



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

TUESDAY 16 NOVEMBER 2010

**CRESWICK SENIOR CITIZENS ROOM
WATER STREET, CRESWICK
CRESWICK
7PM**

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Ordinary Meeting of
Council**



DRAFT MINUTES

TUESDAY 16 NOVEMBER 2010

CRESWICK SENIOR CITIZENS
Water Street, Creswick
Commencing 7PM

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KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
11 NOVEMBER 2010

1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS:**

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

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

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

2. **OPENING OF MEETING: The Meeting opened at 7.05pm**

PRESENT: Mayor Councillor Janine Booth, Deputy Mayor Councillor Rod May, Birch Ward Councillor Jon Barrell, Cameron Ward Councillor Tim Hayes, Coliban Ward Councillor Sebastian Klein, Creswick Ward Councillor Don Henderson, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Kaylene Conrick, General Manager Corporate Services Evan King, General Manager Community Development Martin Walmsley, General Manager Infrastructure Peter Reeve, General Manager Sustainable Development Robert Jennings.

STATEMENT OF COMMITMENT

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

3. **APOLOGIES: Nil.**

4. DECLARATION OF CONFLICTS OF INTEREST:

Councillor Bill McClenaghan declared a conflict of interest in Item 9.1 Councillor Nomination – Highlands Regional Waste Management Group, and in Item 13.2 Waste Management Strategy, due to his waste removal business.

Councillor Don Henderson declared a conflict of interest in Item 12.1 Proposed Lease Agreement – Former Creswick Railway and Creswick Railway Workshops Association Memorandum of Understanding, due to his membership of the Creswick Railway Workshop Association.

5. CONFIRMATION OF MINUTES:

OFFICER'S RECOMMENDATION

5.1.1 That the Minutes of the Ordinary Meeting held 19 October 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1.1 That the Minutes of the Ordinary Meeting held 19 October 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Councillor Jon Barrell

Seconded: Councillor Sebastian Klein

Carried.

6. NOTICES OF MOTION

6.1 UTILITY METERS

MOTION

Hepburn Shire Council believes that the installation of smart meters by utility companies should be a cost to the supplier, and not a cost to the consumer. Hepburn Shire Council instructs its representatives to present this view in relevant forums such as the Victorian Local Government Association.


BACKGROUND

In April 2009 the Victorian Government launched the roll-out of the installation of compulsory smart meters to all households and small businesses. The electricity monitoring devices provide feedback to households about patterns of electricity use, with the aim of consumers using the meter data to reduce electricity use during peak times. Victoria is the only state where the installation of smart meters is compulsory. The cost of the installation is paid by the consumer as an added charge to electricity accounts. The installation program is currently temporarily suspended, due to concerns about the cost of installation and increased electricity costs.

Councillor name: Cr Sebastian Klein

Councillor signature: 

Councillor name: Cr Jon Barrell

Councillor signature: 

CEO signature: 

MOTION

6.1.1 That Council write to the relevant Minister regarding this matter.

Moved: Councillor Jon Barrell
Seconded: Councillor Sebastian Klein
Carried.

7. PRESENTATIONS

7.1 PRESENTATION OF REPORTS

Mayor's Report

Councillor Janine Booth, Creswick Ward presented the following report:

During the past month I have represented Council at the MAV Annual conference held in Melbourne. A full day conference – the focus was on - transforming our future and embracing and understanding change.

The Honorable John Brumby Premier of Victoria officially opened the conference and spoke at length on his Party's commitment to rural and regional Victoria. Whilst acknowledging the presence of the large Metropolitan Councils, he said he was really there to speak to the Rural Councils, particularly the small rural Councils. He thanked rural Councils for the partnership work that is being done in preparation for the upcoming fire season, he acknowledged that many small Councils were working with their local communities to address the effects of Climate change and acknowledged Rural Councils hard work and commitment to our Regional Plans as the strategic planning that strengthens and reinforces the partnership between local and state government.

Leader of the Victoria Nationals Mr. Peter Ryan also spoke later in the day. Mr. Ryan is also the shadow Minister for Rural and Regional Development so issues such as bushfire preparedness, the pressures on our Agriculture sector, water management and water and food security were high on his list of discussion points.

The MAV had also arranged for a number of visiting experts from the UK who spoke on the challenges of change, what makes reform so difficult, sustainable population growth and the changing political landscape.

The next day I attended the Rural Councils of Victoria breakfast meeting where a new President in Mr. Ken Gale from Moyne Council was elected. Rural Councils Victoria is the Network within the MAV that represents the 38 rural Councils and provides updates on rural issues and contributes to the advocacy goals of its member Councils.

The Minister for Regional and Rural Development Jacinta Allen attended the meeting and again acknowledged the partnership and co-operation of Rural Councils in the Regional Plans, as well as the links between Regional plans and funding priorities through programs like Small Towns funding and

I have attended the Creswick new residents welcome session hosted by the Creswick Neighbourhood Centre and earlier this month welcomed the Maree McPherson CEO of the VLGA at her visit to Hepburn Shire.

As the Mayor of Hepburn Shire, a member of ALGWA and a local small business owner, I had the pleasure of being asked to attend a Ballarat Business Forum to speak to regional business women of my experiences in local government and as a small business owner.

