to be included on Council's balance sheet. This will need to be considered and assessed on an annual basis.
- Measuring LUR from 1 July 2008 at cost means there is no need for future revaluations of these assets. Representatives from Local Government Victoria have indicated the Department would not object to Councils measuring LUR at cost given the nature of this class of assets.
- The proposed approach is the least intrusive on Council resources. The alternative approach would take considerable internal and external resources for what finance consider to be little real value.

Future Actions

Council officers will work to ensure LUR acquired from 1 July 2008 are captured and identified through Council systems. Any LUR acquired each year will be valued and recognised on Council's balance sheet (subject to an assessment of materiality).

Details around the data collection and valuation approach will be discussed and agreed with the external auditors during the planning or interim audit processes.

The accounting policy will be disclosed in Council's 2008/09 financial statements.

Relevant Policies

The Local Government (Finance and Reporting) Regulations 2004 require that the Council comply with Australian Accounting Standards.

The adoption of relevant Australian Accounting Standards is in line with objective 3.3 Responsible Financial Management, of the adopted Council Plan 2006 – 2011.

Community Engagement

As this matter relates to accounting treatment, it is not proposed nor considered relevant to engage in any community engagement on this matter.

This matter was considered by the Audit & Risk Advisory Committee at its meeting held on 1 June 2009, The Audit & Risk Advisory Committee endorsed the policy and recommended that it be presented to Council for adoption.

Motion

That Council:

10.2.1.1 *Elect not to recognise Land Under Roads acquired prior to July 2008.*

10.2.1.1 *Measure Land Under Roads at cost (being the fair value at the date of acquisition) for Land Under Roads acquired post 1 July 2008.*

Moved: **Cr Don Henderson**

Seconded: **Cr Tim Hayes**

Carried

10.3 APPOINTMENT OF INTERNAL AUDIT CONTRACTOR

(A/O – Manager Finance)

File Ref: 30/04/01

Introduction

This report relates to the internal audit function currently under contract which is due to expire at the end of this financial year. The report recommends Council call for expressions of interest for the provision of these services for the next three years.

Report

The undertaking of an internal audit program within Council's operation is an important part of ensuring good Corporate Governance is achieved.

Internal audit services have traditionally been provided through an appropriately qualified contractor as this provides the most cost effective method of delivering the internal audit program.

The appointment of the Council's current internal audit provider was for a period of three years which will conclude at the end of this financial year.

Past practice has been to place an advertisement seeking expressions of interest for the provision of Council's internal audit services.

It is recommended that this process be undertaken again in this instance as it provides the Council with an opportunity to test the market place and ensure that it receives value for money.

The attached brief which was presented to the Audit and Risk Advisory Committee at their meeting held on 1 June 2009 is provided for the information of Councillors.

Relevant Policies

The provision of internal audit services is in line with objective 3.3 Responsible Financial Management, of the adopted Council Plan 2006 – 2011.

Community Engagement

It is not proposed nor considered relevant to engage in any community engagement on this matter.

Financial & Resource Implications Initial & Ongoing

Provision has been made in the budget projections for the provision of internal audit services.

Motion

10.3.1 *That Council seek expressions of interest for the provision of internal audit services for the next three years.*

Moved: **Cr Tim Hayes**

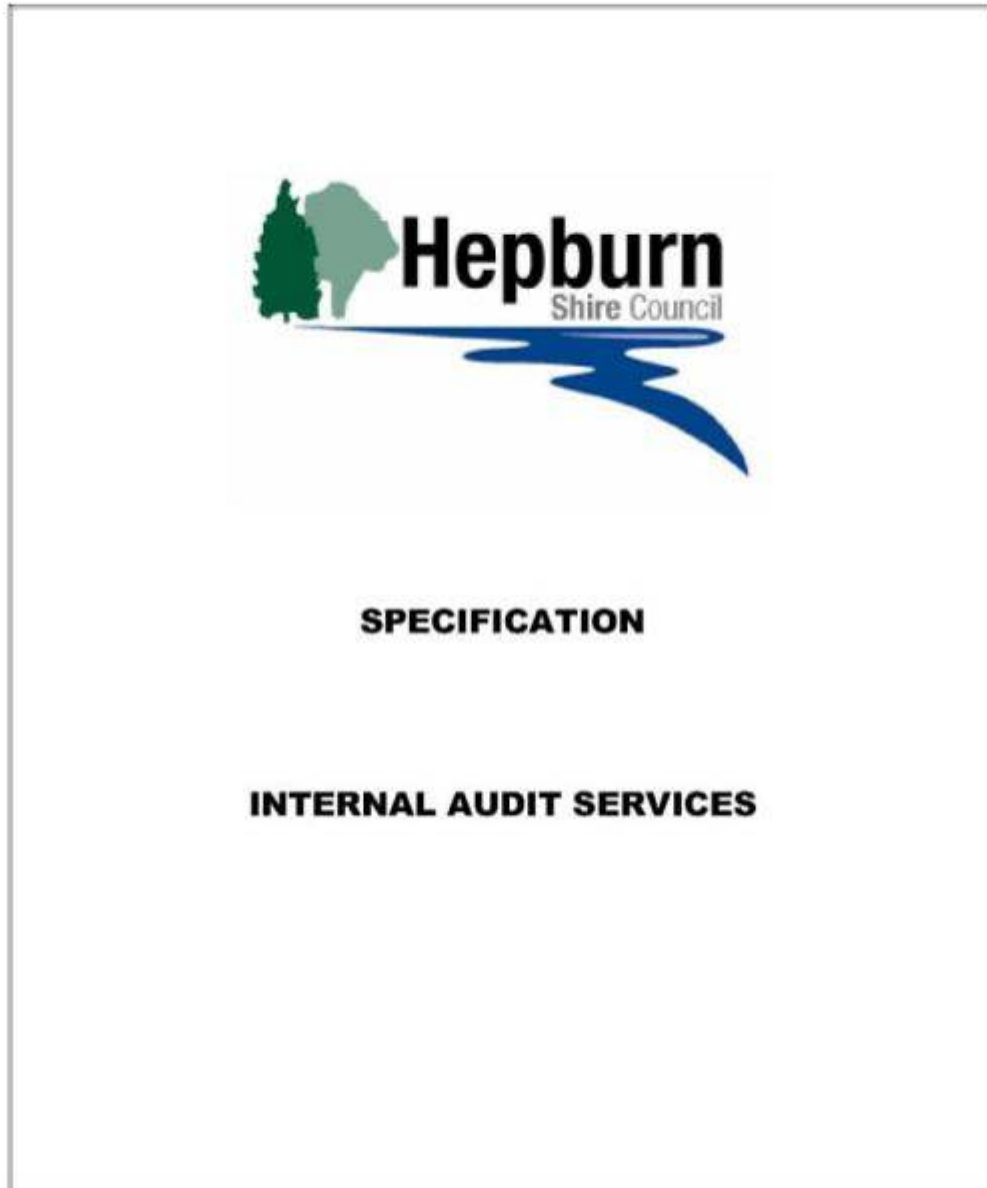
Seconded: **Cr Janine Booth**

Carried

ATTACHMENT 2

Item 10.3

Attachment 5.2.1 Internal Audit Specifications



June 2009

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- Independence
- Reporting Relationship
- Audit Project Scope/Reporting
- Care in Performing the Service
- Disruption of Service

Internal Audit and External Audit

Audit Committee

SPECIFICATION

INTERNAL AUDIT SERVICES

1. Introduction

Hepburn Shire Council is seeking to appoint Internal Auditors for the purpose of internal audit requirements for a 3 Year term.

