



HEPBURN SHIRE COUNCIL

***ORDINARY MEETING OF
COUNCIL MINUTES***

TUESDAY 17 FEBRUARY 2009

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

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Hepburn Shire Council Ordinary Meeting of Council

MINUTES

TUESDAY 17 FEBRUARY 2009

Clunes Town Hall
Bailey Street, Clunes
Commencing 7pm.

	Contents	Page No
1.	WELCOME TO COUNTRY	1
2.	OPENING OF MEETING	1
3.	APOLOGIES	1
4.	DECLARATION OF CONFLICTS OF INTEREST	1
5.	CONFIRMATION OF MINUTES	2
6.	PETITIONS	3
7.	NOTICES OF MOTION	
7.1	Climate Change and Peak Oil Policy	5
7.2	Donation to Victorian Bushfire Appeal	10
7.3	Public telephone maintenance and retention	12
8.	PRESENTATION OF REPORTS	
8.1	Mayor's Report	13
8.2	Councillors' Reports	13
9.	PUBLIC QUESTION TIME	19
10.	GOVERNANCE & STRATEGIC MATTERS	
10.1	Local Law No. 1	26
10.2	Plant replacement – Grader Changeover	29
10.3	New Daylesford Depot – Monthly Report	32
10.4	Finance Report – Mid-Year Budget Review	34
10.5	Creswick Tourism & Interpretive Centre – Monthly Report	55
10.6	Unused Road License Application	57
10.7	Municipal Emergency Resource Officer	59
10.8	Hepburn Shire Women's Honour Roll	61
10.9	Regional Tourism Board	63
11.	COUNCIL SECTION 86 AND ADVISORY COMMITTEES	66

CLOSE OF MEETING:

A handwritten signature in black ink, appearing to read 'KCR', is centered on the page.

KAYLENE CONRICK – CHIEF EXECUTIVE OFFICER
13 FEBRUARY 2009.

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 7.23pm.

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

IN ATTENDANCE: Chief Executive Officer, Kaylene Conrick; Director Infrastructure & Development, Rod Conway; Manager Finance, John Traill; Manager Governance & Information, Matthew Morgan; Manager Community Services, Martin Walmsley. 19 Gallery.

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

STATEMENT OF COMMITMENT

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

3. APOLOGIES:

4. DECLARATION OF CONFLICTS OF INTEREST:

Councillor Janine Booth declared a conflict of interest in Item 11.1, due to conflicting duties, as she is the Chairperson of the Lindsay Park Recreation Reserve Committee.

5. CONFIRMATION OF MINUTES:

Motion:

That:

5.1 The Minutes of the Ordinary Meeting of Council held on January 20, 2009 (previously circulated to Councillors and tabled at this Meeting) be confirmed as required under Section 93 (2) of the Local Government Act 1989

5.2 The Minutes of the Delegated Planning Committee held on February 10, 2009 be confirmed as required under Section 93 (2) of the Local Government Act 1989

Moved: Cr Janine Booth

Seconded: Cr Sebastian Klein

Carried.

6. PETITIONS

6.1 PETITION – NATIVE VEGETATION REMOVAL AT PORCUPINE RIDGE ROAD AND SCOTTS LANE

(A/O – Director Infrastructure & Development)

File Ref: 46/10/03

Introduction

Council at its Ordinary Meeting on 20 January 2009 received a petition signed by 20 people requesting Council to take further action in relation to native vegetation removal that occurred at 90 Porcupine Ridge Road and Scotts Lane in October 2008.

This report provides information on the petition.

Report

A petition was tabled at the January Ordinary Meeting of Council stating:

We call on Hepburn Shire as the responsible authority under the Planning and Environment Act 1987 to impartially administer the Hepburn Planning Scheme and to:

- 1. Issue a formal apology to both our groups for failing to respond to our formal letters seeking proper clarification of the 'minimum extent necessary' definition in a timely and satisfactory manner.**
- 2. Survey and measure the extent of the bladed-off bulldozed clearing on the adjacent crown land road reserve/s and also on the private property so appropriate offsets can be separately calculated and include this as part of a public report to Council on the matter.**
- 3. Order the landholder responsible for the excessive clearing of native vegetation on private land to plant appropriate offsets and/or protect the remaining old-growth native vegetation remnants as part of a management plan and a 173 agreement to be registered on title/s.**
- 4. Order the contractor responsible for the excessive clearing on the crown land road reserve/s to plant and manage appropriate offsets for the total area of native vegetation cleared on the crown land road reserve/s.**

Please be advised that should a timely and satisfactory response not be forthcoming and appropriate remedial works ordered, our groups intend to apply to VCAT under section 114 of the Planning and Environment Act 1987 for an enforcement order to be issued.

The petition is signed by 20 people and was submitted with other information that has been circulated to Council.

Council has impartially administered the Hepburn Planning Scheme and responses were also provided to the enquiries submitted. It is understood that the Council responses were not agreed to by the recipients.

The site was assessed and issues discussed with the landholder. Council has already publicly stated that *“while tree clearing for boundary re-fencing met state legislative requirements, both landholder and council acknowledge actions taken could have been undertaken by the landholder to reduce vegetation loss.”*

Relevant Policies / Council Plan implications:

Council Plan – Objective 5 – In partnership with our community Council will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

Community / Engagement / Communication / Consultation:

Petition received.

Financial & Resource Implications Initial & Ongoing

Nil

Motion:

That Council:

6.1.1 That Council fully investigate the alleged breaches with consideration for relevant planning provisions.

Moved: Cr Sebastian Klein.

Seconded: Cr Jon Barrell

Carried.

7. Notices of Motion

7.1 NOTICE OF MOTION - CLIMATE CHANGE AND PEAK OIL POLICY

Councillor Rod May.

It is difficult to consider the issue of climate change as a singular one that is not integrated with the peaking and permanent decline of global oil production (peak oil). Both are issues that bring to bear a synergistic effect on our future in Hepburn shire. Whilst they may be more simply dealt with at a policy level in isolation, to do so would risk missing the fact that both bring to bear a set of influences that generate similar outcomes in terms of energy use, transport, agriculture, and economic activity. Similarly the unfolding economic contraction can be seen as an opportunity to foster new patterns adaptive to changing climate.

MOTION

“Hepburn Shire Council acknowledges that climate change is real and that the peaking and permanent decline of global oil production is imminent.

Hepburn Shire Council acknowledges that the combination of climate change and peak oil requires local action to ameliorate their effects and to adapt to changes in the environment and the economy.

Hepburn Shire Council acknowledges that the current global financial crisis and associated economic contraction are inextricably bound to these larger environmental and resource issues of climate change and peak oil, and cannot be addressed in isolation from them.

Hepburn Shire Council acknowledges that the current climate/energy/economic crisis will require all levels of community and government to identify the threats and grasp the opportunities presented as they unfold.”

Background

For over 50 years scientists have been studying the rise in atmospheric CO₂ and made linkages with changes to the climate. For most of that time, the serious nature of the shift taking place was marginalised by a variety of industrial, governmental, academic and media interests. During the same period the UN, the scientific community, many progressive corporations, environmental groups and ordinary citizens have come to recognise that there is incontrovertible evidence that a rise in CO₂ is related to a rise in surface temperature and shifts in rainfall patterns. The scientific consensus on climate change is now more than 20 years old (IPPC formed in 1988)

7. Notices of Motion

Now, there is no effective doubt that climate change is real and that unless atmospheric CO₂ is maintained at less than 450ppm and closer to 350ppm there will be resounding changes in the patterns of global climate with reduced annual rainfall and increased temperatures foreshadowed for SE Australia. Peak oil is now acknowledged by the International Energy Agency to be imminent and to coincide next year with the forecasts of many independent and scientific analysts. Only the depressed global economy and the collapse of the financial system and consequent growth have pushed forward the inevitable price surge and supply shortfall. Most enlightened commentators foreshadow a transition that will take place as energy for transport agriculture and industry is sought by more buyers in a period of production decline.

Climate change and peak oil have arrived not entirely co-incidentally, as anthropogenic activity in the burning of the vast reserves of fossil fuel has helped shape the atmosphere that now brings climatic shift.

The arrival of these phenomena need not spell doom and gloom, but should be seen as a transitional opportunity to carry out that which has been long overdue in the view of many ordinary people. Reduction in consumption, characterised by “ecoliving” is one obvious response. The machinery to allow this to happen is largely on the shelf in terms of lifestyle and technology. A small but resilient core of the population has developed practical ways to reduce consumption and a new range of tools in design. Energetics, transport and agriculture solutions are to be found, many within our backyard.

The mechanisms to harness the inevitable changes required lay also within the hands of local government in the form of vision, capacity, communication and planning

IMMEDIATE IMPLICATIONS OF CLIMATE CHANGE FOR HEPBURN SHIRE
As a portion of SE Australia, Hepburn cannot escape the trends towards drying and heating. There will be anomalous years where patterns vary but the trends are clear. The most dramatic shortfall will continue to be in rainfall patterns and increasing reliance on groundwater will be required as catchment yields reduce. The issues surrounding water equity and efficiency of use will be catapulted in to the policy domain in ways we have not yet seen and questions of rural vs. metropolitan use, issues of water control/ trading and probable resource depletion will challenge the long term sustainability of the shire.

Rising temperature gradients will see increased likelihood of fire, greater reliance on cooling, shifts in crop production (some positive), and challenges for energy and transport infrastructure.

Increases in extreme events include summer thunderstorms will threaten public infrastructure.

Planning that embraces risk management, energetic change, new economic structures (cap and charge, high energy costs) and reduces reliance on non sustainable activities will become increasingly important.

7. Notices of Motion

Agriculture and forestry will play an important role in the shire and helping to shape a carbon negative primary industry sector and will be a part of the planning and rating policy framework.

IMMEDIATE IMPLICATION OF PEAK OIL FOR HEPBURN SHIRE

As part of the global economy Hepburn Shire cannot escape the trends toward high and unstable prices for oil, energy generally and all other natural commodities. The price instabilities we have seen reflect oscillations between geological and geopolitical constraints on production and collapses in demand that crash prices and switch of investments in both the fossil fuel and renewable energy sectors. We are going to have work with high energy prices and/or a contracting global economy. While actions to reduce carbon emission cannot of themselves improve the climate prospects for the Hepburn Shire, if properly targets around our vulnerabilities in the transport and tourism sectors and opportunities to relocalise our economy that will directly improve our ability to weather the impacts of Peak Oil.

MEDIUM TERM IMPLICATIONS

Government response to climate change will see a cap and trade system and possible a carbon tax, although this seems less likely. Therefore, a new economy will emerge with implications for those organisations (including council) that emit or sequester carbon. Considerable potential cost as well as possible gains may be encountered by organisations that embrace or fail to embrace measures dealing with emissions/sequestration within such a system. Government responses to cost and scarcity of transport energy may see large scale conversion to LNG infrastructure and bio-fuels but these will come at costs to the consumer and/or taxpayer with major implications and opportunities for agriculture and forestry. The strategy to reduce the carbon footprint needs to be combined with a more localised economy with less need to move goods and people that will be resilient in the face of climate change and energy constraints. The direct effects on the shire will include increased operational costs including infrastructure development and maintenance but also opportunity for savings and growth through targeted natural and manmade infrastructure investment. Indirectly, ratepayer's success or failure to adapt could see a variety of responses ranging from a depleted rate base to a robust and well adapted community experiencing sustainable growth.

The successful, sustainable community contrasting a community crippled by water shortages, low to negative emissions trading and stagnant industrial/commercial/agricultural growth, will be one that is assisted in transformation from a high water and energy dependent community to one that is both conservative in consumption and capable of employing new technologies for living, energy use and generation, capable of modifying patterns of transport, agriculture, construction and urban design. A resilient community will be one that maintains a series of options to cope with change rather than investment in singular models of contemporary "efficiency" based on factors relating to cheap abundant and unrestricted use of energy.

7. Notices of Motion

External factors will play heavily on the medium term impact and responses available to the shire. Clearly, federal government and the international community, combined with the increasingly pronounced impact of global climate change and peak oil will help shape policy. There is a likelihood that these policies may fail or fail to benefit rural areas, but Hepburn shire will likely become increasingly attractive to a demographic seeking more liveable conditions in the form of eco investors intent on investing in a community that values its role as an agent of change

LONG TERM IMPLICATIONS

The term long term is becoming increasingly shorter as the accelerating rate of climate change challenges all but the most pessimistic models. Relatively conservative modelling by the IPPC fails to account significantly for what many scientists refer to as feedback loops which include biological feedback such as methane generation triggered by temperature rise. If these factors take over there will be nothing we can do to avert ongoing catastrophic change and then, if not before we will be in the hands of climate engineers with unknown impacts of their success or failure in addressing the problem. Loss of most living species, global population collapse and collapse of atmospheric and ecological systems will lead to the collapse of society as we know it. This scenario is not one that we want to encounter and is one where refugees will quickly replace tourists


WHAT DOES THIS RESOLUTION MEAN?