Councillors Samantha McIntosh and Cheryl Bromfield were also speakers on the night which was well attended by other business women from across the region. I hope that our personal insights and interest in Local Government will inspire other women in this region to consider a career or consider nomination for Council elections at the next election

I attended a fundraiser for flood victims of Creswick and Clunes at Novotel – this week I have been advised that the fundraiser raised over \$32,000.

Work Rural Women's Day- was held at Smeaton House support by CWA – A number of guest speakers on Rural Women's involvement across the agriculture and business sector.

I attended the South Central MAV forum along with Cr McClenaghan and our CEO.

This is the opportunity to meet to with MAV representatives and Council colleagues from surrounding Shires to report on and raise matters of concern, and discuss and learn about the advocacy work being undertaken by the MAV on behalf of Rural Councils in the South West Central area.

Remembrance Day in Creswick was well attend and was again conducted not by our aging RSL Members but by the youth of the Creswick Primary School. This year grades 3 and 4 conducted the service at the Cenotaph telling those gathered of the significance of the Remembrance Service acknowledging Armistice Day-the 11th hour of the 11th day of the 11th month when the guns of World War I fell silent.

It was an incredibly moving service as the young people of Creswick talked about their wish for a peace filled world.

As Mayor I welcomed Minister Gavin Jennings and Geoff Howard MP to Creswick recently to make an announcement of funding for a new playground at St Georges Lake.

Whilst not a Council project it is an important infrastructure project for this increasingly popular swimming area in Creswick.

I was also pleased to welcome Minister Jo Helper Minister for Small Business and Agriculture and Small Business and member for Ripon to Clunes yesterday where he made an election promise that if re-elected to government his government would

commit \$2.7 million towards Councils priority capital works project the Clunes Museum, Interpretive centre with the co-location of and Visitor Information Centre services. This six year dream of the Clunes community supported by Hepburn Shire Council will now be a priority for a re-elected Labor Government and along with recent funding announcements in support of our Streetscape project and the Small Towns adaptation program funding there have been a number of opportunities to encourage and support Community, Local government and State government partnership projects across our Shire.

Councillor Reports

Councillor Sebastian Klein, Coliban Ward presented the following report:

In the past month I attended:

The Central Highlands Agribusiness Forum AGM and annual dinner. Michael Buxton was the guest speaker at the dinner and spoke convincingly about the need for an overarching strategy for planning that would incorporate the long term preservation of farmland and accommodate projected population increases.

I also attended the Victorian Local Governance Association AGM where Noelene Duff, the CEO at the City of Whitehorse spoke on increasing women's participation in LG in this the year of Women in Local Government.

I also attended the TRATA AGM where the committee opted to cease their role as whole-community representatives and focus mainly on the restoration and preservation of the station.

Councillor Rod May, Birch Ward presented the following report:

On 28 October I attended the event wombat forest, conservation, connectivity, catchments, carbon and climate change.

On 3 November I attended the sustainability committee

Councillor Bill McClenaghan, Holcombe Ward presented the following report:

It has been a busy month with much of interest again to report. The MAV State Council was held on 22 October in Melbourne but ended suddenly when just before the morning break the auditorium filled with smoke as a clothes dryer had caught fire in the Sofitel hotel. We were all evacuated out and I became separated in the confusion from the others who went to the nearby MAV office to resume the forum. I was told that everyone had gone home, so I did so too.

At least I was back in time that day to attend celebrations of “150 Years of Local Government” at Glenlyon because this year marks 150 years after the creation of the Glenlyon Roads Board that became the local municipality. At first it was the Borough of Glenlyon and later the Shire of Glenlyon before amalgamation with the Shire of Daylesford in 1966 produced the Shire of Daylesford and Glenlyon. Another amalgamation in 1995 created the current Shire of Hepburn. At the celebration this day, a new booklet was launched called “Snapshots of Glenlyon” containing many colourful stories of the town and district. One account of the building of the Glenlyon Shire Hall in 1890 shows how things were done differently then. The Shire President owned a sawmill that provided timber for the hall and he also directed the workmen doing the building. Claims were made that the timber was substandard and the work poorly done, especially the roofing frame and the windows. There certainly appears to be issues with the windows even today when such behaviour from a Councillor is considered quite improper.

I have pleasure in presenting a copy of “Snapshots of Glenlyon”, edited by Wendy McKillop, to Hepburn Shire Council to mark 150 years of local government in our Shire.

On 25 October I again attended a meeting of the Highlands Waste Management Group as we prepare for amalgamation with Grampians and Desert Fringe. Also that day, I attended a Glenlyon Progress Association meeting. This group has been the local community planning group in Glenlyon for many years and has a community plan with priority projects. Council has recently created a second community planning group in the greater Glenlyon area called the “Glenlyon Action Group” that has its own community plan and a list of priorities which are almost identical to those of the GPA. I believe that work must be done to achieve harmony between these two groups, both having committed enthusiastic members but which are working independently and duplicating the work that each is doing.

Again in Glenlyon on 30 October was the opening of the Glenlyon Annual Sculpture Show that runs for a week. Numerous interesting and somewhat unusual exhibits were on display demonstrating the huge artistic talent in the area. Congratulations to the category winners.