2. Conditions of appointment

The conditions of appointment for the Internal Auditor will be as follows:

- The Internal Auditor will provide all equipment, plant and materials necessary to carry out the works.
- Council will provide office space for the Internal Auditor to work while in Council Offices.
- The Internal Auditor is required to provide its own information technology resources.
- The rates shall be inclusive of all travelling costs.
- The Internal Auditor will comply with all requirements in respect to, Auditing Standards, Statements of Auditing Practice and the professional requirements of the Institute of Internal Auditors.
- The Internal Auditor's price shall be inclusive of all overheads and foreseeable charges.
- The Internal Auditor must attend the Audit and Risk Advisory Committee Meetings as required (currently held quarterly).
- The Internal Auditor must be able to demonstrate that they have the suitable qualifications and experience for Internal auditing requirements.
- The Internal Auditor is to clearly specify any additional costs, which may be incurred and are outside the requirements of the specification. Failure to specify any additional costs will mean that the costs have been included in the fee quoted and are the responsibility of the Internal Auditor.

3. Objectives and Purposes of Internal Audit

It is intended that the Internal Auditor will report to the Audit and Risk Advisory Committee but provide management advice to the Chief Executive Officer as required. This process will ensure freedom of actions, independence and impartiality of advice to the Council.

The General Manager Corporate Services will undertake day to day management of the Internal Audit function.

The purposes for which the internal audit function would be undertaken are:

- (i) Provide advice regarding Council's exposure to risk;
- (ii) Review how systems are utilised to ensure compliance with legislative requirements, Council policies and programs;
- (iii) Test procedures to ensure their effectiveness in meeting objectives and recommending changes;
- (iv) Make recommendations to the Audit and Risk Advisory Committee for changes to procedures/policies to more effectively and efficiently achieve internal control.
- (v) Provide ongoing monitoring of processes and procedures.

4.1 Outline of Requirements

Hepburn Shire Council is seeking to appoint an Internal Auditor who is required to:

- Undertake an initial Risk Assessment of the Organisation,
- Prepare an audit program based on an estimate of 120 hours per annum, (not including the initial review and any subsequent reviews of this assessment). Actual hours of audit will be finally recommended by the Audit and Risk Advisory Committee to Council, following a review of the audit plan; and
- Provide internal audit services for a period in accordance with the approved audit program.

The successful contractor will be required to review the status of outstanding items raised in the current audit program reports as a component of the initial risk assessment.

4.2 Scope of Internal Audit

The Internal Auditor will:

- 4.2.1 Undertake an internal risk assessment;
- 4.2.2 Identify risks in various policies, procedures and legislative requirements;
- 4.2.3 Within sixty (60) days of commencement of the Contract present the risk assessment report to the Audit and Risk Advisory Committee;
- 4.2.4 Prepare a three (3) year audit plan which:

- addresses the risks identified in the risk assessment; and
 - be sufficiently comprehensive to ensure the effective and regular review of the Council's operations over a planned cycle; and
 - in year one (1) the plan shall indicate the months in which the work will be completed;
- 4.2.5 Prepare an annual program for approval of the Audit and Risk Advisory Committee; and

4.3 Internal Audit Services

- 4.3.1 The Internal Auditor shall be responsible for the provision of internal audit services approved by the Audit and Risk Advisory Committee, for the 3 Year term including:
- undertaking of regular periodic compliance testing of key controls over accounting and financial management information and control systems;
 - determining whether the systems of internal check and control are adequate and are functioning effectively and economically;
 - ascertaining the extent to which public and other property, money and resources under the control of the organisation are accounted for, utilised and safeguarded from losses of all kinds;
 - promotion of effective controls at reasonable cost;
 - ascertaining the extent of compliance with established policies, plans and procedures, and determines whether they are effective in securing their intended purpose;
 - assessing the relevance, reliability and adequacy of management data;
 - provision of advice on appropriate systems of control and other accounting and operational matters;
 - conduct of the Internal Audit in a manner consistent with concepts expressed in the *Standards for Professional Practice of Internal Auditing* issued by the Institute of Internal Auditors Inc., from time to time;

- having regard for the auditing standards and practice statements issued jointly by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia, standards issued by the Information Systems Audit and Control Association and any other Australian and international auditing standards; and
- 4.3.2 Providing the basic requirements for internal audit are met, Council has the prerogative to extend the role and focus of the function or to integrate it with other financial or management review processes.
- 4.3.3 The contractor shall liaise with Council's External Auditor in relation to any key risks that either party has identified to ensure that they are incorporated into the Plan.
- 4.3.4 The contractor shall advise what additional experience and skills that the organisation possesses that will give them a competitive advantage if they are successful – E.g. Fraud Investigations, OH&S compliance specialists etc.

4.4 Independence

The Internal Auditor shall have independent status within the Council and for that purpose shall:

- be given full and free access at all reasonable times to all records and documents of the organisation, officers and employees of the organisation will furnish internal audit staff with information, advice or explanation on such matters as may be requested and must render any assistance necessary for audit purposes;
- have no executive or managerial powers, authorities, functions or duties except those relating to the management of the internal audit function;
- not be involved in the day to day operation of the accounting and financial management information and control systems or in the internal checking system;
- be consulted, but not be responsible for the detailed development or implementation of new systems;

4.5 Reporting Relationship

5.5.1 The Internal Auditor shall report to the Audit and Risk Advisory Committee;

5.5.3 The Internal Auditor shall have unrestricted access to the Audit and Risk Advisory Committee.

4.6 Audit Project Scope/Reporting

4.6.1 Before each audit project the scope of the project shall be agreed with the relevant Manager/General Manager and shall be formally "signed off" before the commencement of the project;

4.6.2 At the conclusion of each project a draft report shall be prepared and forwarded to the General Manager Corporate Services and the relevant line manager for discussion. Draft reports shall be presented to management **within 14 days** of the completion of all field work and testing. Responses are to be prepared by management and if necessary discussed with the Internal Auditor prior to a "final" report being prepared.

4.6.3 The Final Report shall then be presented to the Audit and Risk Advisory Committee at its next meeting.

4.7 Care in Performing the Service

The Internal Auditor must exercise due care when performing the Service.

4.8 Disruption to Service

The Internal Auditor must make every effort to ensure that the Service is performed as agreed and without disruption during the Contract Term.