The resolution accepts scientific fact and accepts the existence of manmade climate change and that it is a result of rising CO2 concentration, and that peak oil will play an equally critical role in future development
The resolution is clear in placing the phenomena of Climate change and Peak Oil within our own domain as human beings (ratepayers) and as such implies that we must accept responsibility for our actions. The taking on board of a collective responsibility implies that we should take action as local government in an operational sense and in our policy and planning formulation. It recognises that reality is shaped by many factors, seldom acting alone

It permits the orderly development of a set of policies that guide the activities of the council, its planning imperatives and its economic development models and gives interpretation to the imperatives and responsibilities of council under the act.

Sect 3.c 2 (a) “to promote the social, economic and environmental viability and sustainability of the municipal district;”

Councillor Name:Rod May.....

Councillor Signature:.....

CEO Signature:.....

7. Notices of Motion

<p>Moved: Cr Rod May Seconded: Cr Don Henderson Carried.</p>

7. Notices of Motion

7.2 NOTICE OF MOTION - HEPBURN SHIRE COUNCIL DONATION TO THE VICTORIAN BUSHFIRE APPEAL FUND

Cr Bill McClenaghan

MOTION

That Hepburn Shire Council makes a \$10,000 cash donation to the 2009 Victorian Bushfire Appeal Fund.

Background

Hepburn Shire Council's condolences and thoughts are with the Victorian families affected by the devastating bushfires which ravaged many parts of Victoria over the weekend of 7 and 8 February 2009.

The human loss in these bushfires has been horrific and the displacement of families and communities unimaginable.

As a result of these fires Victoria has twenty-five affected municipalities and numerous communities and localities.

The Municipal Association of Victoria (MAV) is coordinating resource assistance (staff and plant) to assist affected Council's work with their communities during the response and rebuilding phases. Hepburn Shire Council and other Central Highlands Council's have forward a list of staff willing to volunteer, together with their qualifications, to the MAV as part of the coordinated response.

The Premier John Brumby has launched the 2009 Victorian Bushfire Appeal Fund in partnership with the Australian Government and Red Cross to support communities impacted by devastating fires which have ravaged many parts of Victoria.

The Bushfire Appeal Fund aims to support fire victims through the collection of cash donations and distribution of assistance to individuals and communities in towns and suburbs affected by the fires.

Hepburn Shire Council is in a position to donate to the 2009 Victorian Bushfire Appeal Fund and it is my recommendation that \$10,000 is allocated to this fund to assist Victorian families with task of having to rebuild their lives after such devastating loss.

Councillor Name: Cr Bill McClenaghan

Councillor Signature:.....


CEO Signature:.....


7. Notices of Motion

<p><i>Moved:</i> <i>Cr Don Henderson</i> <i>Seconded:</i> <i>Cr Sebastian Klein</i> <i>Carried.</i></p>
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7. Notices of Motion

7.3 NOTICE OF MOTION – PUBLIC TELEPHONE MAINTENANCE AND RETENTION

Cr Bill McClenaghan

MOTION

That Council write to Telstra on the state and availability of our local public telephones to encourage their proper maintenance and retention without any more being removed.

Background

Members of the public have been raising the issue of public telephones in the municipality in that they are in need of proper maintenance and repair. Some don't work at all. Others won't accept coins. In other places it appears that Telstra is seeking to abolish more public telephones and withdrawing this service to the community.

There have been reports of phones left in an unserviceable state with a notice asking people to report the problem. If there are no reports or few reports, the public telephone is deemed to be not needed and then removed.

Public telephones are an essential community service asset that needs to be retained, especially in areas of need of where people may not have access to a home or mobile telephone.

Councillor Name: Cr Bill McClenaghan

Councillor Signature:.....

CEO Signature:.....

Moved: **Cr Rod May**
Seconded: **Cr Jon Barrell**
Carried.

8. PRESENTATION OF REPORTS

8.1 At an Ordinary Council Meeting, the Mayor and Councillors who are delegates or representatives of the Council on other bodies may report to the meeting on issues of importance to the council. (*Local Law No. 1*)

Mayor, Cr Bill McClenaghan delivered the following report:

The first six month's of this Council's term is very busy with numerous training sessions to attend and several leading tasks of high importance to complete.

Training sessions with my Councillor colleagues included;

- Media Training on 27 Jan.
- MAV Councillor Fundamentals Training in Ballarat on Governance, 04 Feb.
- MAV Top Teams in Daylesford on 11 Feb.

Councillors and Officers attended an informative all day workshop yesterday in Creswick to start formulating our 2009 – 2012 Council Plan. This will be the pivotal guiding document that directs the Council through its four year term and will be a series of promises to the community about what we will do, our objectives and the strategies we will use to deliver our promises. There will also be indices that we will use to measure how well we are meeting our objectives. The process will take some months and the finished plan must be with the Minister for Local Government by the end of June. The process will include a public consultation roadshow around the Shire, opportunities for our residents to tell us what they think about our stated objectives and strategies and an opportunity for residents to make submissions to us about our plans for the next four years. Once that is done, we go away and write it all up into a presentation document that will be publicly available. That states simply the meaning and method of formulation of our new Council Plan that must be renewed by every newly elected Council.

In the past month, I have been active at the first meeting of the Highlands Regional Waste Management Group in my capacity as Director and we have another Board Meeting next Monday. I attended and spoke at the launch of the "Ruby and Will" exhibition at the Creswick Museum and Town Hall, where the art of Ruby Lindsay and Will Dyson is featured. This is the commencement of the Lindsay Arts Festival being rolled out currently in Creswick. I also was invited to the relocation and opening of the Timber Benders business at the Creswick Woolen Mills.

Australia Day was a very busy day for the Mayor with kick-off before Dawn on Mount Beckworth near Clunes and a small flag raising ceremony in the bush below the mount. A quick trip to Creswick was needed to attend the Australia Day flag raising ceremony, community breakfast and Teddy Bears' Picnic with no fewer than seven hundred people. This is the best attended event on Australia Day. Another quick trip to Trentham for another ceremony and lunch when the community took the opportunity to congratulate their local Police

8. Presentation of Reports and 9. Public Question Time

Sergeant Greg Faulkner for being awarded the Police Medal. I hereby add my congratulations also to Sgt Faulkner. In the evening, as Cr Hayes officiated at the flag lowering ceremony in Clunes, I did likewise at Glenlyon. Our Australia Day celebrations commenced on the evening of Sunday 25 Jan at the Daylesford Town Hall with Council's annual Australia Day eve ceremony and civic function with a citizenship ceremony for our two newest Australian citizens. I delivered the Mayoral Address at this ceremony and again in various modified and shortened forms elsewhere through the day.

I have also met with Tom Smith from Tourism Victoria about the restructuring of tourism administration in the region into a Regional Tourism Board. This will heavily impact on our plans for Destination Daylesford and the creation of a local tourism board. Also, I met with Lance Midgeley of Vic Roads as we do annually about roads and infrastructure issues within the Shire. In another meeting with Moorabool Shire and Justin Haddey of Regional Development Victoria we briefed RDV on our respective plans and aspirations for the next year and opportunities to attract RDV and "Small Towns" funding for our various projects were discussed.

Since the fire at Drummond North on 22 January, I have been attending meetings in the Malmsbury and Drummond areas. On Thursday 05 Feb, I attended a community information meeting and debrief about the Drummond North fire that burned into the southern parts of Malmsbury itself. There was a great sense of community angst and apprehension about bushfires even then and it was explained to the meeting with chillingly accurate prophesy that the following Saturday (7th of February) would have the worst known fire conditions ever with a fire index of 295 whereas "Black Friday 1939" was your benchmark 100 point fire weather level.

After Black Saturday 2009, forest dwelling community members are genuinely frightened and on high alert. Last Sunday I was at a well attended Community Fireguard Meeting in Back Creek Road Drummond. Good information, suggestions and hints were exchanged and an active telephone tree early warning system was double checked. There will be a need for new attitudes to bushfire preparedness and survival and it is hoped that various public meetings called in and around the Shire in the coming weeks will result in no repetition of the Marysville or Kinglake tragedies even if our Shire is attacked by a terrible wildfire. Good information, planning and pro-active preparation will be the keys to survival and saving our residents' homes and properties.

Cr Jon Barrell delivered the following report:

I have been appointed to the ARC advisory committee. I understand that an event - a "Thank You Event" will be held on or about Mon 30/03/09 and the community awaits further details of this event to acknowledge and thank all of the donors and supporters that brought the ARC to life.

I have also been appointed to the Destination Daylesford Interim Committee. I emphasise that I understand the name Destination Daylesford is a brand that includes all of Hepburn Shire. I have met recently with numerous stake-

8. Presentation of Reports and 9. Public Question Time

holders and interested parties, further related business is on our agenda tonight, and I anticipate attending the next DD meeting in early March. Birch Ward Councillors held a Ward Meeting last night. 25 odd persons attended. Key matters discussed included

- bushfire protection especially
 - a review of Hepburn Shire emergency plans,
 - fuel reduction responsibilities of Hepburn Shire,
 - issues surrounding emergency assembly areas & evacuation plans, and
 - the need for public meetings to publicise emergency plans,
- Meeting law #1

Cr Janine Booth delivered the following report:

During the past month I have attended all the usual Briefing sessions, meetings of Councillors and delegated Planning Committee meetings.

In regard to the delegated Planning Committee meeting where this month Council considered three planning matters I received positive feedback from participants at that meeting in that they was pleased to see that planning matters referred to Council were not simply rubber stamped, but that Councillors involved themselves in hearing from and asking questions of officers, applicants and objectors before making decisions. It is pleasing to receive this feedback from residents involved in this process.

As Creswick Ward Councillor I have attended a number of updates on projects within my ward. I along with Cr Henderson have met with the CEO and officers for updates on the Creswick of the Lindsay Arts Trail, Doug Lindsay Recreation Reserve, and Creswick Interpretive Centre. The Interpretive centre is proceeding according to schedule and I am receiving much positive feedback by members of the Community on its design and stone, rock and timber building materials. The feedback I have received is that Residents are most pleased with how the buildings nestles back into the Reserve behind the large spruce tree and doesn't impact negatively on our unique streetscape. I am keenly looking forward to an opportunity to allow our user groups from the existing VIC to tour the building at an appropriate time.

I attended the opening of the Will Dyson and Ruby Lindsay Exhibition and must congratulate and acknowledge the hard work and dedication of our Section 86 Committee for the Creswick Museum who, with the assistance of Creswick Historical Society and the Ballarat Art Gallery, have put together a memorable exhibition that will bring visitors to Creswick to enjoy and acknowledge an important part of our history.

I also attended the opening of the Timberbenders exhibition and retail shop which is now operating in a building adjacent to the Creswick Woollen mills. We are fortunate to have retained this Tourism business and unique trade in our

8. Presentation of Reports and 9. Public Question Time

Shire after they were unable to remain in Daylesford and we welcome these talented craftpersons to Creswick.

I along with the Mayor, Cr Hayes and Cr Henderson attended the Shires Australia Day Civic reception where We acknowledged our Australia Day Citizen of the year Creswick resident Mrs. Jo Van Oostveen and the Event of the year Creswick Hospital Auxiliary "It's a Shoe thing" Both Jo and the members of the Hospital Auxiliary are tireless volunteers in our Community and I again congratulate them on their awards as appropriate recognition. The following morning I attended the biggest ever Hepburn Shire Australia Day breakfast where the Creswick Band played, the Creswick Light Horse Troop presented and raised our flag and attendees enjoyed a light breakfast of fruit , cereal, toast, eggs ,bacon ,and sausages all cooked by our dedicated volunteers. A truly unique Aussie event. In the afternoon I attended a singalong and afternoon tea at the John Curtin Hostel and presented them with the Australia Day cake supplied by Hepburn Shire Council for the residents there. Later that evening I attended the lowering of the flag ceremony at Clunes which was attended by several hundred residents followed by yet another Aussie Barby.

I wish to acknowledge the hard work and coordination of events by Mary Ashdown who for many years has supported, engaged and coordinated community volunteers to ensure that Hepburn Shire Australia Day events are amongst the most well attended events in Victoria. She is indeed a fair dinkum bonza Aussie Sheila and a bloody good sort and I know she will be sorely missed in her role as Executive Assistant by Councillors, Officers and residents.

Cr Tim Hayes delivered a verbal report.

Cr Don Henderson delivered the following report:

Mr Mayor and fellow councillors.

This report is a brief activity statement for the previous month.