The Municipal Emergency Management Planning Committee met again on 3 November to finalize amendments to the Municipal Emergency Management Plan that is to be re-issued electronically as a controlled document. We now have our Neighbourhood Safer Places designated for a summer fire season and are awaiting audit of the MEMP by the SES. The committee recommended to Council that its operations not be suspended on Code Red days as Council need to maintain an operational presence and as the

accessibility of swimming pools was seen as important especially for young people who won't be at school on Code Red days.

I have inspected the racetrack at the Glenlyon Recreation Reserve with members of our Special S. 86 Committee to find ways of repairing damage done by recent heavy rains and flooding and the collapse of large trees. Without urgent repairs the track will be too dangerous to be used at the next New Years Day Sports where money is raised for many worthwhile community projects and the CFA. I hope that we can assist here.

On 8 November, I attended the MAV South Central Forum at the Borough of Queenscliffe with the Mayor and CEO where we discussed some of the problems of small rural shires like planning issues pertaining to wind farms, road funding and bushfire preparation.

The Jim Crow Planning Group met again on 10 November at Yandoit. The big priority project now is the restoration of the Yandoit tennis courts so that the school and the local tennis club can use them again.

Finally, I attended the Remembrance Day service in Daylesford on 11 November and laid the wreath representing Hepburn Shire.

Councillor Don Henderson, Creswick Ward presented the following report:

During the last month the flurry of activity around elections has meant major funding announcements for some areas of the shire. Creswick has had benefits over a period of time such as Doug Lindsay and some smaller grants for the museum, magic pudding playground and numerous other events. I commend the officers who have put together applications for such things as the Clunes museum project. In this round there has been an election pledge to fund an adventure playground at St Georges Lake. This is something dear to my heart as it translates into something for the people who live here to enjoy. I do know that visitors enjoy these things as an added bonus. Another announcement was \$35k for an extension to the Creswick mens Shed. I attended as Geoff Howard announced the grant to a very happy crew.

I took the opportunity as our mayor will attest to make sure that the foot/cycle bridge over the creek on the Dean road is right at the forefront of Geoff Howard and Minister Jennings mind.

I also applaud the opposition candidate making a pledge to fund some restoration of the bowling club during last week.

Work is progressing well on the DLRR and although some bad weather and mines have set things back the project should now get into full swing. I have noted the progress at the new Childcare Centre with the frame up and exterior cladding coming along this will be a welcome boost to the working families in our area and I commend the owners for their foresight and confidence in Creswick.

I have been speaking with many of those affected by floods and there is still much work to be done in assisting those in our community who are suffering from the financial loss but also the psychological impact of the events. On a brighter note Cr McClenaghan and I had the pleasure of being able to purchase our evening meal from the newly reopened Krackerjacks who were impacted terribly by the flooding. I am sure that Creswick folk are pleased to see this and other businesses reopen. Welcome news was the response from our Engineer Mr. Reeve that we have applied to do work on the creek from the Catchment Management Authority. I hope that they respond speedily as it is in the minds of Creswick people that this work is vital.

The Creswick Summit was a great opportunity for the community to come together to share their visions for our town and area. Taking this event and the New Residents welcome held in Creswick for the first time, things are looking bright for better relations and communication between our various community groups. I commend the community organisations involved in organising these events and the participation of all of those who attended and supported them. It is intended that as a result that a proposal will come for community groups to meet on a quarterly basis to catch up and share with others the activities they are involved with.

Councillor Tim Hayes, Cameron Ward presented the following report:

Council Report Nov 2010

Cr Hayes provided a verbal report in relation to the following matters:

- The announcement by the Honourable Joe Helper, Member for Ripon in relation to the funding of the Clunes Community & Interpretative Centre. An amount of \$2.4 million should the Labor Government be re-elected.
- The announcement by the Honourable Lily D'Ambrosio – Small Towns Adaptation Program
- The announcement by the Honourable Joe Helper of a \$40,000 grant to the Clunes Free Lending Library and of a \$20,000 grant for the establishment of a Men's Shed in Clunes.

Cr Hayes also spoke of the news that the Club Hotel has been finally sold and will provide a much needed economic boost to the town of Clunes.

Cr Hayes advised that since the last Council meeting he had attended

- A Dinner for Flood Relief at Forest Resort, Creswick
- A Dinner to mark the 150th Anniversary of Clunes Show & Launch of 'The Best Show Ever' held at the Clunes Town Hall
- The Hepburn Tourism Awards at the Convent Gallery

Cr Hayes also encouraged councillors to attend the 150th Clunes Show on Saturday 20 November 2010 to be officially opened by the Governor of Victoria

Councillor Jon Barrell, Birch Ward presented the following report:

1. **Wombat Hill Botanical Gardens Advisory Committee** met this morning and
 - a. We were joined by Mr Peter Casley, Acting Parks & Gardens Works Officer for HSC who reported he had recently attended the Botanic Gardens of Australia & New Zealand (Vic) Plant Forum on 10-11 November 2011 in Sale behalf of HSC
 - b. We reviewed Council's "Removal and Disposal of Dead Trees from Council Land" policy & procedure
 - c. We agreed to a meeting schedule for 2011 including reviewing of the action plan for the WHBG & meeting with stakeholders

2. **Daylesford Macedon Ranges Regional Tourism Board** has now appointed its new CEO Mr Jonathan Marshall who will commence in November. The board is currently conducting a Strategic Planning exercise.