5. Internal Audit and External Audit

The Auditor General specifically prohibits the Council's External Auditor from undertaking the function of Internal Audit.

6. Audit Committee

The terms of reference of the Audit and Risk Advisory Committee are set out in the Audit and Risk Advisory Committee Charter, contained in Appendix 1.

The Audit and Risk Advisory Committee meets quarterly commencing at 3 pm, meetings are generally held in the months of February, May, August (Annual Accounts) and November, and involve approximately 2 hours duration.

10.4 SALE OF LAND TO RECOVER UNPAID RATES AND CHARGES

(A/O – Manager Governance and Information)

File Ref: 52/04/01

Introduction

This report relates to the sale of land to recover unpaid rates and charges as provided for under Section 181 of the Local Government Act 1989. The report provides an updated status of previously approved actions and recommends commencement of action on a further 3 properties.

Report

Council is empowered to sell land where any rates and charges have remained unpaid for at least 3 years. Section 181, Local Government Act 1989 makes this provision and prescribes the legal process to be followed. The process is exhaustive and complex, necessarily so as the Council is dealing statutorily with property of individuals in the exercise of recovering money it claims has been levied or debt incurred and to which it is entitled. Obtaining a Magistrates Court Order for payment is an initial step along with giving the prescribed public notice and how the proceeds of any sale are distributed.

Ongoing examination of outstanding rate debtors occurs. As part of ensuring procedural fairness and equity it is necessary to attempt to contact 'owners/occupiers' and physically check each property prior to commencing proceedings. While this can be time consuming it can bring to light new addresses for owners and then payments or often payment arrangements can be put in place. This all takes place after initial service of rate notices, attempted debt collection through normal means and writing to owners. Generally though, owners of properties are not traceable.

Unless there are exceptional circumstances only vacant land is subject to a sale using these provisions.

Where a sale does take place, Council is able to recover all costs associated with the sale (subject to adequate sale price which cannot be less than a current statutory valuation of the property) and any balance must then be paid to the owner or other person having a proven interest in the land. If no one can be located after reasonable efforts to trace them, the excess amount can be taken into Council's general revenue.

On 16 September 2008 Council authorised action under Section 181 for 7 properties. This Report notes below progress to date where some \$26,619 net has been recovered or payment arrangements are in place:

Prop#	Description	Status
101119	Lots 81, 82 & 83 LP 12123 12 Spring Ave Sailors Falls	Property sold and \$8,248 recovered.
103155	CP 173821 6225 Midland Hwy F'linford	Property sold and \$2,514 recovered, although in case the sale proceeds did not cover all outstanding amounts and some \$3,426 to be written off. The being the property value is low and not able to be developed.
13334	Pt CA 5 Sec 10 14 Bath St Clunes	Property sold and \$6,061 recovered.
104301	CA 36 Sec 12 Powell Connection Rd F'ford	Being held pending discussion with owner.
104439	Lot 1 LP 125638 Werona Rd Werona	Statutory process about to commence following effluxion of 3 years with Magistrates Court Order to be sought following no response from owners.
11967	CA's 8, 9, 17, 18, 21 & 22 19 Leishman St Allendale	Owners responded to Court Order and \$2822 recovered
200607	Lot 4 PS 96788 121 Main Rd Hepburn	Property sold and \$5,992 recovered.
201715	CA 19 Sec 3 P/Glenlyon 150 Henrys Rd Glenlyon	Owner responded with payment of \$2,206 and payment arrangement remains.
101350	CA 18 & 19 Sec 24 T/Hep 9 Range Rd Hep Springs	Magistrates Court Order in process of being sought.
102627	Lot 67 PS 114002 110 Woodduck Drv W'shf	A significant payment has been made and matter on hold, however Court Order remains an option.
100357	CA 5 Sec 39 T/D'sfd 38 Leggatt St D'sfd	Magistrates Court Order in process of being sought.
12502	CA 5 Sec 52 T/Cres'k 56 Melbourne Rd Cres'k	Magistrates Court Order in process of being sought.
201230	CA 51H Sec E P/Clunes 165 McDonalds Rd Clunes	A significant payment has been made and matter on hold, however Court Order remains an option.

It may have been observed on Statutory Notices on the land or from published notices, that amounts owing as stated in the Notices differ from those above. The above amounts do not include all legal costs included by solicitors in the Statutory Notices.

Surplus amounts from recent sales are being held in trust by Council’s solicitors pending investigations to satisfy the provisions of Section 181 (9) which requires the taking of reasonable efforts to locate any person who may appear to have an estate or interest in the land.

Further Properties for Section 181 Consideration and Action

The following properties have rates and charges outstanding for more than the statutory 3 year period, no payment arrangements are in place and Council’s authorisation is required to commence action under Section 181.

Prop#	Description	Status	Period Outstanding - Last receipt	Amount
101454	Lot 2 PS 340255 27 Hospital St, Daylesford	Vacant Land CIV \$158,000	2004/05 -2006/07	\$4,211.68
103201	Pt CA 12 Sec 1 P/Glenlyon Suttons Lane, Glenlyon	Vacant land	2005/06-2006/07	\$3,208.70
200258	CA 7 Sec 1 T/Franklinford Powell Connection Rd Franklinford	Vacant land - landlocked	2003/04-2003/04	\$1,485.65

None of the above amounts include 2008/09 rates and charges.

Relevant Policies

Council’s Revenue Policy # 6 Part 8 specifically allows for Section 181 provisions of the Local Government Act 1989 to be used in the circumstances where other attempts to collect amounts have been exhausted; the 3 year period has expired; and the owner does not live permanently on the property.

Council Plan 2006 – 2011 Key objective 3 on Asset and Resource Management calls for a strategy of responsible Financial Management. Collection of outstanding revenue by appropriate means equates to responsible financial management.

Draft Council Plan 2009 – 2013 there are no conflicting strategies. The action of collecting what is owed to the Council and bringing properties back into the normal rating sphere assists with financial sustainability and overall fairness and equity.

Community Engagement

There is no need for direct community consultation in these instances. However, there are statutory requirements to be followed regarding contact with owners or persons who may have an interest in the property, public notice of any sale as well as notice periods where signs are erected on properties.

Financial Implications

Collection of outstanding rates and charges assists cash flow. In some instances excess amount from sales can be brought into revenue where no claims for the funds are received. For the properties subject to this report, there may only be one that falls into the category where claims for excess may not be received. Legal costs and expenses relating to any sale of the properties are recoverable from the sale proceeds.

Motion

That Council:

10.4.1 Note the up-date status Report.

10.4.2 Approve and authorise action to be taken by the Chief Executive Officer pursuant to S181 of the Local Government Act 1989 relating to the further properties viz: 101454, 103201, and 200258 as listed in the above Report for the recovery and collection of outstanding rates and charges.

Moved: Cr Tim Hayes

Seconded: Cr Don Henderson

Carried

10.5 APPOINTMENT OF MEMBERS – HEPBURN MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

(A/O – Manager Governance and Information)

File Ref: 3/4680/00100

Introduction

Council resolved at the March 2009 Council Meeting to advertise for expressions of interest from community members wishing to become a member of the proposed Hepburn Mineral Springs Reserve Advisory Committee.