Since being appointed by council to the Audit committee, Creswick Development Committee and the Heritage Committees. I have attended a briefing and direction discussion with Mr Tan who is the officer designated by Council to assist the Heritage Committee.

Some issues raised will have an impact on forthcoming monetary considerations. It was discussed that our heritage loan fund is not sufficient to meet any reasonable demand.

The condition of our heritage building assets both private and public will need careful consideration by the committee and are of concern to the whole council. We will need to consider such things as the historic trees and will need to engage with community groups to identify all manner of things of heritage interest including our pioneer graves and cemeteries.

My attendance at a play for Creswick children around the Magic Pudding theme was an enjoyable event. I sat with all of the other kids both young and old whilst Students from Ballarat University entertained us.

8. Presentation of Reports and 9. Public Question Time

Council managers and councillors have been attending information and team building sessions and others have described these.

I have been busy on day to day issues but there is one issue raised by a number of residents concerning the conditions at Doug Lindsay Recreation Reserve in Creswick. This has resulted in an investigation ranging from permit issues to safety and liability issues and the operation of our section 86 committee. Whilst the volunteers are indeed very hard workers and philanthropic, the lesson in this is the need for Council to give proper guidance and support to community projects. The CEO initiated an immediate safety and process audit and a report from Mr Knight will be circulated shortly. Councillors, it is my lesson from this is that we can never assume that everything is fine. In order to protect and keep our residents safe we need to be ever vigilant and self examining. I expect that having taken the hard decision to raise this issue that we will now be able to act in time to have a positive outcome. At least council may have to allow for some spending to bring the facility up to standard for the user groups.

As a result of some research and consultation with yourself Mr mayor and CEO Conrick you were able to ascertain the position of most of our committees throughout the Shire and the result has seen the need to examine and repopulate most of the committees and for this I believe we all appreciate the time you have spent to get it right. This is in no way the fault of the community volunteers who put a great deal of time and effort into this shire. Council needs to get on with the task as a matter of urgency
Thank you

Cr Sebastian Klein delivered the following report:

Things are well and truly underway for the year, and February for me was a month of hope and relief. Hope for the future as the kids of the shire show their capabilities and relief that we as a society are finally acting on climate change in the face of the terror of what will likely be remembered as the first of the 'mega fires' caused by yet another warmer drier year in sequence.

Noteworthy happenings have included the premier of the FREEZA funded claymation film "Clay Heart" made by kids from around Trentham and the Eastern part of the shire over the school holidays. It was an intriguing little piece that invested more majesty and terror than I have seen in the plasticine medium yet.

Another TRATA meeting and there is frustration as to the decision to upgrade toilets that were upgraded three years ago with money that council apparently requisitioned from a Streetscape fund that Trentham had secured.

A meeting with members of the Trentham Football and Netball Club Executive demonstrated that sports clubs are one of the pieces of the puzzle we must solve to get young people to stay in the area, and that with ageing infrastructure and a playing surface that dangerously resembles concrete the Committee of

8. Presentation of Reports and 9. Public Question Time

management are preparing to get active in regards to planning, vision and strategy.

A meeting convened by the Neighbourhood Centre and Jane Barclay of youth and interested elders discussed the possible manifestations of the Youth Participation and Access grants as a series of Youth Enterprise initiatives centred around. It was a positive experience, well attended – notably by the young people of the town and I was pleased to see the kids coming forward with useful, serious and beneficial ideas. This is a real chance for us all to invest some of our time and experience in the future of these young lives.

The MAV councillor fundamentals workshop was useful in better understanding a councillor's role. While a forum convened by the VLGA offices provided some innovative suggestions for dealing with the financial crisis which I would be happy to discuss with anyone.

The Central Victorian Greenhouse Alliance presentation in Ballarat announced the receipt of funding from the Federal Government, 9 years since the formation of the Central Victorian Greenhouse Alliance and 2 and half years since funding was agreed by the federal government; it heralds the investment of \$41 million of in the Central Victorian Region to develop the Central Victorian Solar City. This investment includes a solar parks in both Bendigo and Ballarat and considerable rebate opportunities for households, community groups and schools through the program's head office in Castlemaine.

The first Central Highlands Agribusiness Forum announced last night a number of funding proposals under way. It was inspiring to see a representative body from a traditional industry taking up the charge of innovation in the face of twelve years, 11 of which rank in the 12 warmest years on record. The fronts of this innovation include trials of soil conditioning with agrichar and the development of business plans for bio-energy trials. Small towns with aging population, without access to natural gas were earmarked as potential trial sites for the development of this fledgling industry. I believe this represents a genuine possible partnership between council, the CHAF, and the associated bio-energy working group, to develop a new green, progressive industry in the Hepburn Shire.

Cr Rod May delivered the following report:

HOPEFUL OR HELPLESS(The impact of the financial crisis on Local Government) run by the Victorian Local Government Association.

Manningham Shire presented and drew attention to the impact of the financial crisis on:

- Defined benefit super
- Long service liability
- Investment income
- Building activity
- Defaults on accounts
- Corporate sponsorship
- Income from council services
- Borrowings and loan roll over (road prices)
- Encouraging local investment

8. Presentation of Reports and 9. Public Question Time

- Income and investment returns
- Pensioners
- Self funded retirees
- Salary and wage earners
- Property values and housing

Ruth McGowan, from Baw Baw Shire described how they were conducting surveys and monitoring the financial situation and monitoring industries especially assisting local agriculture. Dairy industry was most affected. Some of the activities include:

- Skills connect to help upgrade skills
- Rural financial councillors
- Helping companies with grants
- Helping agriculture
- Helping Tourism

The community and council doesn't know exactly what's happening yet and a report of the potential impact is being prepared

Some items of note included:

- Manningmam brokering solar rebates
- 2010 carbon neutral for Baw Baw
- Baw Baw shire supporting rebates on rebates for energy efficiency
- Provision for weekly or fortnightly rate payments in Baw Baw

Finally, I attended a ward meeting last night accompanied by Cr Barrell which was attended by 29 residents. As Cr Barrell reported issues of fire and local government law were high on the agenda

Motion:

That Council:

8.1.1 Receive and note the reports of the Mayor and Councillors.

Moved: Cr Tim Hayes

Seconded: Cr Janine Booth

Carried.

9. PUBLIC QUESTION TIME

This part of the Council Meeting allows up to 30 minutes for:

- Responding to questions from the community submitted to the Chief Executive Officer in writing prior to 12 noon on the day of the meeting

Community members are invited to submit written questions prior to 12 noon on the day of the Council Meeting. Questions received will be read and answered at the meeting as long as the author of the question/s is in attendance at the meeting and the question/s are not offensive or otherwise in breach of the principles defined in Council's Local Law No. 1 - Meeting Procedures Local Law

8. Presentation of Reports and 9. Public Question Time

section 2.11. If time permits, the author may be permitted to ask a verbal supplementary to further clarify the response from Council.
Some questions of an operational nature may be responded to through normal administrative procedure.

If you have questions about specific items in this Agenda, Council encourages you to submit a question in writing to the Chief Executive Officer prior to 12 noon on the day of the meeting.

Council received written questions from 11 individuals prior to 12 noon on Tuesday 17 February 2009.

1. SUBMITTED BY BEV WOOLFE, Clunes

Question: Is the Council going to have a role of Development of the train station at Clunes?

Reply: Mayor Bill McClenaghan and Councillor Tim Hayes

Council envisages that it will be consulted with by the State Government in relation to train station development in Clunes and would wish to take an active role in having improved transport services for Clunes residents.

Question: What is the Council doing to reduce environmental impact on the town? The street lights have solar panels.

Reply: Director Infrastructure & Development, Rod Conway
Council is endeavouring to reduce environmental impact in Clunes and as part of proposed improvements to Collins Place, Clunes Council wishes to install photovoltaic panels on the upgraded/new public conveniences, as well as installing a large rainwater tank

Question: Will the council be putting bike racks in the town, as we are getting bicycle groups coming to Clunes. Also we are desperately [in need of] more seats especially at our bus stop etc [outside] Bob the butchers.

Reply: Director Infrastructure & Development, Rod Conway
Bicycle racks will be considered as well for Clunes.
In relation to your request for installing at Bob the butchers we are pleased to advise that a seat will be installed at a suitable location next to the bus stop.

2. SUBMITTED BY JOAN & GRAEME RATTRAY, Glenlyon

Question: Would a Council Officer show us the fences in Ridge Road Glenlyon, that they referred to in answer to a question we asked at the last Council Meeting?

Reply: Director Infrastructure & Development, Rod Conway

The answer provided at the last Council meeting was in response to what was the then issue of tree clearance being raised about Porcupine Ridge Road/Scott Lane and comparing this to Swords Road. In relation to Ridge

8. Presentation of Reports and 9. Public Question Time

Road, Glenlyon there are probably no fences but again the answer provided at the last Council meeting being such works require a planning permit or written agreement from the Secretary Department of Sustainability & Environment still stands.

Question: At what stage is the work in regards to safety of residents of Holcombe/Swords Road Glenlyon? **Holcombe/Swords Road is a disaster waiting to happen.** Does a bushfire in the area have to happen before something is done? Page 3 of the Arborist's report says it all (please read).

Reply: Director Infrastructure & Development, Rod Conway

Arborists report completed. Survey work commenced and consultant engineer engaged to perform design work to enable road alignment and tree clearance work to be submitted for planning permit.

Question: Can a Council Officer supply us with a list of the various rules and regulations governing the design of how roads are made in the area.

Reply: Director Infrastructure & Development, Rod Conway

The VicRoads Road Design Manual is the document that governs the design of roads.

Question: Was there a conflict of interest in relation to item 9.5 at the last Council meeting re the allocation of grant money instigated by Cr May?

Cr Rod May (who is an organic farmer and fresh food producer) moved to have the Hepburn Wildlife Shelter grant removed (even though it was a recommendation of a council officer) in favour of the Hepburn Relocalisation Group. This group wants to use their grant money for "consultant guest speakers" on a fresh food survey, water and carbon workshop for farmers, wellbeing and sustainability on farms, skilling up for powering down (please explain) and community gardens.

Reply: Mayor Bill McClenaghan, Councillor Rod May

With regards to the whether or not there was a conflict of interest in relation to item of the last Council meeting concerning Cr May, an answer has been provided to this question in that no conflict of interest was declared. In accordance with the Local Government Act, it is the responsibility of each individual Councillor to determine whether or not they have a conflict of interest in a matter, not for the Council as a whole or the CEO to determine. As no conflict of interest was declared, we are content that this was not a conflict of interest situation.

Question: Why bother to mulch 110 year old trees? As states in the Council's segment of the Advocate dated 28 January? The mulch will only end up in the drains in the main street. Mulch on the replacement trees is fine but not on 110 year old trees. Another \$10,000 to be wasted?

Reply: Director Infrastructure & Development, Rod Conway

The arborist report for these trees recommended the use of mulch and this has been supported by the community group involved in this project. Even the 110 year old trees need assistance in the current drought conditions and it is considered that the cost of the mulching is small price to pay towards saving these significant trees.

3. SUBMITTED BY K BRIGGS, Clunes

Question: Request a seat be placed at bus stop near Bob Lowens butcher shop. Elderly find it hard to stand waiting for a bus that constantly runs late.

Reply: Director Infrastructure & Development, Rod Conway

Thank you for the request and Council will arrange for a seat to be installed at a suitable location near the bus stop.

4. SUBMITTED BY CHRISTOPHER CULVENOR, Clunes

Question: Given the devastating effects of the recent bushfires in ,several Victorian rural townships , rural farming communities and communities abutting larger seemingly safe townships . Taking into consideration the added effect uncleared vegetation has had on the overall intensity of these fires ,with the subsequent added risk to life and property.

Does the Hepburn Shire Council have blanket Environmental Significance Overlays or practise restrictive clearance policies? If so does the council believe the Environmental Overlays or these clearance policies need a complete review to ensure a safer community in the event of fire in the shire or region?

If so, can the Council advise what action it proposes to take in order to facilitate such a review and the timetable that may apply?

Reply: Director Infrastructure & Development, Rod Conway

Council's planning scheme does have an Environmental Significance Overlay across the entire Shire. Council does not have a restrictive clearance policy or practice in place.

It is understood that the recent bush fires will raise issues concerning the state planning legislation relating to native vegetation clearance and fire protection matters. There will be a review carried out and this will undoubtedly be considered as part of the Royal Commission recently announced by the State Government into the bushfires.

8. Presentation of Reports and 9. Public Question Time

Any changes to the planning legislation/schemes as a result of the review are likely to be introduced by the State Department of Planning & Community Development before next fire season.

5. SUBMITTED BY GARY McINTOSH, Daylesford

Question: The total combined maximum width for clearing of native vegetation both sides of the fence for construction and maintenance of boundary fences under native vegetation exemptions is stated in the planning provisions as being 4 metres. It is further stated that with all exemptions, clearing should be planned and conducted to remove the 'minimum extent necessary'.