3. **ARC Advisory Committee** will meet next week

4. I have been delighted to attend a wide range of community events over the past month including
 - a. 24/10/2010 Swiss & Italian Festa Red Lantern Closing Ceremony with Mr Geoff Howard MLA for Ballarat East, fireworks & no PA
 - b. 28/10/2010 The launch of the Winery Touring Guide of Daylesford & Spa Country brochure with Mr Geoff Howard MLA for Ballarat East at Captains Creek Winery – a splendid self funded effort by 25 odd passionate entrepreneurs – vigneron & related businesses
 - c. 29/10/2010 Daylesford Rotary Art Show with Ms Catherine King, MHR for Ballarat and the Daylesford Swing Band
 - d. 08/11/2010 WHBG with Mr Geoff Howard MLA and all of Councils' GMs for the announcement of \$105000 funding from Regional Development Victoria for a Sustainable Water & Power Project. Not election dependent.
 - e. 11/11/2010 Tourism Hepburn Excellence Awards @ Convent Gallery Mayor Booth, Cr Hayes & CEO Ms Conrick, & Liberal candidate for

Ballarat East Mr Ben Taylor & hosted by Mr Bruce Roberts, Newsreader, WIN TV.

- f. 12/11/2010 Hepburn Kindergarten Trivia Night
- g. 14/11/2010 New Musk CFA Shed community opening
- h. 15/11/2010 RACV Victorian Tourism Awards with CEO Ms Conrick
Hepburn Shire was well represented by nominees
 - i. Creswick Woollen Mills,
 - ii. Daylesford Day Spa
 - 1. Finalist Health & Wellness Tourism,
 - iii. Hepburn Bathhouse,
 - iv. Shizuka Ryokan Japanese country spa & wellness retreat.
 - 1. Finalist Unique Accommodation,
 - 2. Merit Health & Wellness Tourism

OFFICER'S RECOMMENDATION

7.1.1 *That Council receive and note the reports of the Councillors.*

MOTION

7.1.1 *That Council receive and note the reports of the Councillors.*

Moved: Councillor Rod May
Seconded: Councillor Tim Hayes
Carried.

8. PUBLIC PARTICIPATION TIME:

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

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

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

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

8.1. PETITIONS:

Nil Questions received at time of collating Agenda.

8.2 QUESTIONS:

All questions are transcribed exactly as submitted.

Note that all questions concern Jubilee Lake Holiday Park, Daylesford.

1. Submitted by Vincent and Esther Gilmore, Grovedale:

- (a) Many annuals have invested a considerable amount of money into their on-site vans. How safe are our vans? With uncertainty with ATPM and closure, can Council guarantee us that our vans will not become worthless?
- (b) Why will council allow ATPM to manipulate them so as to get their own way to stay in park after we received letter stating they were resigning. They have already done a lot of damageing (sic) and bullying the annuals. Move one forget mediating with them PLEASE.

Response by General Manager Corporate Services, Evan King:

- (a) *What has been invested in is the moveable dwelling and structures themselves at the risk of the occupier. There is NO ownership of sites. There is only a licence to occupy a site for up to a max of 1 year. 'How safe are our vans'? Is a good question in the sense of compliance with Regulations, especially on siting, fire access and protection?*

(b) It is not a matter of manipulation it is a matter of compliance with lease obligations and regulations. Day to day arrangement and operations of the Park is an ATPM responsibility not Councils.

2. Submitted by Elizabeth Cox

I have had my caravan at Jubilee Lake Holiday Park up for sale since early this year. I have recently been advised by letter from ATPM that I cannot now sell my van unless the buyer removes it from the park.

ATPM by not maintaining our upark have substantially devalued my asset. On-site fees have ben drastically raised without any flow-on benefits to anuals. As I am on a disability pension I am struggling to pay these fees.

Additionally I have been told my fees must be paid until the end of January, despite the Park Manager's verbal statement that the park will be closed on 31st December this year. An unsigned note attached to my fee statement threatens me with legal consequences if I do not comply.

I have not reeived any official communication from Council as to the situation at our park.

My question to Council is this:

"Have Council approached the people who tendered for our park in 2007/2008 to see if they are still interested in taking over the lease?"

I sincerely hope Council will take issue with ATPM re their poor performance, unsatisfactory management style and threats.

Response by General Manager Corporate Services, Evan King:

- 1. The ATPM/Shire holder licence agreement has never guaranteed occupancy beyond a 1 year term*
- 2. The only 'value' involved is that of the 'moveable dwelling' itself. Site holders never had any claim to a site or a right to sell a site, therefore no value can be attributed to it.*
- 3. No, to do so nearly 3 years later would not be appropriate.*

3. Submitted by Brian Roberts, Corio

Re JLHP (Jubilee Lake Holiday Park) Agenda -: Community & Stake holder engagement statement about site occupancy and fee structure being entirely a matter for ATPM.

Would Council please be prepared to consider the following main points during their mediation with ATPM?

1. Sixty one annuals and two permanents are the prime users of JLHP and need a voice please.
2. Since tacking over in 2008 ATPM have doubled our site fees, this was indeed excessive as there was little given in return for our money.
3. Relocation of annual sites at ATPM's behest is at annual's expense and entirely without any compensation which is very unfair.
4. Based on past performance a continued contractual lease under ATPM would still likely as not lack facility improvement and progress. ATPM are poor communicators.