Report

Council advertised its intent to form an advisory committee for the Hepburn Mineral Springs Reserve throughout April 2009, and subsequently received four expressions of interest from community members, two of whom are members of the Friends of the Hepburn Mineral Springs Reserve group. Council has been provided with a copy of the expressions of interest received for consideration.

Council first of all needs to formally adopt and endorse the Terms of Reference for the advisory committee and can then proceed to appoint the following members to the committee.

The draft terms of reference have been developed and placed on the Council website and have been distributed to Councillors under separate cover.

The initial proposed composition of the committee was as follows:

- Councillor of the Hepburn Shire Council
- General Manager Infrastructure
- 2 members from the Friends of the Hepburn Mineral Springs Reserve
- 2 members of the general public
- 1 member nominated by the Bathhouse lease operator

Applications from members of the Friends of the Hepburn Mineral Springs Reserve and the general public have been forwarded to Councillors under separate cover.

The Belgravia Health and Leisure Group Pty Ltd (the current lease operator for the Bathhouse) has also been contacted and invited to nominate a person to be their representative on the advisory committee. At the time of compiling this report a nominated person had not been advised.

Relevant Policies

Local Government Act 1989

3.1 – Improve the management of our assets.

Community Engagement

Council advertised its intent to establish the advisory committee and proceeded to call for expressions of interest for membership of the committee throughout April 2009 by placing adverts in the Hepburn Shire Advocate and on Council's website.

Financial Implications

There are minimal financial implications of establishing this advisory committee.

Motion

That Council:

- 10.5.1 *Adopt the Terms of Reference for the Hepburn Mineral Springs Reserve Advisory Committee, hereby creating the Committee.*
- 10.5.2 *Appoint Lisa Gervasoni, Bill Guest, Peter Harsburgh and Jenny Beacham as members of the committee to the Hepburn Mineral Springs Reserve Advisory Committee for a period of 2 years.*
- 10.5.3 *Appoint Councillor Rod May to be the Councillor representative for the Hepburn Mineral Springs Reserve Advisory Committee.*

Moved: **Cr Jon Barrell**

Seconded: **Cr Don Henderson**

Carried

11. COMMUNITY SERVICES

11.1 VIC PARK COMMUNITY FACILITY

(A/O – A/General Manager Community Services)

File Ref: 50/10/03

Introduction

The purpose of this report is for Council to consider the recommendations of the Recreation Advisory Committee on the Vic Park Association proposal for a major upgrade of facilities.

Report

The Vic Park Association has been working to develop a multi-purpose multi-use upgrade of the facilities at Victoria Park Daylesford. It is envisaged that the facility will have a multi-purpose area/function room, kitchen, canteen, bar, change rooms, toilets, showers, first aid room, storage facilities, meeting rooms, time keepers box and stepped terrace for viewing events on the oval. The facility would be located on the Western side of the football oval near the netball court, as was proposed in the Dalton Engineering Victoria Park Masterplan (2006).

Representatives from the Association presented to Council on the 7 April 2009. Council requested the proposal be referred to the Recreation Advisory Committee for comment and recommendations. The Association presented to the Recreation Advisory Committee on 13 May 2009.

The recommendations from the Recreation Advisory Committee are:

1. This project is seen as a high priority in the recreation area. However, as this project has been presented outside the usual Sport and Recreation funding cycle, it is difficult to know whether there will be any other 'major' sport and recreation projects from within the Shire.
2. The Vic Park Association has undoubtedly done some wonderful work in preparing this project for Council to carry forward. Some further planning should be completed however surrounding the location of the proposed building and the possibility of relocating soccer and possibly tennis facilities to Victoria Park.
3. That the project would be best served by seeking funding to complete a Feasibility Study and to have some formal plans of the facility drawn up. Without these the Recreational Advisory Committee felt that securing funding particularly from Sport and Recreation would not be achievable. The feasibility study could include items surrounding the best site for the project and look into the possibility of relocating soccer and tennis to Victoria Park.

The work undertaken by the Vic Park Association is to be commended. The Association have consulted broadly and prepared draft funding applications and a business plan for the proposal. The Vic Park Association has requested that Council facilitate a meeting of potential funding bodies to progress the project.

Relevant Policies

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 Enhance external relationships

Objective Two – Service Delivery

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

- 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
3.4 Promote and encourage innovation

Community Engagement

Broad consultation has been undertaken in developing this proposal. Further consultation will be required to further develop this proposal.

Financial & Resource Implications Initial & Ongoing

There will be no initial additional financial or resource implications. External funding will be sourced to undertake a Feasibility Study. Significant Council / Government / Community funding will be required to construct the proposed facility.

Motion

That Council:

- 11.1 .1 *Support an application to seek funds to conduct a feasibility study addressing issues including but not limited to:*
- the scope of the project*
 - life cycle costs of the project*
 - ongoing maintenance responsibilities*
 - future management plans.*

Moved: Cr Tim Hayes

Seconded: Cr Janine Booth

Carried

11.2 DRAFT POSITIVE AGEING STRATEGY

(A/O – A/General Manager Community Services)

File Ref: 16/18/03

Introduction

Within the next 22 years the population of people aged 55 years and over living in Hepburn Shire is set to double. The implications for this shift in population will extend beyond local government to the broader community. This strategy has been prepared as a starting point in preparation for this population transition.

A copy of the draft Strategy has been forwarded to Councillors under separate cover.

Report

The Positive Ageing Strategy was presented as a draft to Council at the October ordinary meeting. The document was then placed on public display, inviting comment.

The Positive Ageing Strategy was developed because the Australian population is ageing and living longer. This requires all levels of government to prepare for the demographic shift. In Victoria the number of people aged 100 years plus was 83 in 1976, in 2006 it was 643 (Department of Planning and Community Development Census Info Sheet 2008). The loss of young people from rural communities is significantly impacting on the population size and also the make up of communities. For communities like those in Hepburn the ageing of the population is added to by retirees particularly from Melbourne.

Hepburn Shire Council received \$10K from the MAV and Council On The Ageing (COTA) to prepare a Positive Ageing Strategy. These strategies have become a requirement of local governments in Victoria.

The Hepburn Positive Ageing Strategy has been under development since May. A community reference group was established to guide the development and distribution of the research. The main tool was a survey which was widely distributed across the Shire. Specific groups catering to the 50 years plus age group were targeted to complete the survey, i.e. U3A. Of the 400 surveys that were distributed over 200 were returned, making this a very significant response. This information in conjunction with other population data and relevant Council strategies has informed the development of this plan.

The strategy document provides a background to Positive Ageing followed by five main strategy groupings:

- Keeping active (includes infrastructure items)
- Staying connected and in touch
- Getting places (transport)
- Maintaining a quality standard of living

- Developing services for an ageing population

The strategy document is intended for implementation across Council and as a tool to lead community in the transition to an older population. Hepburn Health Service has been invited to participate as a key collaborating agency because of the significant role their services play for an ageing population.