Does this 4 metre exemption apply to all native vegetation including native grasses, groundcovers and shrub-layer as well as all the trees, and what is the 'minimum extent necessary'?

Question withdrawn.

6. SUBMITTED BY MURRAY RALPH, Bullarto

Question: Can council officers explain how the clearing for boundary fencing at Scotts Lane met state legislative requirements, when clearly the vegetation cleared was beyond the limits outlined in legislation. Given this, will Councillors override the relevant council officer's decision to take no action on the matter?

Question withdrawn as this subject was dealt with in the Petition in Item 6.1

7. SUBMITTED BY CHRIS EYLES, Hepburn Springs

Question: Where has the money [for the Daylesford Skatepark] been invested, how much interest has it incurred, did you apply for further funding as you stated in front of many witnesses, when will you strike a blow as you put it on our kids skate park?

A written response will be provided as questioner was not present at Meeting.

8. SUBMITTED BY JOHN MADIGAN, Hepburn Springs

Question: My question is about changing Local Law No. 1 . The recommendation that Council places notices in the Government Gazette and local papers and invites public submissions.

Is this a legal requirement for changing a local law?

***Reply: Manager Governance and Information, Matthew Morgan
Yes, the publishing of a public notice and a notice in the Victorian Government Gazette is a legal requirement as per the Local Government Act that ought to be followed when a Council exercises its power to make a local law.***

Question: When Council changed Local Law No. 1 last December, why was this process not followed then?

8. Presentation of Reports and 9. Public Question Time

Reply: Mayor Bill McClenaghan

The resolution of Council in December 2008 was that Council amend Local Law No 1. The required notices and subsequently the 28 exhibition period was not undertaken, as the local law itself has not been amended, and the changes resolved upon in the December 2008 meeting will be incorporated into the new draft Local Law No 1, which will undergo the required procedure. So at this stage, the Local Law has not changed.

Question: Is Council's resolution to require questions **in writing** (a change to the Local Law) lawful and enforceable?

Reply: Mayor Bill McClenaghan

The Council resolution of December 2008 is lawful, as it is simply stating Council's resolve to amend the Local Law to require questions to be submitted in writing. Council is still operating under its existing Local Law which was created in December 2006. The current requirement for questions to be submitted in writing is an interpretation of the current local law, which expresses the spirit of Council's motion from December 2008.

9. SUBMITTED BY BRENDA BLACKMORE, Denver

Question: On the 30/1 I went to Duke St to report 2 tree hazards adjacent to my property.

Spoke to Kevin Clohesy, the tree had come down overnight on the 27/1, owner at 55 rang SES who did initial clean-up. HSC pushed up pile onto my nature strip, creating potential fire hazard and left large tree limb on opposite side of road, which is a traffic hazard due to its close proximity to road edge. KC explained they were clearing up many fallen trees and would get to it – he was to call back with more info.

No phone received, so I rang Duke St again on 6/2 was told that KC was now on leave and that someone would call me back.

Went to Duke St on 10/2, I explained still had no call returned and could someone tell me when these hazards would be removed. Jane rang depot, they were aware of situation and it had been 'looked at' at was deemed not a hazard.

Why was the service request system not utilised?

Is it normal practice NOT to notify resident of the outcome?

Why was the pile of branches not picked up with the backhoe and removed initially? Truck and float would have been used to get to area.

I will be happy to hear the response at tonight's meeting, of which only one outcome will be suitable – the shire will arrange ASAP removal of both hazards.

Reply: Director Infrastructure and Development, Rod Conway

Service request system was utilised and is recorded as No. 3063.

You were advised at the time of the request actions to be taken.

Numerous other real hazards needed to be dealt with as a result of fallen trees and as this hazard had been addressed plant and equipment then went to the next problem spot.

Council will arrange for clean up as soon as possible.

8. Presentation of Reports and 9. Public Question Time

10. SUBMITTED BY BOB KENNEDY, Glenlyon

1. The Shire has a lot of top management personnel resigning, most of these people are entitled to the use of a car supplied by the shire.

My question is as follows:

When the positions are filled, will officers be issued with a car, if so will the use be controlled to work only use (commuter use) or will they have uninhibited use like most have now?

Reply: Chief Executive Officer, Kaylene Conrick

Senior management personnel will be required to pay an amount out of their salary for a vehicle with full private use in accordance with Council's Motor Vehicle Policy No 3. For example, I contribute an amount of \$12,000.00 per annum out of my salary package.

11. SUBMITTED BY CHRIS FENNER, Clunes

Question: The announcement by the State Government of the return of a passenger rail service to Maryborough is welcome. The service will pass through Clunes. Public transport is frequently raised as the most important community issue in Clunes and this organisation believes that a stop at Clunes is essential, to provide for employment, sporting, cultural and recreational trips.

Does the Council support a stop in Clunes on the new Ballarat – Maryborough service?

Will Council write to the Minister supporting such a stop?

What other support can Council provide to the Clunes community in a campaign to ensure this happens?

Reply: Mayor, Bill McClenaghan and Cr Tim Hayes

Council most certainly supports a stop in Clunes. Council will be writing to the Minister calling upon the State Government to honour their announcement and to have a stop at Clunes. Council will also be lobbying local state members of parliament to ensure that the State Government has a stop at Clunes. The Clunes community and Council together could advance the campaign via a petition prepared and signed by the Clunes community, then presented to Council. This would certainly provide further support for a stop at Clunes.

10. Governance & Strategic Matters

10.1 LOCAL LAW NO. 1
(A/O – Manager Governance & Information)

File Ref: 44/06/01

Introduction

Council is required under section 91 of the Local Government Act 1989 ('the Act') to make a local law which governs the conduct of meetings of Council and Special Committees. Council currently has a local law which does this, which is due to expire in 2014. In spite of this, the existing local law is now inconsistent with some of the recent changes to the Act and ought to be reviewed and updated accordingly.

Report

Recent changes to the Local Government Act 1989 ('the Act') have resulted in some elements of Council's existing Local Law No. 1, which governs the conduct of meetings, being inconsistent with legislation and Council's statutory obligations.

In addition to this, a new Council ought to be provided with the opportunity to make a local law to govern the conduct of its meetings and those of its Special Committees in a manner that it sees fit. This will be an opportunity not only for the new Council, but also for the community to provide input into the making of the meeting procedures local law as the process for making a new local law includes a community consultation component whereby submissions can be made on the draft local law in accordance with Section 223 of the Act.

This is also an opportunity to reformat and reorganise the contents of the local law in order for the local law to be easily comprehensible not only to Councillors and the administration but also for members of the general community.

Council has been provided with a draft *Local Law No. 1 – Meeting Procedures and Council Seal* and a recommendation will be put to Council that the draft document be placed on public exhibition for a period of 28 days. It would be intended that the draft local law is eventually adopted and that the existing Local Law No. 1 is revoked.

The draft local law that has been presented to Council is clearly divided into logical parts, with each part then divided into logical divisions. This is illustrated in the comprehensive table of contents at the start of the document. This makes the entire document easy to navigate and the vast information contained within it easy to locate.

The draft document addresses the following recent changes in the Act:

1. The insertion of Section 91(3a) into the Act which stipulates that a quorum must be a majority of the members of Council or a Special Committee.

10. Governance & Strategic Matters

2. The substitution of Section 89(4) of the Act requiring that seven (7) days of public notice is required before meetings of Council.
3. The insertion of Section 89(4a) into the Act which stipulates that if seven (7) days public notice cannot be provided, that the reason why the required notice cannot be given is included in the minutes of the meeting.
4. The amendment of Section 89(5) in relation to the responsibility for providing public notice of meetings of Special Committees resting with the chairperson of that committee.
5. The insertion of Section 90(1)(ca) which stipulates that voting at any meeting of Council which is open to the public must not be by secret ballot.

There has also been a modification to the form which must accompany the affixing of the Council Seal to documents. The form that is presented in the draft local law requires that both the Mayor and the Chief Executive Officer's signatures must accompany the Common Seal of Council. This ensures the validity of the seal as it is signed by the two positions which represent the Council and the administration respectively. In addition to this, the Chief Executive Officer is charged with the responsibility of ensuring the security of the Common Seal of Council.

In addition to this, several repetitive sections of the existing local law have been omitted from the draft that has been provided to Council.

Relevant Policies / Council Plan implications:

Local Government Act 1989

Community / Engagement / Communication / Consultation:

When making a local law, Council is required to advertise its intent by publishing a public notice and a notice in the Victorian Government Gazette.

Following this, submissions in accordance with Section 223 of the Act will be invited on the draft local law for a period of 28 days from the date of the notice published in the Victorian Government Gazette.

Council will consider all submissions in compliance with the Act and if required, provide a meeting for submitters to be heard in support of their submissions to Council.

Financial Implications

There are no major financial implications of the decision of Council to place a draft Local Law on public exhibition other than the cost of advertising the

10. Governance & Strategic Matters

intention to make a local law in local newspapers and the Victorian Government Gazette.

If Council resolves to create a local law after the public exhibition period has passed, notice of the creation of the local law must then also be published in local papers and in the Victorian Government Gazette.

Motion:

That Council

10.1.1 Place the draft local law (Local Law No. 1 – Meeting Procedures and Common Seal) on public exhibition.

10.1.2 Place the relevant notices in local papers and the Victorian Government Gazette advertising its intent to make a local law and the opportunity for members of the community to make submissions on the draft local law.

Moved: Cr Tim Hayes

Seconded: Cr Rod May

Carried.

10. Governance & Strategic Matters

10.2 PLANT REPLACEMENT – GRADER CHANGEOVER

(A/O-Manager of Operations)

File Ref:06/10/03

Introduction

This report provides information on the supply, delivery and trade-in on the grader to operate from the Creswick Depot as part of Council’s Plant Replacement program.

Report

Council through Strategic Purchasing, the contract procurement agency of MAPS, tendered for the replacement of the current grader in Creswick. Tender specifications were prepared and items of plant were advertised for a number of municipalities on Friday the 28 of November and closed on Friday the 19 of December 2009.

Listed below are the tenders received for this plant changeover:-

Name	Address	Purchase of New Plant	Sale of existing plant	Nett Changeover
William Adams P/L	17-55 Nantilla Road Clayton North,3168	\$345,000	\$85,000	\$260,000
BT Equipment P/L	80-86 Frankston Dandenong Road, Dandenong Vic, 3175	\$291,500	\$120,000	\$171,500
Komatsu Australia P/L	1608 Hume Highway, Campbellfield, Vic,3061	\$320,980.60	\$85,000	\$235,980.60

In evaluating the plant replacement Council has considered the best value that it will obtain from the purchase of this machine considering the financial, environmental and social factors.

Purchase of the machine was discussed with the Works Officer and current operators with the Manager of Operations.

On this basis it is recommended that the machine as offered by William Adams be purchased including the trade- in of the current machine.

Relevant Policies / Council Plan implications:

Corporate Plan: Objective Three – Manage Council finances and resources
 Objective Four – Plan, provide and source the range of services to benefit the community.

10. Governance & Strategic Matters

Plant Replacement Program - 10 year Plant Replacement Program.

Community / Engagement / Communication / Consultation:

Advertised in newspapers as required under Strategic Purchasing policies.

Financial Implications

Item	Tender	Budget	Nett
Purchase of Plant	\$345,000	\$375,000	\$30,000
Sale of Plant	\$85,000	\$110,000	(\$25,000)
Difference	\$260,000	\$265,000	\$5,000

The purchase price is below the budgeted plant replacement allocation.

Further Report:

The tenders were assessed based on Council’s standard tender evaluation assessment criteria scoring system and the evaluation criteria are as follows:-

1. Evaluation and assessment of the tendered machine whole of life costs;
2. Compliance with Specification;
3. Purchase value of machine;
4. Technical innovation and mechanical capabilities of machine;
5. Servicing and supplier backup capabilities.

A separate weighting and assessment (confidential) report has been provided for Councillor information.

In summary, based on the assessment, weightings and evaluation for each of the machines tendered, the scoring for each of the machines is listed below:-

Name	Machine	Evaluation Scoring
William Adams P/L	Caterpillar 12M	89.5
BT Equipment P/L	Mitsubishi MG 460	75.75
Komatsu Australia P/L	Komatsu GD 655-3	73.25

Based on the assessment of the evaluation criteria it is recommended that the machine as tendered by William Adams being the 12 M be purchased.

The value of the trade –in as provided by William Adams has been assessed and Council Officers have been in discussions with Fowles Auction exploring the option to seek a higher value for this current machine. This will be investigated further to achieve the maximum return for this plant sale.