I fear ATPM may be deliberately forcing our attrition to implement replacement cabins on our sites?

Response by General Manager Corporate Services, Evan King:

The above points could be noted, and considered during any mediation.

4.Submitted by Marita Pierce, Brown Hill

As an annual site holder at Jubilee Lake Holiday Park, I have received a letter from ATPM informing me that this company, for various reasons, is not continuing with the lease of this Park. I have reason to believe that this is not necessarily the case, and the matter is now going to mediation. If this is in fact what is happening, it is considered that if Richard Pekin is the council representative in the mediation process, then the park may as well be handed over to ATPM, as Richard is pro ATPM. This would be biased and an unfair representation. Could I have some clarification on this matter please?

Response by General Manager Corporate Services, Evan King:

Mediation would be before a totally independent person specifically agreed to by the parties. As there is a legally binding contract between Council and APTM which provides for mediation, this path will be followed accordingly.

5.Submitted by Judy Macleod, Carnegie

It is extremely disappointing that ATPM will be going to medication with council. They may be experienced in running upmarket holiday parks, however they have proven insensitive and incompetent in their running the unique bushland jewel of Jubilee Lake Holiday Park over the past 2 ½ yrs. We have had enough of their manipulation, disregard and bullying of annual site holders, disregard for the uniqueness of Jubilee Lake, lack of maintenance, excessive rate rises with no return and not keeping of their lease agreement.

Another 20 yrs under their management will totally alter and ruin a unique park. What cant Council fine them to recoup some of the excessive rates they have ripped off us, let them break the lease and withdraw?

Response by General Manager Corporate Services, Evan King:

Mediation is a part of the lease or contract arrangements between Council and ATPM. There is no provision in the lease to fine ATPM, although Council may seek damages through a legal process where ATPM has not performed its obligations under the lease. However, before taking this expensive option, which cannot be guaranteed as being successful, mediation is the first step to be used.

The 'unique' nature of this Park is a very important issue to ATPM that requires addressing. The balance between Regulations and in particular the safety of all users is of utmost importance to all involved.

6.Submitted by Kevin Macleod, Carnegie

Most annual site holders at Jubilee Lake have invested thousands of dollars into their onsite van. As stakeholders and lovers of the park, we would welcome the chance to share with Council our positive thoughts and ideas. We can see a great future with ATPM, but we have been ignored. Why is that?

Response by General Manager Corporate Services, Evan King:

Ignored by whom? ATPM presumably! Any occupancy is on the basis of a 12 month licence with no right of renewal. Any "investment" on a site is at the risk of the occupant.

In terms of any redevelopment of the Park, ATPM's proposal was always to seek Council approval first, and then consult with Park occupiers. As Councils approval for the proposal was not given there was nothing to consult owners about.

One of ATPM's failings has certainly been not to have directly informed long term holiday site occupiers of its plans and proposals.

Any future for the Park depends on compliance with new Regulations and its registration under these Regulations.

7.Submitted by Bruce Whitton, Daylesford

At the July 16th council meeting I asked Council to take action to make ATPM undertake basic roads and drainage works, now 4 months later **NOTHING HAS BEEN DONE**. I also requested Council to appoint the “Ward Councillors” Cr Ron (sic) May & Cr John Barrell to act as mediators on behalf of all Site-Holders, as the site holders as a group are very dissatisfied with all aspects of the parks upkeep and management since ATPM has taken over.

My understanding from the CEO, Kaylene Conrick that Council would discuss this with ATPM. Please be advise communication from ATPM have **not improved** and the situation now appears to be deplorable.

In the report before you, section “**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**” “Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010 – from 1 July 2010 are applicable

These Laws were made on order on 28th September 2010.

These Regulations etc (as did the previous Regulations) clearly states in park –
The Lessee is responsible for maintaining Roads and Drainage etc

Site-Holders receive a letter dated 6th October quote “**ATPM will be resigning as managers of the Jubilee Lake Holiday Park**”

The report before you “**ATPM has applied for a renewal of registration of JLHP for the 3 year period commencing on 1 January 2011**”

MY QUESTION TO COUNCIL

“In the discussions you have had with ATPM, what has Council offered ATPM for them to change from “Resigning as Managers at JLHP to applying for a New 3 year Registration”

and What has / is Council doing to enforce the Victorian Legislative Compliance”

Response by General Manager Corporate Services, Evan King:

Nothing has been offered to ATPM they have as a matter of course and as required by the regulations applied for registration of the caravan park. The Council has proposed that ATPM should comply with its lease obligations. In respect of compliance with the Residential Tenancies Regulation 2010 this is a matter for ATPM and Caravan Park users/occupiers in respect of ATPM obligations to manage and operate the Caravan park.

9 EXECUTIVE SERVICES:

Councillor McClenaghan left the Meeting at 8.18pm due to a conflict of interest and returned at 8.22pm.

9.1 NOMINATION OF COUNCILLOR TO SERVE AS DIRECTOR WITH THE HIGHLANDS REGIONAL WASTE MANAGEMENT GROUP.

CHIEF EXECUTIVE OFFICER

PURPOSE

The purpose of this report is for Council to nominate a Councillor to serve as Director on the Highlands Regional Waste Management Group (HRWMG).