One submission was received in response to the public advertisement. This was from a Daylesford-based community group. Recommendations by this group involving the wording of one goal and additional data, breaking down the population by age were incorporated. Requests for the inclusion of specific recognition relating to this group were not included as there would be resourcing implications and issues of equity. Other suggested inclusions were already considered covered.

Relevant Policies

The Positive Ageing Strategy has been identified in Delivery of Council Commitments 2008-2009.

Community Engagement

A Community Reference Group was established for this project with representation from across the Shire. The primary process of community participation has been through consultation conducted by survey and group discussions.

Financial & Resource Implications Initial & Ongoing

A grant was received from the MAV and Council on the Ageing Victoria for the establishment of the Positive Ageing Strategies. Strategies have been developed for implementation over a four year allowing more resource-intensive items to be planned for in annual budget cycles.

Motion

That Council:

11.2.1 *Adopt the Hepburn Shire Council Positive Ageing Strategy*

11.2.2 *Thank the members of the Community Reference Group for their participation.*

Moved: *Cr Janine Booth*

Seconded: *Cr Jon Barrell*

Formal Motion

11.2.3 *That Council defer consideration of this item to the next meeting.*

Moved: **Cr Don Henderson**

Seconded: **Cr Sebastian Klein**

Carried

12. SUSTAINABLE DEVELOPMENT

12.1 WIND ENERGY FACILITY GUIDELINES

(A/O – Manager Planning)

File Ref: 46/04/01

Introduction

This report recommends that Council adopts the Wind Energy Facility Guidelines as a guideline document of Hepburn Shire Council.

Report

The draft Wind Energy Facility Guidelines was first prepared in June 2008 and placed on public exhibition during the months of July and August 2008. The Guidelines are intended as a reference document for those interested in the Planning Approval process as it relates to wind energy facilities.

A detailed report was presented to the Ordinary Meeting of Council on 21 October 2008 with a summary of 29 key points raised by persons making a written representation to Council throughout the exhibition period of the draft Wind Energy Facility Guidelines. The following was an extract from the said report outlining the purpose of the Guidelines:

The Draft Wind Energy Facility Guidelines (DWEF) is intended to provide guidance to applicants, operators and the community about wind energy facility proposals within the Hepburn Shire. The guidelines provide an overview of :

- the wind energy facility planning approval process
- the State Government policy towards wind energy facilities
- protecting rights of land owners and occupiers
- protecting rights of wind energy facility proponents and operators.

Council resolved to invite all submitters to a meeting comprising Councillors, Chief Executive Officer, Director Infrastructure & Development and the Manager Planning to be held in mid December 2008 or late January 2009 which will provide the opportunity for submitters to make a verbal presentation.

Council also resolved to refer the Draft Wind Energy Facility Guidelines to the Hepburn Shire Agriculture Advisory Committee and Heritage Advisory Committee for comment.

The draft Wind Energy Facility Guidelines were referred to the two advisory committees for comments in January 2009. No comments were received.

All submitters were subsequently advised of the opportunity to speak at the Delegated Planning Committee meeting of March 2009. Twenty people attended the Committee meeting in March.

Each person was given an allocated time period to address the Committee, if they choose to do so.

A table outlining the 29 key points and officer response to the points are provided in Attachment 3 of the Agenda.

The Wind Energy Facility Guidelines has been prepared as a supplementary non-statutory document to the existing state planning policies and planning provisions that govern the development of wind energy facilities (also known as wind farms).

The Victorian Department of Planning and Community Development has statutory ownership over the Victorian Planning System applicable to municipalities state wide. Hence it is not open to Council to prepare alternative local planning requirements to those prescribed by the state in relations to wind energy facilities. The Department is not supportive of local planning policies whereby it seeks to contradict state wide provisions.

Submitters have suggested alternative rating structure for wind energy facilities which are outside the scope of the preparation of the Wind Energy Facility Guidelines.

Submitters have made suggestions on legislative matters whereby Council is not the responsible authority under those respective legislations nor Council is the statutory owner of those legislations. For example: the Aboriginal Heritage Act and the Environment Effects Statement Act.

Whilst Hepburn Shire Council made the planning determination on the first two community-owned wind turbines in 2007, across Victoria, the significant majority of wind energy facilities (95 % plus) are projects whereby the Minister for Planning is the responsible authority.

When the Minister for Planning is the responsible authority for applications for planning permit for wind energy facility (greater than 30MW), the Council's Wind Energy Facility Guidelines will not apply.

Advice provided by the Department of Planning and Community Development as of 12 May 2009 indicated that a review of the state wind energy facility policy and planning guidelines will commence shortly as part of a broader review of planning for renewable energy.

In light of the statutory limitations, the Wind Energy Facility Guidelines has been revised to incorporate six guidelines of which Council can consider in its assessment of applications for planning permit for wind energy facility.

Relevant Policies

Hepburn Planning Scheme.

Council Plan – Objective One – Strengthening Communities.

Community Engagement

To enable public feedback on the draft guidelines Council placed the draft on exhibition during the months of July and August 2008.

Copies of the **Draft Wind Energy Facility Guidelines** were made available at Council's Customer Service Centres at Daylesford and Creswick and also on the Hepburn Shire Web site www.hepburnshire.com.au where a copy of the guidelines could be downloaded.

All submitters have received written acknowledgement of their submission and have been advised that they would also receive a copy of the final guidelines once completed.

All submitters have been invited to attend the Delegated Planning Committee meeting of March 2009 whereby twenty persons attended and a few made representations before the Committee of Councillors.

Financial & Resource Implications Initial & Ongoing

The financial implications associated with the recommendation contained within this report, being the cost of conducting a meeting and sending out invitations, have been accommodated within existing resources of the Strategic Planning Unit.

The ongoing resource implications for adopting the Wind Energy Facility Guidelines can be accommodated within existing resources of the Strategic Planning Unit

Motion

12 .1.1 *That Council defer this item for one month.*

Moved: **Cr Jon Barrell**

Seconded: **Cr Tim Hayes**

Carried

Attachment 3

Item 12.1

Table outlining the 29 key points to the Draft Wind Energy Facility Guidelines and officer response to the points.