10. Governance & Strategic Matters

Recommendation:

That Council:

- 10.2.1** *Accept the tender from William Adams Pty Ltd of 17 – 55 Nantilla Road, Clayton North for the supply of one grader for the sum of three hundred and forty five thousand (\$345,000)*
- 10.2.2** *Delegate to the Manager of Operations, authority to procure a higher trade in value either through Fowles Auctions, William Adams or a private third party to a value greater or equal to the \$85,000, as offered by William Adams.*

Moved: Cr Don Henderson

Seconded: Cr Rod May

Carried.

10.3 NEW DAYLESFORD DEPOT – MONTHLY REPORT

(A/O – Manager of Operations)

File Ref: 4/1930/09650

Introduction

A progress report on the construction of the New Daylesford Depot located on the Daylesford Trentham Road is provided.

Report

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

Briefing report was provided to Councillors at the September briefing session and further works have progressed since, which are as listed below:-

Project works that have been completed are:

- Earthworks and vegetation management on site;
- Erection of Two sheds

Works in progress:

- Erection of Security fencing;
- Concreting for Shed 1;
- Some internal stormwater drainage and services for Depot operation.

Project planning in progress:

- Electricity supply programmed for installation in February;
- Depot infrastructure quotations sourced;
- Entrance design sourced;
- Fire Service design in progress;

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Wide community consultation and engagement has occurred with this project.

10. Governance & Strategic Matters

Financial & Resource Implications Initial & Ongoing

As at 30th January 2009

NEW DAYLESFORD DEPOT COST SCHEDULE RECONCILIATION			
Expenditure 951700	Actual 2008_2009	Budget 2008_2009	Total Projections
Building Permit	\$2,712.65	2,500.00	2,500.00
Mechanical Services		6,500.00	6,500.00
Buildings Shed 1 & 2	\$271,885.72	356,500.00	351,500.00
Earthworks	\$95,835.72	91,000.00	96,000.00
Arterial Road Access	\$4,030.00	129,500.00	130,000.00
Service Authority	\$57,284.00	67,000.00	67,000.00
Fencing		45,000.00	45,000.00
Electricity		105,000.00	105,000.00
Concreting		91,500.00	91,500.00
Water and Fire Service		17,000.00	17,000.00
Septic and Stormwater	\$410.00	96,000.00	95,500.00
Internal Fitout		131,000.00	131,000.00
Incidental Services		155,000.00	155,000.00
Internal Access	\$1,458.29	110,000.00	110,000.00
Washdown Bay		20,000.00	20,000.00
Office Fitout		16,500.00	16,500.00
Relocation		10,000.00	10,000.00
Totals	\$433,616.38	1,450,000.00	1,450,000.00
Income 951928	Actual 2008_2009	Budget 2008_2009	Total Projections
		-1,450,000	-1,450,000

Motion:

That Council:

10.3.1 Note & receive the report.

Moved: Cr Tim Hayes
Seconded: Cr Jon Barrell
Carried.

10. Governance & Strategic Matters

10.4 FINANCE REPORT – MID-YEAR BUDGET REVIEW

(A/O – Manager Finance)

File Ref: 30/08/17

REPORT

Purpose

For Council to formally adopt changes to the 2008-2009 budget.

Background

Council adopted the 2008-2009 budget in July 2008 and the mid-year budget review provides Council with the opportunity to make changes as required.

Issues

Council's budget is adopted prior to the conclusion of the previous financial year and now requires amendment to reflect changed circumstances as a result of the following factors:

- Actual expenditure in 2007-2008 for capital works and projects being less than anticipated requiring "carry over" of budgets into 2008-2009;
- Grants being received late in the 2007-2008 financial year for works or projects that are required to be completed in 2008-2009;
- New projects or works that have been identified in 2008-2009 and particularly where external funding has been received;
- Variations to income and expenditure for different reasons such as reduced interest on investments as a result of global impacts.

Summary of Forecast Operation Adjustments

	\$000's
Adopted Budget Surplus	664
<u>Add Favourable Adjustments</u>	
Additional income for operational and capital projects	1,696
Expenditure savings	401
Profit on sale of land	20
	2,117
<u>Less unfavourable adjustments</u>	
Additional costs	(1,016)
Reductions in income	(320)
Transfers from Capital projects	(35)
Carry forward projects from 2007/08	(240)
	(1,611)
Total Forecast Adjustments	<u>506</u>
Forecast Budget Surplus	<u>1,170</u>

10. Governance & Strategic Matters

Summary of Forecast Capital Adjustments

	\$000's
Adopted Capital works budget	6,694
<u>Less favourable adjustments</u>	(22)
Projects transferred to operating	(35)
Projects deferred to 2009/10	(178)
	(235)
<u>Add unfavourable adjustments</u>	
Projects carried forward from 2007/08	354
Additional projects and over expenditures	531
	885
 Total Forecast Capital Works Adjustment	 <u>650</u>
 Forecast Capital Works Budget	 <u>7,344</u>

10. Governance & Strategic Matters

**OPERATING STATEMENT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

Description	Adopted Budget \$000's	Forecast \$000's	Budget Variance favorable (Unfavorable)
Revenues from Operating Activities			
Rates & Charges	11,061	11,312	251
Grants - Operating	4,686	4,739	53
Grants - Capital	1,392	2,557	1,165
Statutory Fees & Fines	493	482	(11)
User Fees & Charges	587	655	68
Contributions	13	50	37
Interest	155	120	(35)
Other Revenue	1,229	1,077	(152)
Total Revenues from Operating	19,616	20,992	1,376
Operating Expenditure			
Employee Costs	(7,799)	(7,770)	29
Contracts, Materials And Services	(5,364)	(6,498)	(1,134)
Bad and Doubtful Debts	(4)	(4)	0
Depreciation	(4,477)	(4,477)	0
Borrowing Costs	(204)	(204)	0
Other Expenses	(1,104)	(889)	215
Total Expenses from Operating	(18,952)	(19,842)	(890)
Non Operating Activities			
Proceeds From the Sale of Assets	312	398	86
Costs of Assets Sold	(312)	(378)	(66)
Net Result from Non Operating Activities	0	20	20
Total for Operating Statement	664	1,170	506

All identified adjustments have been incorporated into the operating, cash flow, capital works and balance sheet statements that are included below and reasons for variations to budget are explained in some detail.

Policy or Legislative Implications

There are no legislative requirements in relation to the approval of adjustments to the 2008-2009 budget but it is good financial practice to formally make changes to budgets to ensure financial targets are being met and against which future results will be reported.

10. Governance & Strategic Matters

Financial and Resource Implications

The budget is Council's key financial management tool and the mid-year review is an important step in ensuring that financial targets for 2008-2009 will be met.

Internal/ External Consultation

The 2008-2009 budget has been reviewed in detail by managers and finance staff. Savings and adverse adjustments have been identified and action taken to achieve Council's objectives in service and project delivery. Amendments to the budget will not be advertised as there are no rate implications; no additional borrowing and the changes are not material in affecting the financial operations and position of the Council.

10. Governance & Strategic Matters

**CASH FLOW STATEMENT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

Description	Adopted Budget \$000's	Forecast \$000's	Budget Variance Favorable (Unfavorable)
Net Cash Provided by Operating Activities			
Rates & Charges	11,061	11,182	121
Receipts from other customers	2,180	2,265	85
Payments to Employees & Suppliers	(14,776)	(15,360)	(584)
Net Revenues from Customers/Suppliers	(1,535)	(1,913)	(378)
Government Grants	6,461	7,175	714
Interest received	215	190	(25)
Net Cash Provided by Operating Activities	5,141	5,452	311
Net Cash Provided by Investing Activities			
Proceeds From the Sale of Assets	312	398	86
Deposits	0	0	0
Capital Works	(6,694)	(7,344)	(650)
Net Cash Provided by Investing Activities	(6,382)	(6,946)	(564)
Net Cash Provided by Financing Activities			
Proceeds from Borrowings	1,450	1,450	0
Repayment of Borrowings	(373)	(373)	0
Net Cash Provided by Financing Activities	1,077	1,077	0
Net (Outflow)/Inflow of Cash	(164)	(417)	(193)
Cash Held at Beginning of Year	924	2,982	2,058
Total Cash Held at the End of Year	760	2,565	1,865

10. Governance & Strategic Matters

**STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

Description	Adopted Budget \$000's	Forecast \$000's	Budget Variance Favorable (Unfavorable)
Current Assets			
Cash At Bank	760	2,565	1,805
Current Receivables	2,032	1,584	(448)
Other Current Assets	307	75	(232)
Current Assets	3,099	4,224	1,125
Non Current Assets			
Non Current Investments	1,109	955	(154)
Non Current Receivables	5	5	0
Library Equity	397	375	(22)
Fixed Assets	143,408	152,716	9,308
Non Current Assets	144,919	154,051	9,132
Total Assets	148,018	158,275	10,257
Current Liabilities			
Payables	1,354	2,345	(991)
Provisions	1,262	1,378	(116)
Interest Bearing Liabilities	336	336	0
Current Liabilities	2,952	4,059	(1,107)
Non Current Liabilities			
Non Current Provision	1,214	716	498
Interest Bearing Liabilities	3,276	3,276	0
Non Current Liabilities	4,490	3,992	498
Total Liabilities	7,442	8,051	(609)
Net Assets	140,576	150,224	9,648
Accumulated Funds			
Accumulated Funds	82,728	83,640	912
Net Result from Current Operations	664	1,170	506
Accumulated Funds	83,392	84,810	1,418
Reserves			
Assets Revaluation Reserve	56,190	64,604	8,414
Other Reserves	994	810	(184)
Reserves	57,184	65,414	8,230
Total Equity	140,576	150,224	9,648

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
CORPORATE SERVICES					
<i>INCOME</i>					
Revenue Services (Rates & M/C)	9,512,249	9,612,900	9,819,200	206,300	1
Grants Commission	1,109,252	2,200,900	2,215,500	17,600	2
Other Income	512,65	383,700	378,650	-5,050	3
`Total Income	11,134,158	12,197,500	12,416,350	218,850	
<i>EXPENDITURE</i>					
Council	324,532	781,200	786,950	5,750	4
Financial Services	361,904	703,100	711,700	8,600	5
Technical Services	464,012	946,100	973,900	27,800	6
Governance & IT	548,945	917,450	917,850	400	
Organizational Development	108,394	223,150	223,150	0	
Other Administration	214,604	549,750	561,800	12,050	7
`Total Expenses	2,023,636	4,120,750	4,175,350	54,600	
NET	9,110,522	8,076,750	8,241,000	164,250	

Notes

- 1 Higher level of supplementary rates achieved due to large projects coming on stream
- 2 Notification of 2008/09 grant
- 3 Interest on investments reduced due to economic downturn by \$35k offset by increase in reimbursement of legal fees \$10k interest on rates \$10k and a number of small items
- 4 Small increase in statutory meeting expenditure and subscriptions
- 5 Debt costs \$10k Valuation \$8k offset by saving in operating \$10k
- 6 Allowance for payment of accrued leave and additional costs due to hand over period of director of \$60K. Offset by savings in Engineering services delay in filling position \$23K
- 7 Increase in legal expenses \$6K and equipment maintenance \$4K

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
COMMUNITY SERVICES					
<i>INCOME</i>					
Community Development	62,609	217,950	228,350	10,400	8
Family & Children's Services	52,704	100,900	100,900	0	
Aged & Disability Services	544,868	1,086,200	1,101,200	15,000	9
Housing	29,148	46,700	46,700	0	
Contract Services	145,183	246,950	246,950	0	
Total Income	832,112	1,698,700	1,724,100	25,400	
<i>EXPENDITURE</i>					
Community Development	340,353	724,720	718,450	(6,270)	10
Family & Children's Services	108,498	261,550	260,050	(1,500)	
Aged & Disability Services	662,460	1,331,120	1,346,120	15,000	11
Housing	17,703	40,900	40,900	0	
Contract Services	155,977	238,980	238,980	0	
Total Expenses	1,284,990	2,597,270	2,604,500	7,230	
NET	(452,878)	(898,570)	(880,400)	18,170	

Notes

- 8 Community Contribution of \$10K not included in original budget
- 9 Additional HACC grant allocation of \$15K
- 10 Saving while manager acting director of \$6k
- 11 Additional resource allocation required for assessments of \$30K. Partial funding from saving in housekeeping of \$15K balance covered by increased grant refer note 9