BACKGROUND

The HRWMG recently wrote to Hepburn Shire Council reminding Council of its requirement to appoint a councillor as a Director to the HRWMG Board. The HRWMG is an independent Statutory Authority and is one of Victoria's 12 Regional Waste Management Groups (RWMGs) outside the Melbourne metropolitan area.

Regional Waste Management Groups are responsible for planning the management of municipal solid waste in Victoria. Each Regional Waste Management Group produces a regional plan to coordinate and direct the waste management activities of its member councils.

The HRWMG is made up of six member councils, Hepburn Shire Council and the following local government authorities:

- Ballarat
- Central Goldfields
- Golden Plains
- Moorabool
- Pyrenees

The HRWMG has a Board of Management whose Directors are nominated by its Member Councils.

HRWMG Directors act independently of their Member Council and are directly accountable and subject to direction from the Minister for the Environment and Climate Change.

Under the HRWMG constitution the appointment made by each member Council must be a Councillor. Hepburn Shire Council's current nominated Director is Cr Bill McClenaghan.

Also, in accordance with the Constitution, by 30 December each year member Councils are required to appoint their Director.

ISSUE/DISCUSSION

Council is required to notify HRWMG or confirm its appointed Councillor as Director on the HRWMG Board by 30 December 2010.

The appointment term will only be to 31 June 2011 as the HRWMG has been advised that the long anticipated merger with the Grampians and Desert Fringe RWMGs is to occur on the 1 July 2011, subject to satisfactory passage of the enabling legislation.

Cr Bill McClenaghan has been this Council's nominated Director on the HRWMG since December 2008. Cr McClenaghan also served as Hepburn Shire Council's nominated Director during the term of the previous Council.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The operations of the HRWMG are governed by a Constitution. The Constitution provides:

2.2 Each Member is entitled to appoint a councillor(s) as a Director, as defined in Schedule 1 of this Constitution.

2.6 Such appointment shall be made:

- (a) by 30 December each year; or*
- (b) within 21 days of the expiry of an existing Director's tenure of office pursuant to clause 2.7, whichever is the earlier.*

FINANCIAL IMPLICATIONS

Appointing a Councillor as a Director has no financial implications for Hepburn Shire Council.

The Victorian State Government provides funding to support the payment of Sitting Fees to Directors. The HRWMG current rate for a full day (greater than

three hours) is \$150. For meetings less than 3 hours a half day allowance applies.

Travel reimbursement is paid at current ATO rates as well as reimbursement of any other expenses that a nominated Director may incur as a result of their duties.

RISK IMPLICATIONS

No risks identified in association with the appointment of a Councillor as Director to the HRWMG.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no environmental, social or economic implications with Council nominating a Councillor as Director on the HRWMG Board.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The nomination of a Councillor to the HRWMG Board does not require any community engagement.

CONCLUSION

Cr McClenaghan has served as Council's nominated Director on the HRWMG Board for a number of years. His experience and continuity will be important over the coming six months as the HRWMG transitions into an amalgamated entity.

OFFICER'S RECOMMENDATION

- 9.1.1 That Council appoints Cr Bill McClenaghan as Hepburn Shire Council's nominated Councillor to serve as a Director with the Highlands Regional Waste Management Group.

MOTION

9.1.1 That Council appoints Cr Bill McClenaghan as Hepburn Shire Council's nominated Councillor to serve as a Director with the Highlands Regional Waste Management Group.

Moved: Councillor Jon Barrell

Seconded: Councillor Don Henderson

Carried.

**10 CORPORATE SERVICES:
MONTHLY FINANCIAL REPORT
GENERAL MANAGER CORPORATE SERVICES**

PURPOSE

The purpose is to report on the Council's financial performance for the 2010/11 financial year up to the 31 October 2010.

BACKGROUND

This report provides information on Council's operating performance for four months to the 31 October 2010. Further, it provides a forecast to 30 June 2011.

ISSUE/DISCUSSION

OPERATING SUMMARY:

The year to date operating result is a surplus of \$10.2 million, almost entirely due to bringing the full year's rates and charges to account. For accounting purposes all revenue is raised in August, however, collection occurs throughout the year.

The first instalment of the remaining Grants Commission income had been further delayed and was only received in early October. The second instalment was due in November, but pre-paid also in October. This amount has been invested.

It should be noted that voting on the proposed Enterprise Bargaining Agreement has taken place and is currently with Fair Work Australia to be ratified. Currently all salary and wages to 31/10/10 do not include the annual salary increase per this agreement. Once the agreement is in place the salary and wages percentage (proposed 3.5%-4%) increase will be backdated to 1/7/10 and reflected in the expense accounts.

CAPITAL WORKS AND MAJOR PROJECTS:

\$887,000 has been spent in capital works and \$71,000 in major projects for the period ended 31 October 2010.

Construction of Doug Lindsay is on schedule at the moment, despite ongoing wet weather conditions, \$311,000 has been spent to date.

See tables for details of status of capital and non capital project later in this report.

SEPTEMBER 2010 FLOODS:

Following the floods of Saturday 4 September 2010 Hepburn Shire Council is facing a flood damage bill of an estimated \$4-4.5 million for roads, bridges and public assets according to initial engineering surveys. The total cost will become known once all damage is fully assessed by insurers and engineering staff.

Council will continue to work on recovering these costs through insurance and through the \$10.4 million flood package recently announced by the State Government.