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<i>Significant Landscape Overlay</i>	<p>The Wind Energy Facility Guidelines has been revised to include a statement on the importance of Significance Landscape Overlay and the protection of values of those areas affected by the Overlay.</p> <p>The Victorian Planning Provisions of which Hepburn Planning Scheme is based upon does not prohibit the making of an application to use and develop land within the Significant Landscape Overlay or land adjacent to such Overlay for wind energy facility.</p> <p>Council is legally required to consider all applications made for wind energy facility on merits, statutory provisions and policies of the planning scheme.</p> <p>Council cannot make policies that are intended to override the planning legislative framework, including the Victorian Planning Provisions.</p>	Yes
<i>Proximity of Wind Turbines to Residences</i>	<p>The Wind Energy Facility Guidelines has been revised to include as a guideline a minimum two (2) kilometres separation distance between a residence and wind turbines.</p> <p>It is not open to Council to incorporate legislative requirements and policies of New South Wales as it is not prescribed in the Victorian Planning Provisions for such level of discretion for Council to change a state-wide planning legislative framework.</p>	Yes, in part

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<p><i>Identification of Residences</i></p>	<p>The Wind Energy Facility Guidelines has been revised to include a guideline whereby the proponent of a wind energy facility has to map all residences within a 5 kilometres radius.</p> <p>There is no statutory basis to require proponents of wind energy facilities to inform all potentially affected residents prior to the lodgement of application for planning permit. The proponents have often held public meetings prior to the lodgement of application to inform of the new facility.</p> <p>Statutory notification of residents can only occur after an application is lodged and made in accordance with Section 52 of the Planning and Environment Act.</p>	<p>Yes, in part</p>
<p><i>Noise created by wind turbines</i></p>	<p>The Wind Energy Facility Guidelines has been revised to include reference to the South Australian EPA <i>Environmental Noise Guidelines: Wind Farms</i>.</p>	<p>Yes</p>
<p><i>Consultation and Public Meetings of Proponents</i></p>	<p>Council has adopted the International Association of Public Participations Consultation Framework guidelines for community engagement purposes and it is listed in the draft Council Plan 2009-2013.</p> <p>The proponents can utilise the Wind Energy Facility Guidelines as a tool for creating standard information packs or responses to public question time during a consultation session.</p>	<p>Yes</p>
<p><i>Decommissioning of Wind Turbines</i></p>	<p>A decommissioning policy has neither legal weight nor statutory basis for enforcement at a civil tribunal and/or court of law for the failure of decommissioning a wind energy facility.</p> <p>The Wind Energy Facility Guidelines has been revised to include reference to a Section 173 agreement whereby the</p>	<p>Yes</p>

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
	proponent is required to decommission a wind energy facility at the end of its operational life.	
<i>Covenants on land</i>	<p>Under the <i>Planning and Environment Act 1987</i> as amended and related legislation, Council is not legally open to mandate the inclusion of covenants of wholesale basis.</p> <p>The creation of a Council policy for covenants on land to warn of adverse affects of wind energy facility through the planning permit process has <u>no statutory weight</u> at the Victorian Civil and Administrative Tribunal (VCAT) should a landowner seeks a review before the Tribunal, the matter is likely to be dismissed.</p>	Not incorporated into the Wind Energy Facility Guidelines.
<i>The guidelines are recommended to be a Council Policy which would then lead to a Planning Scheme amendment, thereby enabling statutory enforcement. In relation to the Significant Landscape Overlay the policy should be to discourage/avoid these areas.</i>	<p>The Wind Energy Facility Guidelines is an internal policy of Council to provide guidance to Council, applicants and community on the planning process for wind energy facilities. It is important to note that the document serves as a Council policy only and has no statutory weight in the planning framework as it is not a legal instrument written into the Hepburn Planning Scheme.</p> <p>The Hepburn Planning Scheme contains state planning policies and state-wide provisions including reference to the <i>Policy and Planning Guidelines for development of wind energy facilities in Victoria</i> that govern the wind energy facilities.</p> <p>Council cannot amend the Hepburn Planning Scheme to include the Wind Energy Facility Guidelines as a local planning policy considering that state policies and provisions existed. Council is not open to introduce documents into the Scheme that conflict with those policies and provisions.</p>	Not incorporated into the Wind Energy Facility Guidelines.

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<p><i>Council should request a bond of \$500,000 (indexed to CPI) to cover the cost of enforcing reasonable noise complaints.</i></p>	<p>Enforcement of noise complaints is a statutory function of the Environment Protection Authority Act, and in the case of non-residential structures is the responsibility of EPA Victoria and its authorised inspectors.</p> <p>Hence Council is not legally entitled to request the bond money as suggested.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>Background noise testing needs to be undertaken at all potentially affected residences with wind speed and noise data provided to both the council and resident for independent evaluation. Remediation measures need to be put in place, which necessitate the requirement to turn off turbines during prevailing weather conditions. Hepburn Shire should adopt the acceptable limit of 35dBA instead of the 40dBA limit to align itself with SA & NSW.</i></p>	<p>Background noise testing and remediation measures are covered under the "Policy and Planning Guidelines for development of wind energy facilities in Victoria".</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>If shadow impacts residents' properties it is unacceptable.</i></p>	<p>Consideration for shadow impacts is covered under the "Policy and Planning Guidelines for development of wind energy facilities in Victoria".</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>Wind generators should be designed in height to avoid the need for installation of aviation hazard lighting (i.e. less than 110m) as the lighting impacts on residents.</i></p>	<p>There is no statutory basis for Council to mandate a reduction in the height of wind turbines for the sole reason of negating the installation of aviation hazard lighting.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<p><i>To achieve equity with other energy projects a rating formula of \$1100/MW capacity is recommended to be adopted. A further discount for community owned wind farms and the rates collected from community owned sustainable projects is recommended to be directed towards Council's own sustainability projects.</i></p>	<p>The Wind Energy Facility Guidelines is an internal policy of Council to provide guidance to Council, applicants and community on the planning process for wind energy facilities.</p> <p>The Guidelines is neither a rating strategy nor a rate reduction policy for wind energy facilities.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>Section 11.0 should be amended to include the requirement that in accordance with section 49 of the Aboriginal Heritage Act 2006 a cultural heritage management plan must be prepared if a proposed activity requires an Environmental Effects Statement.</i></p>	<p>Council cannot legally require the preparation of cultural heritage management plan in conjunction with the preparation of an Environmental Effects Statement.</p> <p>The Minister for Planning is the sole authority for requesting the preparation of Environmental Effects Statement.</p> <p>Aboriginal Affairs Victoria is the judicial and responsible authorities for the Aboriginal Heritage Act.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>The guidelines are recommended to be reviewed on a yearly basis for the first ten years. A more equitable rating structure (example: 2 turbines \$2,000 plus \$1000 per MW) and where a community owned wind farm the rate should be a nominal \$1000 per MW.</i></p>	<p>The Wind Energy Facility Guidelines is an internal policy of Council to provide guidance to Council, applicants and community on the planning process for wind energy facilities.</p> <p>The Guidelines is neither a rating strategy nor a rate reduction policy for wind energy facilities</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<p><i>A decommissioning bond of 10% of the value of the wind farm should be provided. As soon as a wind company talks to Council this should be made public and the community notified immediately. The views of the local community should be taken into account. Developers advertising the wind farm should be required to use actual data recorded from the proposed site to promote the wind farm. Statements from developers should only be allowed to be used once the actual production figures have been determined using wind speed data from an anemometer on the site</i></p>	<p>The Wind Energy Facility Guidelines has been revised to include a requirement that the proponent enter into a Section 173 agreement with Council for decommissioning of a wind energy facility.</p> <p>This requirement can only be included as a condition of planning permit for applications whereby <u>Council is the responsible authority.</u></p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>A Fire Plan for each wind farm is required as wind farms are a fire risk.</i></p>	<p>There is no evidence from the Country Fire Authority Victoria and the Department of Planning to suggest that all wind farms are a fire risk.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>An Environmental Effects Statement should be a pre-requisite for any wind energy facility proposal.</i></p>	<p>The Minister for Planning is the sole authority for requesting the preparation of Environmental Effects Statement.</p> <p>Council has no jurisprudence over this matter.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>
<p><i>Proponents should have a specific time period, say 12 months, in which they have to apply for a permit. A substantial bond should be held by Council which would be available to residents affected by the proposal (aesthetically, .</i></p>	<p>There is no legal requirement in the Planning and Environment Act 1987 whereby a proponent of any form of land use and/or development is required to lodge an application for planning permit within a time period from the pre-planning application stage.</p> <p>Council cannot legally mandate a time.</p>	<p>Not incorporated into the Wind Energy Facility Guidelines.</p>