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Regional Development					
<i>INCOME</i>					
Planning & Heritage Services	88,876	191,000	186,400	(4,600)	12
Building Services	75,272	109,800	128,000	18,200	13
Tourism & Economic					
Development	95,097	195,450	194,550	900	
Public Halls	3,186	8,250	6,000	(2,250)	14
Total Income	262,431	504,500	514,950	10,450	
<i>EXPENDITURE</i>					
Planning & Heritage Services	358,958	869,750	792,800	(76,950)	15
Building Services	79,377	167,900	197,500	29,600	16
Tourism & Economic					
Development	188,930	324,000	345,400	21,400	17
Community Amenities	65,607	164,100	164,100	0	
Library Services	166,740	323,870	339,670	15,800	18
Other Cultural Activities	29,333	59,250	68,600	9,350	19
Public Halls	39,492	78,500	83,000	4,500	20
Total Expenses	927,437	1,987,370	1,991,070	3,700	
NET	(665,006)	(1,482,870)	(1,476,120)	6,750	

Notes

- 12 Expected level of fees
- 13 Expected level of fees
- 14 Expected level of fees
- 15 Savings in salaries projected \$37K reduction in allowance for VCAT hearings \$35K
- 16 Additional relief staff to cover extended leave \$30K
- 17 VIC building maintenance of \$3K , production costs of tourist maps \$2K and maintenance costs for Jubilee Lake \$15K
- 18 Additional staff hours at Daylesford branch library
- 19 Increase building maintenance at Clunes Bottle Museum \$7K
- 20 Increased building maintenance at Clunes \$2K and Daylesford town halls \$2K

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Public Safety					
<i>INCOME</i>					
Fire Prevention	(285)	25,000	25,000	0	
Animal Control	8,115	76,300	76,300	0	
Compliance	19,206	29,950	31,700	2,450	21
Health	34,391	134,550	134,400	150	
School Crossing	3,908	7,800	7,800	0	
Total Income	65,334	272,900	275,200	2,300	
<i>EXPENDITURE</i>					
Fire Prevention	19,946	36,950	36,150	(800)	
Animal Control	13,954	33,000	29,300	(3,700)	22
Compliance	128,114	246,350	254,200	7,850	23
Health	132,232	250,250	259,900	9,650	24
Environmental Initiatives	44,015	116,300	114,000	(2,300)	25
School Crossing	11,784	26,000	26,000	0	
Emergency Management	527	6,000	6,000	0	
Total Expenses	350,572	714,850	725,550	10,700	
NET	(285,238)	(441,950)	(450,350)	(8,400)	

Notes

- 21 Expected level of fees
- 22 Reduction in pound operating costs
- 23 Local laws salaries and oncosts
- 24 Salaries and oncosts to cover extended leave
- 25 Small saving expected in project area

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Recreation					
<i>INCOME</i>					
Parks & Gardens	780	150	850	700	
Reserves	5,550	9,220	9,220	0	
Mineral Springs Reserves	178,085	534,800	384,800	(150,000)	26
Total Income	184,305	544,170	394,870	(149,300)	
<i>Expenditure</i>					
Parks & Gardens	99,441	134,450	159,440	24,990	27
Reserves	361,670	661,790	688,460	26,670	28
Mineral Springs Reserves	121,639	181,250	209,200	27,950	29
Swimming Areas	44,354	217,000	229,080	12,080	30
Recreation Management	48,398	92,300	92,300	0	
Indoor Recreation	2,809	30,000	30,000	0	
Total Expenditure	678,311	1,316,790	1,408,480	91,690	
NET	(494,006)	(772,620)	(1,013,610)	(240,990)	

Notes

- 26 Reduction of expected level of lease payments
- 27 Increased level of maintenance Daylesford Parks & Gardens \$25K
- 28 Increased level of maintenance Clunes Reserves \$26K
- 29 Trade mark project \$15K and Increased maintenance costs \$5
- 30 Additional building maintenance required at Clunes \$9K and Trentham \$3K

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Infrastructure					
<i>INCOME</i>					
Road Maintenance	581,727	1,765,150	1,774,450	9,300	31
Other Transport	589,946	1,013,550	1,079,900	66,350	32
Total Income	1,171,673	2,778,700	2,854,350	75,650	
<i>EXPENDITURE</i>					
Road Maintenance	1,106,422	1,883,760	1,900,110	16,350	33
Depots	27,350	50,800	50,800	0	
Other Transport	242,174	415,100	447,500	32,400	34
Total Expenses	1,375,946	2,349,660	2,398,410	48,750	
NET	(204,273)	429,040	455,940	26,900	

Notes

- 31 Notification of 2008/09 grant
- 32 Expected level of plant hire usage/income
Increased allocation to signs maintenance of \$27K and reduction in bridges
- 33 maintenance \$10K
- 34 Expected level of costs associated with plant hire usage/expenditure relates to note 32

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Waste Management					
<i>INCOME</i>					
Waste Revenue	1,469,521	1,492,900	1,505,550	12,650	35
Land Management	10,000	6,000	20,000	14,000	36
Total Income	1,479,521	1,498,900	1,525,550	26,650	
<i>Expenditure</i>					
Street Cleaning	51,053	124,000	124,000	0	
Waste Management	542,704	1,321,800	1,320,950	(850)	
Land Management	1,683	20,000	34,000	14,000	36
Total Expenditure	595,441	1,465,800	1,478,950	13,150	
NET	884,080	33,100	46,600	13,500	

Notes

35 Expected level of fees and charges

36 Additional grant funds received and corresponding increase in expenditure as a result

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Unclassified					
<i>INCOME</i>					
Oncost Clearing Account	704,264	1,396,200	1,396,200	0	
Total Income	704,264	1,396,200	1,396,200	0	
<i>Expenditure</i>					
Oncost Clearing Account	519,181	1,396,200	1,396,200	0	
Unclassified	0	0	0	0	
Total Expenditure	519,181	1,396,200	1,396,200	0	
NET	185,083	0	0	0	

Notes

Nil

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
Projects					
<i>INCOME</i>					
Community Services		5,000	5,000	0	
Regional Development	202,762	85,117	367,880	282,763	37
Recreation		29,000	39,000	10,000	38
Infrastructure			35,000	35,000	39
Total Income	202,762	119,117	446,880	327,763	
<i>Expenditure</i>					
Corporate Services	3,003,	46,225	46,250	25	
Community Services	12,582	54,588	45,430	(9,158)	40
Regional Development	196,958	390,691	661,560	270,869	41
Public Safety	17,764	28,473	23,950	(4,523)	42
Recreation	103,229	379,852	420,044	40,192	43
Infrastructure	2,090	65,962	98,000	32,038	44
Waste Management		20,200	20,200	0	
Total Expenditure	335,626	985,991	1,315,434	329,473	
NET	132,864	866,874	868,554	(1,680)	

Notes

- 37 Springs Medical Centre Project – Grant not included in Budget \$275K See also Note 41
- 38 Hepburn Golf Club Drought Relief Grant \$10K
- 39 Trentham Primary School Parking construction unbudgeted Grant \$35 See also Note 44
- 40 Trentham Neighborhood House works \$15K to be carried forward
Springs Medical Centre Project not included in Budget fully covered by Grant \$275K See also Note 37
- 41 Note 37
- 42 Fire Strategy Plan Implementation working group full budget will not be used \$4.5K saving
- 43 Trentham Sporting Reserve Training Facility \$40K to be carried forward
- 44 Trentham Primary School Parking construction covered by grant \$35K See also Note 39

10. Governance & Strategic Matters

**DEPARTMENTAL REPORT FOR THE PERIOD ENDING 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

	YTD Actual	Adopted Budget	Forecast	Budget Variance	Note
CAPITAL WORKS PROGRAM					
<i>INCOME</i>					
Sale Of Assets					
Plant & Machinery	53,947	311,500	311,500	0	
Furniture & Equipment	0	0	750	750	45
Land	97,981	0	98,000	98,000	46
Cost of Sale	(11,925)	0	(11,950)	(11,950)	47
Proceeds from Sale of Assets	140,003	311,500	398,300	86,800	
Grants and Contributions					
Fixed Assets - Buildings	0	752,000	1,177,000	425,000	48
Fixed Assets - Recreation	176,475	81,470	388,994	307,524	49
Fixed Assets - Roads	0	611,000	611,000	0	
Proceeds from Grants & Contributions	176,475	1,444,470	2,176,994	732,524	
NET	316,478	1,755,970	2,575,294	819,324	

Notes

- 45 Unbudgeted sale of computers
- 46 Sale of land Vincent St Nth See also Note 47
- 47 Sale costs for land Vincent St Nth See also Note 46
- 48 Federal Government Financial Stimulus Projects Grant \$425K
- 49 Fishing Platforms grant \$140K, Victoria Park Project grant \$127K, Victoria Park Community Contribution \$13K, Bath House Grant \$38K

10. Governance & Strategic Matters

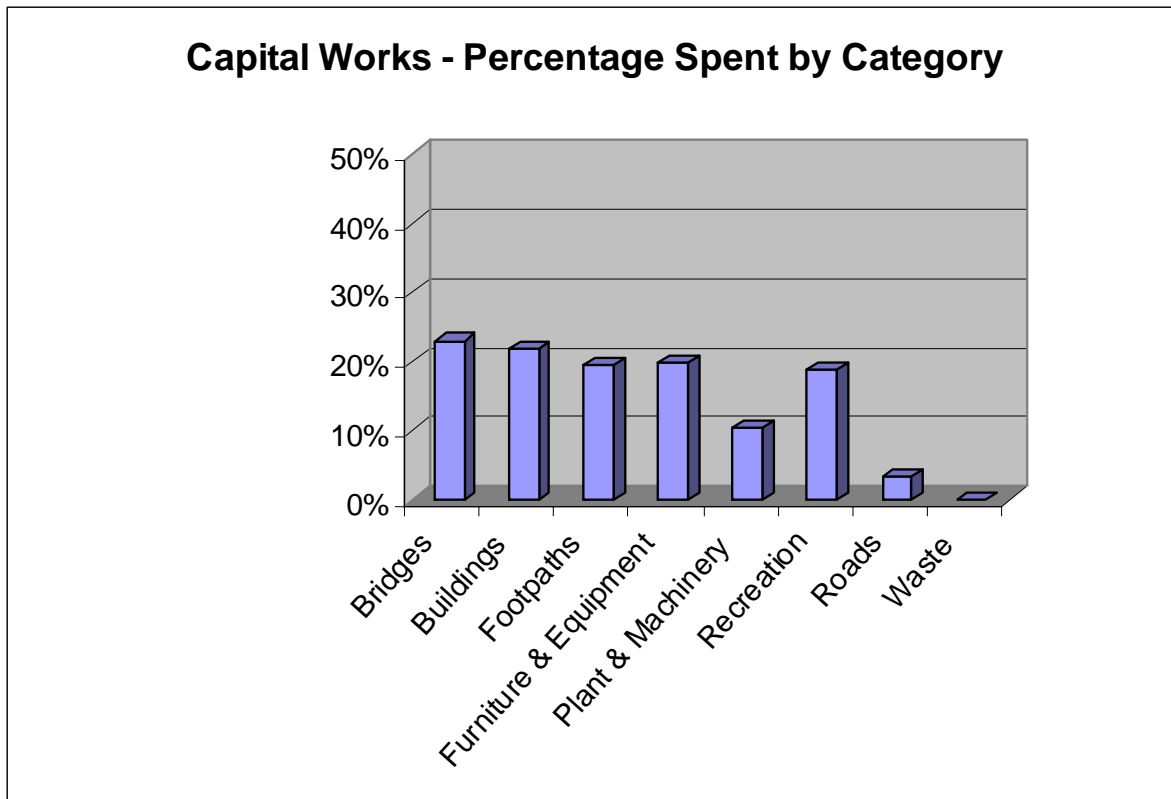
**STATEMENT OF CAPITAL WORKS FOR THE PERIOD ENDED 30 JUNE 2009
PROJECTED AS AT 30 DECEMBER 2008**

Section	YTD Actual	Adopted Budget	Forecast Budget	To Spend	% Spent	Note
Bridges	56,700	250,000	246,700	190,000	22.98%	
Buildings	615,722	2,733,000	2,823,200	2,207,478	21.81%	50
Footpaths	38,783	197,000	198,900	160,117	19.50%	
Furniture & Equipment	37,042	177,600	187,750	150,708	19.73%	51
Plant & Machinery	96,101	936,000	936,000	839,899	10.27%	
Recreation	142,156	301,470	821,190	679,034	17.31%	52
Roads	69,528	2,041,440	2,073,140	2,003,612	3.35%	53
Waste	0	57,500	57,500	57,500	0.00%	
Grand Total	1,056,032	6,694,010	7,344,380	6,288,348	14.38%	

Notes

- 50 Replacement of Air Conditioning units OHS issue unbudgeted \$12K, purchase of Duke St portable unbudgeted \$8.5K, Federal Govt Stimulus Projects \$82K
- 51 High Speed Scanner unbudgeted \$10K
- 52 Bathhouse Car Park project carried forward from 2007/08 of \$47k plus additional expenditure of \$57K partly offset by grant see Note 49, Vishay Baths contribution unbudgeted \$60K, Jubilee Lake Fishing Platforms unbudgeted \$140K See matching grant Note 49, Vitoria Park Project unbudgeted \$166K See matching Grant Note 49, Clunes Bowling Club Sustainable Greens \$45K See matching grant Note 49
- 53 Swords Road \$25k and Mineral Water Drive \$14k carried forward from 2007/08.