\$224,000 of additional expenses incurred during the flood relief effort have been captured in the actual and forecasts at end of October. No other costs have been included in the forecast at this stage until more accurate information is available.

BALANCE SHEET

CURRENT ASSETS:

Cash and investments at 31 October 2010 total \$7.2 million, which is consistent with the balance at 30 June 2010, because of the prepayment of the second instalment of the Grants Commission payment of \$717,000.

Refer to the Investment schedule (attached) for detail of investments and cash held and the graph of cash and cash equivalents for the 12 months to 30 June 2010 with comparison to the first 4 months of this year. With the exception of the early Grant Commission payment, cash is tracking fairly consistent with prior year.

TRADE & OTHER RECEIVABLES:

Rate debtors at the end of October 2010 are \$9.7 million. This compares to rate debtors at the same time last year (\$8.8 million.) Approximately \$1.3 million in debtors remain from 2009-10 and prior.

Sundry debtors total \$564,000 at the end of October which is very similar to the same time last year (\$558,000).

The two graphs attached show the level of Rate Debtors for 2010/11 in comparison to the same time last year and Sundry Debtors in comparison to the same time last year.

CURRENT LIABILITIES:

The major items are trade and other payables which include accrued contractor payments, current loan liability, employee provisions such as annual leave and long service leave and provisions for landfill rehabilitation.

Deposits and trusts are reviewed quarterly with refunds or transfers made where applicable. Council still holds \$90k in trust following a Section 181 property sale that to date is unclaimed.

Total current liabilities are fairly similar to the same time last year.

NON-CURRENT ASSETS:

These include all infrastructure assets including current capital costs that have been classified as work in progress. It should be noted that property, plant and equipment, infrastructure was re-valued by \$7.5 million as part of the 30 June 2010 year end process, hence the major difference between the same time last year.

All Long Service Leave, Annual Leave and RDO calculations have been completed for 30 June 2010. Long service leave investments consist of financial instruments that vary in market value during the course of their holding, as reflected in the balance sheet (\$962k), but will on maturity be able to be redeemed for their face value (\$1m).

An investment in associates of \$443,000 is Councils share of Central Highlands Regional Library Service which shows a \$4,000 decrease on the prior year.

NON-CURRENT LIABILITIES:

Major items are Councils loan liability of \$3.1 million and provisions for long service leave and landfill rehabilitation totalling \$838,000.

CASH FLOW:

Cash flow for October 2010 is attached. Due to the early payment of the Grant Commission second instalment, cash inflows are in line with cash outflows at end of October.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Under Section 138 of the Local Government Act 1989 a report comparing expenses and revenue to budget must be presented at least quarterly to the Council in a meeting which is open to the public.

FINANCIAL IMPLICATIONS

The reports attached provide the opportunity for constant review of Council's financial position.

RISK IMPLICATIONS

The internal financial report is required to assist in decision making and ensure departments do not exceed their budget.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Open reporting to the public on a monthly basis.

CONCLUSION

The report on the financial performance of Council for the four months to 31 October 2010 has been reported.

OFFICER'S RECOMMENDATION

- 10.1.1 That Council receives the Monthly Financial Report for the four months from 1 July 2010 to 31 October 2010.

MOTION

10.1.1 That Council receives the Monthly Financial Report for the four months from 1 July 2010 to 31 October 2010.

Moved: Councillor Sebastian Klein

Seconded: Councillor Don Henderson

Carried.

10.2 SALE OF LAND – SMEATON GENERAL MANAGER CORPORATE SERVICES

PURPOSE

The Council property at 6 Hepburn Street, Smeaton, a former depot site, was identified as surplus to needs and therefore may be sold. This Report recommends proceeding to give public notice of intention to sell the site.

BACKGROUND

As part of the vacant land holdings review, land known as CA 1A Sec 1 Smeaton Township - 6 Hepburn Street, Smeaton was identified as surplus to needs and therefore could be sold.



ISSUE/DISCUSSION

The property was acquired in 1948, is approx 1080sqm in area and contains a concrete block shed of about 100sqm. An underground fuel storage tank also remains on the site. The depot has not been used in any extensive way for around 30 years.

B & D Gervasoni who own and live on adjoining land over many years have expressed an interest in purchasing the property. They appear to have had a quasi occupancy of part of the site for several years. They state they have maintained the land. In fact around 1997/98 the Council advertised an intention to sell the property and again in 2000 a sale to the Gervasoni's was agreed but for some unknown reason did not proceed.

The giving of public notice of intention to sell the land - a major part of the statutory process prior to actually resolving to sell the land.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Council Plan 2009 – 2013 refers to “***Disposing of poorly utilised, inefficient or surplus assets in consultation with the community where appropriate.***”

For the Council to sell the land, it should pursuant to Section 192 of the Local Government Act 1989 (Act) formally declare the land as surplus to needs and must as required by S189 of the Act, give 4 weeks public notice of intention to sell. In either case any interested person is entitled to make a submission about the proposal.

The Council may determine to sell by private treaty, public auction or as has sometimes been used, tender. In this instance it would be appropriate that public notice provide for a sale by private treaty to B & D Gervasoni.

If public notice advertising commences late November, the Council will be able to initially deal with any submissions at its first 2011 Briefing meeting and then resolve on the sale or otherwise of the land on 16 February 2011. Any submitter may express a desire to put oral submissions before the Council.