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<i>physically or mentally affected).</i>	period in contradiction to the <i>Planning and Environment Act</i>	
<i>A residential buffer of 3 kms.</i>	The Wind Energy Facility Guidelines has been revised to include a minimum two (2) km separation distance between a dwelling and wind turbines.	Modified incorporation into the Wind Energy Facility Guidelines.
<i>All volcanic cones should exclude wind turbine development. No wind turbine should be permitted on any area covered by a Significant Landscape Overlay. Views of a SLO should also be unobstructed.</i>	Council cannot legally prohibit the land use and/or development of a wind energy facility or wind turbine on any area covered by a Significant Landscape Overlay where the planning (state-wide) requirements of the Overlay in the Hepburn Planning Scheme has no such restrictions.	Not incorporated into the Wind Energy Facility Guidelines
<i>No wind energy facility should be permitted within 2km of any forest regardless of whether public or private.</i>	The "Policy and Planning Guidelines for development of wind energy facilities in Victoria" states that a permit may be granted for a wind energy facility on any land except for land reserved under the <i>National Parks Act 1975</i> .	Not incorporated into the Wind Energy Facility Guidelines
<i>A 24 hour telephone service should be maintained to deal with issues as they occur.</i>	There is no statutory basis of which Council can request the maintenance of a 24 telephone hotline / service of the proponent of a wind energy facility.	Not incorporated into the Wind Energy Facility Guidelines
<i>Public notice should be given of a developer's intention to erect an anemometer.</i>	The installation of anemometer is exempt from public notice and the application for planning permit.	Not incorporated into the Wind Energy Facility Guidelines
<i>In cases of sensitive breeding grounds of wildlife, an Environmental Effects Statement should be required.</i>	The Minister for Planning is the sole authority for requesting the preparation of Environmental Effects Statement. Council has no jurisprudence over this matter.	Not incorporated into the Wind Energy Facility Guidelines

Submissions / Items	Officer Responses	Incorporation into the Wind Energy Facility Guidelines
<i>A public meeting should be held to discuss the proposed Wind Farm Guidelines</i>	No comments provided	Not incorporated into the Wind Energy Facility Guidelines

13. INFRASTRUCTURE

13.1 ARCHITECTURAL TENDER FOR DOUG LINDSAY RECREATION RESERVE

(A/O – Acting General Manager Infrastructure

File Ref: H201-2009

2/0340/01370

Introduction

This report provides for Council to appoint an Architect as part of the tender for the architectural design and documentation on the Multi-Purpose Sporting Building at the Doug Lindsay Recreation Reserve, Creswick.

Report

Council has been successful in securing funding from the Federal Government through the Department of Infrastructure, Transport, Regional Development and Local Government *Regional and Local Community Infrastructure Program – Strategic Projects*.

The grant amount of \$2,245,900 involves construction of the oval and part of the multi-purpose sporting complex building; approximate construction cost \$1,100,000, and the balance of the Federal Government grant allocation of \$1,145,900 is for the multi-purpose sporting building complex. The total expected cost on this building is \$1,900,000. Balance of funds for multi-purpose building will be from State Government (\$454,100) and Council (\$300,000).

Tenders were advertised for architects on the multi-purpose building complex and closed on 12 June 2009.

Assessment of tenders received is still being undertaken. Due to the tight time constraints imposed by the funding agency, it is proposed that approval be granted to the Chief Executive Officer to appoint an Architect for this tender subject to the standard tender assessment report being undertaken, with a follow up report to Council at the July Council meeting.

Tenders were called for the Multi-Purpose Sporting Complex due to the anticipated value of the Architect fee which is expected to be above the goods and services tender amount threshold of \$150,000. Quotations have been sought from engineering firms for the civil design component of the Oval.

Civil Design quotations will be assessed by Council Officers and a further status report will be provided to Council on the progress of this project.

It is therefore recommended that Council grant approval and delegate authority to the Chief Executive Officer to award the tender for Architectural Services at the Doug Lindsay Recreation

Reserve in Creswick, as part of the Federal Government funding allocation for the Multi-Purpose Sporting Complex.

Relevant Policies

Objective 3: Asset and Resource Management – Improve the management of assets.

Community Engagement

Groups involved in the Doug Lindsay Reserve Sporting complex have been notified by mail seeking nominations from interested persons to be on the Doug Lindsay Recreation Reserve Project Reference Group.

Financial & Resource Implications Initial & Ongoing

Nil

Motion

- 13.1.1 *That Council grant approval and delegate authority to the Chief Executive Officer for the awarding of the tender for Architectural Services at the Doug Lindsay Recreation Reserve Multi-Purpose Sporting complex.*
- 13.1.2 *That a further report be presented at the July Council meeting, on the appointment of architectural services including a confidential tender assessment on the tender panel recommendations for the provision of Architectural Services at the Doug Lindsay Recreation Reserve Multi-Purpose Sporting complex.*

Moved: Cr Jon Barrell
Seconded: Cr Janine Booth
Carried

13.2 ROAD MANAGEMENT PLAN REVIEW

(A/O – Acting General Manager Infrastructure)

File Ref: 58/02/01

Introduction

Under the Road Management Act, Council is required to undertake a review of the Road Management Plan every four (4) years. Review of the plan is required to be completed by 30 June 2009.

Report

Council may implement a Road Management Plan as required within the Road Management Act and if implemented, must undertake a review of the plan every four (4) years.

The Road Management Plan is the guiding document that sets out the principles for management of the infrastructure within the road reserves for maintenance and construction activities.

Each road reserve that provides access to properties within the municipality (excludes unmade and leased road reserves) is designated via a hierarchy of classification comprising, Arterial, Link, Collector, Local Access and Maintained Track road. A program for inspection of these roads is followed by a program to undertake repairs on identified defects on those roads.

Each category of road is listed on a Road Register managed by the Infrastructure Department that designates for each road, a hierarchy response period for defects.