10. Governance & Strategic Matters



Financial Ratios (Performance Indicators)

a) Debt servicing ratio (to identify the capacity of Council to service outstanding debt)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Debt servicing costs	136,808	0.72%	204,000	1.04%	204,000	0.97%
Total revenue	18,936,917		19,616,000		20,992,000	

Debt servicing costs refer to the payment of interest on loan borrowings, finance lease, and bank overdraft.

The ratio expresses the amount of interest paid as a percentage of Council's total revenue.

This measure is expected to be less than budget primarily as a result of additional grant income increasing Council's overall revenue for the year.

b) Debt commitment ratio (to identify Council's debt redemption strategy)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Debt servicing & redemption costs	544,663	5.39%	577,000	5.22%	577,000	5.10%
Rate revenue	10,107,586		11,061,000		11,312,000	

10. Governance & Strategic Matters

The strategy involves the payments of loan principal and interest, finance lease principal and interest.

The ratio expresses the percentage of rate revenue utilized to pay interest and redeem debt principal.

This measure is also expected to be less than budget due to increased income and is well within Council's maximum level of 7.5% contained in the 10 Year Financial Plan

c) Revenue ratio (to identify Council's dependence on non-rate income)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Rate revenue	10,107,586	53.38%	11,061,000	56.39%	11,312,000	53.89%
Total revenue	18,936,917		19,616,000		20,992,000	

The level of Council's reliance on rate revenue is determined by assessing rate revenue as a proportion of the total revenue of Council.

This measure is similar to measure (a) & (b) in that additional non rate income is expected to improve this ratio as well.

d) Debt exposure ratio (to identify Council's exposure to debt)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Total indebtedness	6,212,609	12.12%	6,679,000	12.04%	6,788,000	12.11%
Total realisable assets	51,268,226		55,474,266		56,034,266	

For the purpose of the calculation of financial ratios, realizable assets are those assets which can be sold and which are not subject to any restriction on realisation or use. Any liability represented by a restricted asset is excluded from total indebtedness.

The following assets are excluded from total assets when calculating Council's realisable assets:

Land and buildings on Crown land; restricted assets; heritage assets; total infrastructure assets; and Council's investment in associate.

This ratio enables assessment of Council's solvency and exposure to debt. Total indebtedness refers to the total liabilities of Council. Total liabilities are compared to total realisable assets which are all Council assets not subject to any restriction.

This measure is expected to be slightly higher than budget but similar to last year it is one that is difficult to predict because of the many variables that are in play and the absence of an appropriate prediction model.

10. Governance & Strategic Matters

e) Working capital ratio (to assess Council’s ability to meet current commitments)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Current assets	4,534,180	110.71%	3,099,000	104.98%	4284,000	105.54%
Current liabilities	4,095,653		2,952,000		4,059,000	

The ratio expresses the level of current assets the Council has available to meet its current liabilities.

Council’s current asset ratio has been adversely impacted by the requirement under AIFRS to record long service leave to which staff are presently entitled as a current liability, notwithstanding a lower amount being expected to be paid in the next 12 months.

f) Adjusted working capital ratio (to assess Council’s ability to meet current commitments)

	2008 Actual		2009 Budget		2009 Forecast	
	\$	%	\$	%	\$	%
Current assets	4,534,180	127.14%	3,099,000	127.95%	4,284,000	121.39%
Current liabilities	3,566,359		2,422,000		3,529,000	

The ratio expresses the level of current assets the Council has available to meet its current liabilities which are expected to be paid within the next 12 months.

Current liabilities have been reduced to reflect long service leave that is shown as a current liability because Council does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date, but is not an underlying result.

Council’s 10 Year Financial Plan has set a working capital ratio target of 140% the current ratio is below this and is expected to go down rather than up. This measure will need to be taken into account when preparing the budget for next year and future years to bring it up to the required level.

Conclusion

The mid-year review provides Council the opportunity to confirm its financial position for 2008-2009 and make changes to budgets that have become necessary for various reasons.

Council is in a very sound financial position. The forecast cash flow statement and balance sheet show a strong cash position and the operating statement indicates an increase in the operating surplus of \$506 000. This should be viewed with some caution as a large proportion of this is due to the receipt of government grants that are of a capital nature.

10. Governance & Strategic Matters

While some capital works have exceeded budget estimates other savings have been identified to ensure that the net cost will not vary substantially.

Most of the performance indicators are sound and within expected levels however the level of working capital will need to be addressed when preparing future budgets.

Motion:

That Council:

10.4.1 Approve and adopt the revised budget for the 2008-2009 financial year.

Moved: Cr Tim Hayes

Seconded: Cr Rod May

Carried.

10.5 CRESWICK TOURISM & INTERPRETIVE CENTRE – MONTHLY REPORT

(A/O – Director Infrastructure & Development)

File Ref: H 193

Introduction

A progress report on the construction of the Creswick Tourism & Interpretive Centre, being built at Coopers Reserve, Creswick.

Report

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

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

The following building works have been completed as at the end of January 2009:

- Site establishment and set-out
- Preliminary earthworks
- Concrete piling
- Concrete slabs for both buildings
- Frame erected for public conveniences
- Columns installed and roof beams for centre.
- Block-work for public conveniences.
- Block-work for centre

Works programmed for February 2009

- Completion of roofing
- Installation of windows
- Electrical fit- out commenced
- Stonework
- Plumbing & sewer installation commenced.

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Extensive community consultation and engagement has occurred with this project.

10. Governance & Strategic Matters

Financial & Resource Implications Initial & Ongoing

As at 31 January 2009

CRESWICK TOURISM & INTERPRETIVE CENTRE EXPENDITURE - 9510 724	ACTUAL 2006/7	ACTUAL 2007/8	BUDGET 2008/2009	ACTUALS 2008/2009 31-Jan-09	TOTAL PROJECTIONS 31-Jan-09	TOTAL BUDGET
Architect	5000	\$ 25,930	\$ 63,870	\$ 64,110	\$ 97,000	\$ 94,800
Subconsultants	1313.18	\$ 1,856	\$ -	\$ -	\$ 3,169	\$ 3,169
Contract Admin			\$ 3,200	\$ 91	\$ 3,200	\$ 3,200
Building contract			\$ 755,000	\$ 194,030	\$ 717,347	\$ 755,000
Variations to Building Contract			\$ 51,000	\$ 831	\$ 86,000	\$ 51,000
Planning Permit	851.89		\$ 450		\$ 1,302	\$ 1,302
Tender costs			\$ 3,000	\$ 2,813	\$ 2,813	\$ 3,000
Consultation costs			\$ 529		\$ 529	\$ 529
TOTAL EXPENDITURE	\$ 7,165	\$ 27,786	\$ 877,049	\$ 261,875	\$ 911,360	\$ 912,000
INCOME -						
COUNCIL	\$ 7,165	\$ 27,786	\$ 215,049	215,049	\$ 250,000	\$ 250,000
FEDERAL GRANT			\$ 450,000	-	\$ 450,000	\$ 450,000
STATE GOVT GRANT			\$ 212,000	-	\$ 212,000	\$ 212,000
TOTAL INCOME	\$ 7,165	\$ 27,786	\$ 877,049	\$ 215,049	\$ 912,000	\$ 912,000

Contract H 193 – original amount \$ 717,347
 Progress payments to builder \$ 194,860
 Claims to be processed \$

Approved variations to project to date: \$ 19,661
 Total approved contract value for H193 \$ 737,008

Motion:

That Council:

10.5.1 Note & receive the report.

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

10.6 UNUSED ROAD LICENSE APPLICATION

(A/O-Manager of Operations)

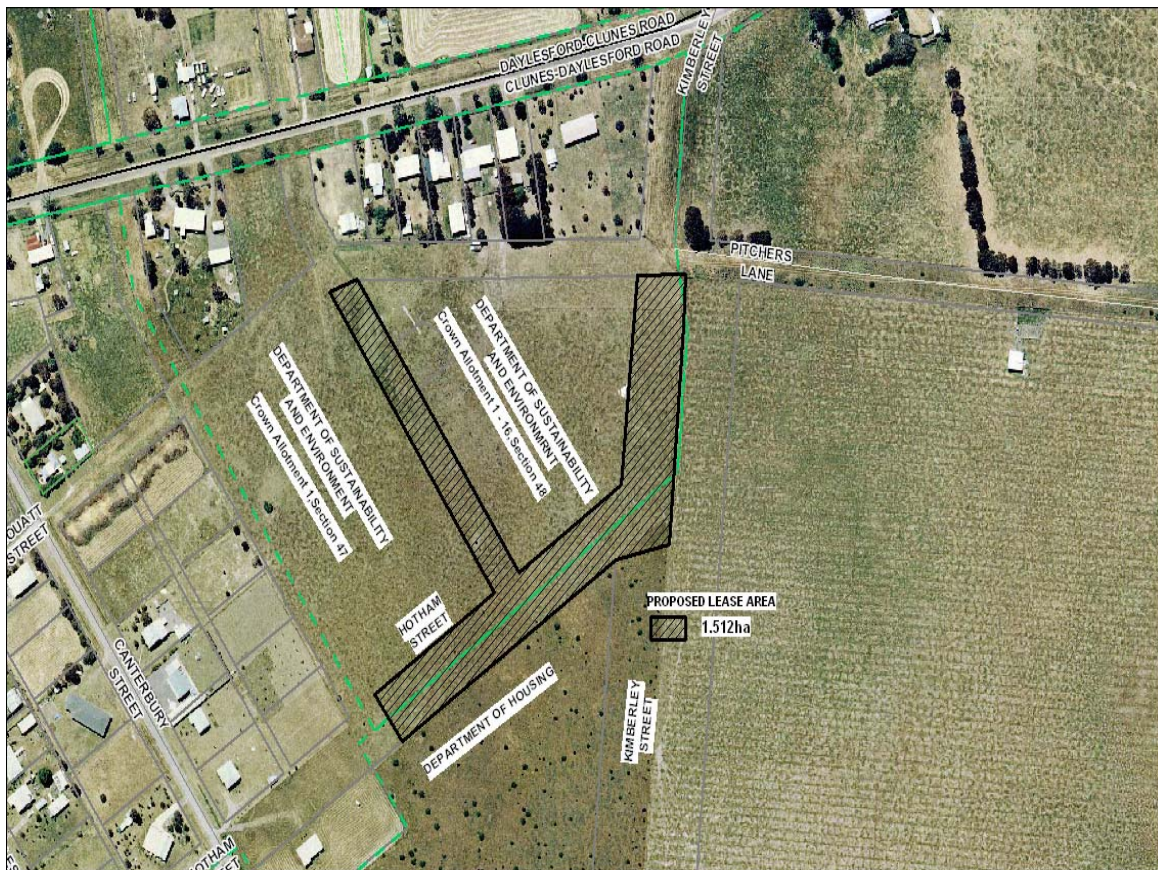
File Ref:58/02/03

Introduction

This report provides information on a request from the Department of Sustainability and Environment for consideration of the issuance of an unused road licence on unnamed, sections of Hotham and Kimberley Streets, Clunes Township.

Report

Council has received a request from the Department of Sustainability and Environment for the consideration of a licence over unused road reserves in the Township of Clunes as shown on the attached plan.



This road reserve is currently unused, not maintained by Council and is fenced within Kimberley Street

The Clunes Football Club intends to enter into a lease arrangement with the Department of Sustainability for the crown land for grazing as well as the unused road reserves.

This road reserve is not required for public traffic and therefore Council should support the issuance of an unused road license.

10. Governance & Strategic Matters

Relevant Policies / Council Plan implications:**Council Plan Objective 3**

Asset and resource management-improve the management of assets through rationalisation of unused road reserves.

Community / Engagement / Communication / Consultation:

Consultation with the Department of Sustainability and Environment, the State Government agency responsible for crown road reserve management.

Financial Implications

Nil

Motion:***That Council:***

10.6.1 Agree to the issuance of a unused road licence on the Government roads located east of Allotment 1, Section 47, South of allotments 6,7,8 & 12, Section 48, Township of Clunes pursuant to Section 400 of the Land Act 1958.

Moved: Cr Don Henderson

Seconded: Cr Tim Hayes

Carried.

10.7 MUNICIPAL EMERGENCY RESOURCE OFFICER

(A/O – Director Infrastructure & Development)

File Ref: 28/06/01

Introduction

Council is required to appoint a person to be the municipal emergency resource officer (MERO).