These response periods are risk based and since implementation of the Road Management Plan and inspection system, management of the risk within the road reserves has improved, but further continuous improvement is required.

Part of this improvement program is the review every four (4) years and notification within papers circulating the municipality of Council's intention to amend the Road Management Plan.

In accordance with Division 5, Section 54 of the Road Management Act, Council shall provide twenty-eight (28) days for receipt of submissions with respect to review of the Road Management Plan.

Review of the plan provides an opportunity for the municipality to make adjustments to the plan due to operational or legislative requirements.

Areas that have been adjusted are:-

- Changes to the obligations by Council for management of rail crossings under the Rail Safety Act;
- Correction to terminology; reference to other Council documents;
- Changes to definition of driveways;
- Construction standards for maintained tracks;
- Responsibility for Owner Corporation/Body Corporate roads.

Compliance in undertaking the Road Management Plan review requires that:-

1. Council advertise Plan review and seek submissions from public;
2. Advertise in *Government Gazette* to commence review;
3. Hear submissions under Section 223 of *Local Government Act* – none have been received as part of this process;
4. Resolve to adopt Road Management Plan Version 03;
5. Advertise Council resolution in *Government Gazette*.

Therefore on this basis, it is recommended that Council adopt the current revised Road Management Plan Version 03.

Relevant Policies

- | | | |
|---------------|-----|---|
| Council Plan: | 2.3 | Further develop the range of facilities and services. |
| | 3.1 | Improve the management of our assets. |

Community Engagement

Publicity notices in *Government Gazette* and in newspapers circulating in municipality has been undertaken.

Five (5) persons viewed the draft plan at the Duke Street office during the exhibition period and no submissions were received.

Financial & Resource Implications Initial & Ongoing

Initial cost for advertisement approximately \$150.

Motion

That Council:

- 13.2.1 *Acknowledge that no submissions were received as part of the Road Management Plan review as advertised in accordance with Section 54 of the Road Management Act.*
- 13.2.2 *Resolve to adopt the Road Management Plan Version 03 and advertise in accordance with Section 54 and Section 55 of the Road Management Act.*

Moved: **Cr Janine Booth**

Seconded: **Cr Don Henderson**

Carried

14 ORDER OF BUSINESS

Motion

- 14.1 *That Council changes the order of business to consider Agenda Item 16.1 Council Section 86 and Advisory Committee Minutes ahead of Confidential Items listed under Agenda Item 14.*

Moved: Cr Jon Barrell
Seconded: Cr Janine Booth
Carried

15. COUNCIL SECTION 86 AND ADVISORY COMMITTEE MINUTES

(Previously Item 16 of Agenda)

15.1 SECTION 86 COMMITTEE MINUTES

(A/O – Manager Governance and Information)

File Ref: Various

Introduction

Section 86 Committee minutes for noting.

Report

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

- Minutes of the Clunes Museum Committee dated 6/4/09 (File Ref: 1/2570/00036)
- Minutes of the Creswick Museum Committee dated 6/4/09 (File Ref: 2/7350/02046)
- Minutes of the Creswick InfoLink Committee dated 23/3/09 (File Ref: 22/15/02)

Relevant Policies

Community Engagement

Members of the community are represented on these committees.

Financial Implications

Nil.

Motion

- 15.1.1 *That Council note the Minutes of the Committees listed above which have been distributed under separate cover.*

Moved: Cr Jon Barrell

Seconded: Cr Janine Booth

Carried

16 ITEM OF URGENT BUSINESS

Motion

That Council considers an Item of Urgent Business in relation to toilets in Market Street Trentham.

Moved: Cr Sebastian Klein
Seconded: Cr Janine Booth
Carried

16.1 URGENT BUSINESS RE MARKET STREET TOILETS, TRENTHAM

Motion

16.1.1 *In reference to the works to be carried out at the Market Street toilets under the Federal RCLIP fund: That council investigates alternative works to the Market Street toilets project, potentially to be carried out at the recreation reserve, including investigation of alterations and negotiation of the tender for works, alongside those for Collins Place in Clunes.*

16.1.2 *These investigations should stem from an initial consultation with TRATA, adjacent land-owners, business owners and the Recreation Reserve Committee of Management.*

16.1.3 *If, as a consequence it is found to be reasonable and feasible to complete these alternative works within the allotted time frame then they are to be carried out.*

Moved: Cr Sebastian Klein
Seconded: Cr Don Henderson
Carried

17. CONFIDENTIAL ITEMS – CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

(d) Contractual matters;

(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;

Motion

17.1 *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:*

89(2)(d) contractual matters

89(2)(h) any other matter which the Council or Special Committee considers would prejudice the Council or any person

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried

17.2 TENDER H198-2009 BUILDING WORK – TRENTHAM, CLUNES & DAYLESFORD

Motion

That Council:

17.2.1 *Award the tender for Contract H198-2009 to Brettell Developments Pty Ltd of Malvern East for the Building Works for Trentham, Daylesford and Clunes for the sum of four hundred and twenty eight thousand and eighteen dollars (\$428,018)*

17.2.2 *Sign and seal the contract documents*

17.2.3 *Make public its decision to accept the tender of Brettell Developments Pty Ltd.*

Moved: Cr Jon Barrell

Seconded: Cr Janine Booth

Carried

Cr Janine Booth having declared a Conflict of Interest in Item 17.3 left the Chamber at 11.15pm

17.3 TENDER H199-2009 REPLACEMENT OF GOOCHES BRIDGE OVER KANGAROO CREEK, BACK GLENLYON ROAD

Motion

That Council:

17.3.1 Award the Tender for Contract H199-2009 to Bendigo Piling Pty Ltd for the sum of \$273,354.

17.3.2 Sign and seal the contract documents.

17.3.3 Make public its decision to award the tender to Bendigo Piling Pty Ltd.

Moved: Cr Tim Hayes

Seconded: Cr Jon Barrell

Carried

Cr Janine Booth returned to the Chamber at 11.17pm

17.4 WOMBAT HILL BOTANIC GARDENS RESERVE – LEASE FORMER CURATOR'S RESIDENCE AND KIOSK

Motion

That Council:

for development and business operating proposals for the former Curator's residence - kiosk (Premises) in the WHBG subject to a commercial use 21-year term lease:-

17.4 .1 Accept the tender of Alla Wolf Tasker;

17.4.2 Determine that the proposed lease is subject to permit approvals being received by the tenderer and is drafted to meet the expressed tender submissions for rent;

17.4.3 Authorise the execution and sealing of the lease and make the appropriate lease submission to DSE.

17.4.4 Make public its decision to accept the tender of Alla Wolf Tasker.

Moved: Cr Jon Barrell

Seconded: Cr Janine Booth

Carried

18. RE-OPENING OF MEETING TO PUBLIC

Motion

18.1 *That Council having considered the confidential items, re-opens the Meeting to members of the public.*

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried

19. CLOSE OF MEETING

The Meeting closed at 11.25pm.