Report

The Emergency Management Act 1986 Section 21 states:

21 Municipal co-ordination and planning

- (1) A municipal council must appoint a person or persons to be the municipal emergency resource officer or municipal emergency resource officers.
- (2) A municipal emergency resource officer is responsible to the municipal council for ensuring the co-ordination of municipal resources to be used in emergency response and recovery.

The Hepburn Shire Council has previously appointed the Director Infrastructure & Development to fulfil the function of Municipal Emergency Resource Officer pursuant to Section 21(1) of the Emergency Management Act. Council has also appointed the Manager Operations as the deputy MERO.

Responsibilities as defined in Hepburn Shire’s Municipal Emergency Management Plan:

1. To be responsible for the co-ordination of Municipal resources in responding to emergencies.
2. To establish and maintain an effective infrastructure of personnel whereby Municipal resources can be accessed on a 24 hour basis.
3. To establish and maintain effective liaison with agencies within or servicing the Municipal district and the MRM.
4. To maintain the Municipal Emergency Co-ordination Centre(s) at a level of preparedness to ensure prompt activation when necessary.
5. To facilitate the arrangement of a post emergency debrief as requested by the Municipal Emergency Response Co-Ordinator.
6. To ensure procedures and systems are in place to monitor and record all expenditure by the Municipality in relation to emergencies.

10. Governance & Strategic Matters

Municipal Authority

The Municipal Emergency Resource Officer is responsible for the co-ordination of municipal resources in responding to emergencies, and has full delegated powers to deploy and manage council's resources during emergencies.

Rod Conway who is Council's MERO will cease duties with Council at the end of this month and therefore Council will need to appoint an officer to carry out the statutory duties of MERO.

Relevant Policies / Council Plan implications:

Council Plan – Service Delivery

Community / Engagement / Communication / Consultation:

Not applicable.

Financial & Resource Implications Initial & Ongoing

Nil

Motion:***That Council:***

10.7.1 Appoint Mr Andrew Bourke as Municipal Emergency Resource Officer and Mr Richard Russell as Deputy Municipal Emergency Resource Officer.

Moved: Cr Janine Booth

Seconded: Cr Sebastian Klein

Carried.

10. Governance & Strategic Matters

10.8 HEPBURN SHIRE WOMEN'S HONOUR ROLL

(A/O – CEO)

File ref: 16/04/07

Introduction

This report seeks Council endorsement to hold the annual Women's Honour Roll Civic Function to announce inductees to the Roll on Sunday 24 May 2009.

Report

The Hepburn Shire Women's Honour Roll has become a well-known and well-regarded institution and community event. It began in 2005, and since then has paid tribute to twenty-three (including fifteen posthumous) women from across the Shire.

Induction onto the Honour Roll follows a rigorous process involving nomination and selection. Nominators must address selection criteria and provide comprehensive evidence and reasoning for their nominee's inclusion on the Roll. An independent selection panel scores each nomination based on set criteria and research.

The Honour Roll induction civic function has previously been held every year on International Women's Day (8 March), and has combined the Honour Roll formalities with acknowledgement of International Women's Day, usually a guest speaker, as well as entertainment and refreshments. The planning, co-ordination and hospitality on the night is carried out by a committee of volunteers and a number of Council staff. The so-called "International Women's Day Committee" is an organising Committee, not a formal Committee of Council. Councillor Janine Booth, Anne E Stewart and Faye McLeod form the current Committee.

In late 2008, this group made the decision to move the date on which the Honour Roll function would be held, due to time constraints involving Council elections, caretaker period and the induction of the new Council in December. It was not possible to make the usual preparations at that time, and the Committee is now seeking to hold the 2009 Honour Roll Awards at a civic function on Sunday 24 May. This will be a function dedicated entirely to the Hepburn Shire Women's Honour Roll.

Relevant Policies / Council Plan Implications

Community / Engagement / Communication / Consultation

Advertisement of Opening of Nominations and details of event

10. Governance & Strategic Matters

Financial & Resource Implications Initial & Ongoing

\$3,000 allocated in 2008/2009 Council Budget
Administration staff resources during processing of nominations, and at the Civic Reception.

Motion:

That Council:

10.8.1 Approve the 2009 Hepburn Shire Women’s Honour Roll Civic Reception to be held on Sunday 24 May in the Daylesford Town Hall

Moved: Cr Janine Booth

Seconded: Cr Don Henderson

Carried.

10.9 REGIONAL TOURISM BOARD

(A/O – CEO)

File Ref: 62/08/08

Introduction

This report seeks Council's endorsement to commence a formal process of discussion with Tourism Victoria regarding a partnership approach to establishing a new Regional Tourism Board.

Background

Greg Hywood, Chief Executive Officer, Tourism Victoria, recently wrote to invite Council to enter into discussions regarding establishing a new Regional Tourism Board.

Tourism Victoria is part of the Department of Innovation, Industry and Regional Development (DIIRD), which is the Victorian Government's lead agency for economic and regional development, responsible for building an innovative State.

Daylesford, Hepburn and surrounds fall under the regional campaign committee *Daylesford and Macedon Ranges*. Each of the ten campaign committees across Victoria are supported by a regional marketing unit which provides advice and expertise on the development and implementation of branding campaigns and strategic marketing plans.

Over the past two years Council has placed much energy and financial support into the development of a local strategy *Destination Daylesford*.

This is the single most important tourism strategic planning initiative ever undertaken in the Shire and aims to secure an optimal position for the Shire within Tourism Victoria's strategic framework; in light of the work undertaken by Tourism Victoria - The 10 Year Tourism and Events Industry Strategy 2006 to 2016 and its implementation strategy; Regional Tourism Action Plan 2008-2011.

The development of the Strategy was supported by Tourism Victoria, Hepburn Regional Tourism Association (HRTA), Daylesford Macedon Ranges Campaign Committee and Council.

Daylesford, Hepburn Springs and surrounds is a *Level 1* tourist destination.

Destination Daylesford builds on the good work to date and aims to improve tourism co-ordination; industry and product development at the local level.

The Hepburn Regional Tourism Association (HRTA) was established in 2006 as an umbrella organisation to lead, represent and co-ordinate the interests of tourism

10. Governance & Strategic Matters

operators in Daylesford, Hepburn Springs, Creswick, Trentham and Clunes and the broader region.

The HRTA was positioned to complement the marketing role of the Daylesford Macedon Ranges Campaign Committee (DMRCC) and to work with the broader Daylesford and Macedon Ranges region, Hepburn Shire Council, local tourism associations and business groups.

Report

Council is aware that Tourism Victoria is about to commence development and delivery of a major \$7.3 million dollar campaign focusing on *Spa and Wellness* with Daylesford being the centrepiece of this campaign.

The campaign will run over three years and is of the magnitude of the highly successful Yarra Valley "*Run Rabbit Run*" Campaign. Tourism Victoria anticipates that at the conclusion of the campaign Victoria, and in particular Daylesford, will be acknowledged nationally as the leader in Spa and Wellness experiences.

One of Tourism Victoria's learnings from the highly successful Yarra Valley Campaign was that to gain maximum return on our investment they need a highly effective local tourism structure to work with Tourism Victoria in the development and execution of such a campaign.

Further, Tourism Victoria's recently released Regional Tourism Action Plan recommends the establishment of properly resourced Regional Tourism Boards in each of the key regions. The newly created Regional Tourism Boards would replace the existing Campaign Committee structures (*Daylesford and Macedon Ranges*)

Tourism Victoria has acknowledged the excellent initiative of establishing Destination Daylesford, is keen to enter into formal discussions with Council to establish a structure to ensure long term benefits from the \$7million State investment, and to complement the objectives of Destination Daylesford.

The new Regional Board structure would ideally be a partnership between State Government, Local Government and the industry.

Details of such a partnership require further exploration and discussion hence the invitation from Tourism Victoria to formally discuss.

10. Governance & Strategic Matters

In the short term Tourism Victoria will fund an Executive Officer for a 6 month period to complete the current tasks of the existing Campaign Committee and commence work with a locally led Implementation Steering Committee to work towards a new structure.

Relevant Policies / Council Plan implications:

Council Commitment 4.2 : Foster Tourism Growth

Community / Engagement / Communication / Consultation:

Discussions with Tourism Victoria would be held in consultation with members of the *Destination Daylesford* Interim Board and Hepburn Regional Tourism Association (HRTA).

Financial Implications

Entering into a formal process of discussion with Tourism Victoria places no obligations on Council financial or otherwise.

Motion:***That Council:***

10.9.1 *Formally enter into discussions with Tourism Victoria regarding a partnership approach to establishing a new Regional Tourism Board.*

Moved: Cr Jon Barrell

Seconded: Cr Sebastian Klein

Carried.

11. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

11.1 SECTION 86 COMMITTEES OF COUNCIL

(A/O – Manager Governance and Information)

File Ref: Various

Introduction

This report seeks to review delegations to Council's Section 86 Committees.

Report

The recent insertion of Section 86(6) into the Local Government Act 1989 ('the Act') requires that Council review any delegations to Special Committees which have been established under Section 86, and that this review occur within the period of 12 months after a general election.

Council currently has 13 Special Committees which have been established under Section 86 of the Act with active delegations and it is envisaged that the required review process will commence in March 2009, with two delegations being reviewed per month. Council will be provided with a monthly progress report and any recommendations resulting from the review will also be provided to Council.

The review process for each of the delegations will at least consider:

- the need / requirement for the delegation
- the powers which have been delegated
- the expiry / and or revocation date of the delegation
- the compliance of the delegated committee with respect to legislative requirements and meeting procedures as per Council's meeting procedure local law
- the term of membership of the delegated committee

During initial preparatory work in order for the review process to commence it has been discovered that for some of the Special Committees, committee members were appointed for a specified term. In some cases, this term has passed, and Council has not acted to renew the membership of these committees. Council has however inherently implied the ongoing appointment of these committee members through continued correspondence, noting of the minutes from committee meetings and responding to requests for funding and other assistance from the committees.

The committees which fall into this category are as follows:

- Clunes Community Housing (Cameron Court Homes) Committee
- Clunes Museum Committee
- Dean Recreation Reserve Committee
- Clunes Municipal Purposes Reserve Committee (Clunes Town Hall)
- Lindsay Park Recreation Reserve Committee

It is recommended that in order to allow due time for a thorough review of the delegations of the committees as per the proposed review schedule, that Council acknowledge the continuing membership of these committees, as formerly appointed,

11. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

and further appoint the members of these committees for a further interim period to a maximum of six (6) months or less if otherwise resolved by Council.

In addition to this, please see listed below the minutes of Section 86 Committees which have been received for noting:

- Minutes of the Clunes Historic Medlyn Complex Committee of Management dated 10/12/08 (File Ref. 1/0320/00070)

Relevant Policies / Council Plan implications:

Local Government Act 1989

Community / Engagement / Communication / Consultation:

Members of the community are represented on these committees.

Financial Implications

Nil.

Councillor Booth left the room at approximately 10.02pm

Motion:

That Council

- 11.1.1** *Receive the Minutes of the Clunes Historic Medlyn Complex Committee dated 10/12/08*
- 11.1.2** *Acknowledge the ongoing appointment of the existing members (or if nil, the most recently appointed or expired) of the Clunes Community Housing (Cameron Court Homes) Committee for a period of six (6) months or less if otherwise resolved by Council.*
- 11.1.3** *Acknowledge the ongoing appointment of the existing members (or if nil, the most recently appointed or expired) of the Clunes Museum Committee for a period of six (6) months or less if otherwise resolved by Council.*
- 11.1.4** *Acknowledge the ongoing appointment of the existing members (or if nil, the most recently appointed or expired) of the Dean Recreation Reserve Committee for a period of six (6) months or less if otherwise resolved by Council.*
- 11.1.5** *Acknowledge the ongoing appointment of the existing members (or if nil, the most recently appointed or expired) of the Clunes Municipal Purposes Reserve (Clunes Town Hall) Committee for a period of six (6) months or less if otherwise resolved by Council.*
- 11.1.6** *Acknowledge the ongoing appointment of the existing members (or if nil, the most recently appointed or expired) of the Lindsay Park*

11. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Recreation Reserve Committee for a period of six (6) months or less if otherwise resolved by Council.

Moved: Cr Jon Barrell

Seconded: Cr Tim Hayes

Amendment moved at Meeting:

11.1.7 That membership of the Lindsay Park Recreation Reserve Committee be advertised as a matter of urgency.

Moved: Cr Don Henderson

Seconded: Cr Rod May

Carried.

Motion incorporating amendment was voted upon and carried.

Councillor Booth rejoined the meeting at 10.21pm.

CLOSE OF MEETING. *The meeting closed at 10.22pm.*