Under the Hepburn Shire Council Planning Scheme the land is Township Zone (TZ). The land is also subject to the Planning Scheme ESO 1 meaning certain requirements must be met for use or development. A contamination issue

referred to below in Part 7 may also affect any proposal for future use or development of the land.

FINANCIAL IMPLICATIONS

A separate statutory valuation is required prior to any sale and normally the Council would not proceed with a sale at any amount less than the valuation obtained for the purposes of the Act. The current CIV is \$26,000.

The statutory valuation will be obtained during the notice of intention period.

The land will become rateable.

Selling and legal costs for the land are estimated to be no more than \$2,500.

RISK IMPLICATIONS

There are risk implications associated with contamination on the site. The Contract of Sale will contain appropriate hold harmless conditions in favour of Council. See Part 7 below.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Environmentally the property does, according to a November 2000 site investigation report, contain *“some low level contamination on the eastern side”*.

Contamination analysis confirmed the presence of arsenic, lead and zinc in 3 soil samples which were beyond EPA classification for clean fill. 9 samples in all were taken at depths of approximately 200-250mm with the remaining samples reporting *“the condition of the soil on site is generally good conforming to EPA guidelines for clean fill classification”*. It was recommended that more detailed investigation be undertaken if removal of the contaminated soil was to be undertaken.

While it is not necessary, a further report could be sought, although this would presumably only confirm what was found in the 2000 Report.

The matter of contamination was discussed with BJT Legal. The advice was that the land may be sold in its existing state provided it is drawn to the purchaser's attention that the land may be contaminated and that the purchaser should make their own appropriate enquiries and with indemnity and hold harmless clauses

included in the Contract of Sale. As for seeking a further site report, this was considered as unnecessary.

Whether the presence of contamination was a reason for the previous sale not proceeding is not clear. The Contract of Sale at the time contained appropriate indemnity and hold harmless clauses recommended by Council's solicitors.

The Gervasoni's are aware of the contamination.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Public notice of intention to sell this land must be given and allow for the receipt of submissions and the hearing of submitters if any so request.

CONCLUSION

If the Council is to proceed with the sale of this site it should resolve as per the following recommendation.

OFFICER'S RECOMMENDATION

That Council:

10.2.1 is satisfied Crown allotment 1A Section 1 Township of Smeaton more particularly described in Certificate of Title Vol 1942 Folio 311 is no longer required nor is it necessary or desirable to use the land for a municipal purpose, therefore declares it is surplus to needs and may be sold; and

10.2.2 proceed to advertise its intention to sell the land by private treaty to B & D Gervasoni and seek public submissions on this proposal in accordance with S189 and S223 of the Local Government Act 1989.

MOTION

That Council:

10.2.1 is satisfied Crown allotment 1A Section 1 Township of Smeaton more particularly described in Certificate of Title Vol 1942 Folio 311 is no longer required nor is it necessary or desirable to use the land for a municipal purpose, therefore declares it is surplus to needs and may be sold; and

10.2.2 proceed to advertise its intention to sell the land by private treaty to B & D Gervasoni and seek public submissions on this proposal in accordance with S189 and S223 of the Local Government Act 1989.

Moved: Councillor Rod May
Seconded: Councillor Tim Hayes
Carried.

10.3 LEASE – JUBILEE LAKE HOLIDAY PARK GENERAL MANAGER CORPORATE SERVICES

PURPOSE

This Report will update Council on matters concerning the Lease of Jubilee Lake Holiday Park (JLHP) held by Australian Tourist Park Management (ATPM) as a mediation process is being sought.

BACKGROUND

ATPM advised Council on 30 September 2010 that it regretfully was not in a position to continue with the lease of JLHP. ATPM continues to manage JHLP day to day.

In response Council discussed the obligations of ATPM under the Lease and sought legal advice (privileged) regarding its position.

As ATPM pointed to a number of deficiencies with infrastructure at JLHP, Council also sought an independent review (part commercial in confidence) of the Park from a caravan park consultant.

Based on subsequent advice from ATPM stating *“mediation in our lease is binding so this will be the best way forward for us”* and other advices and reports to Council, according to Lease requirements on this matter, mediation is being arranged.

ISSUE/DISCUSSION

The principle issue is the obligation of a tenant to undertake its contractual obligations to meet essential terms under a properly entered and executed Lease and the failure to so do meaning there is a likely breach of Lease which may result in damages.

Where there is ‘any dispute’ between the parties the Lease provides for mediation and prescribes the procedures to be followed to undertake the mediation.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

For the purposes of the Lease and appropriate legislation, ATPM is the “caravan park owner” – defined as being the person or body *“who is (either or partly) the owner of a business which operates a caravan park.”*

Apart from Lease obligations, the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010 – operative from 1 July 2010 are applicable.

The Regulations are specific about registration for caravan parks and include requirements for fire protection and emergency management, structure standards, water supply, drainage and waste water, facilities/amenities, lighting and access measures.

ATPM has applied for a renewal of registration of JLHP for the 3 year period commencing on 1 January 2011.

FINANCIAL IMPLICATIONS

Mediation costs are to be shared equally between landlord and tenant. It might be expected mediation would take a day with total cost in the order of \$2,500.

RISK IMPLICATIONS

There is no significant risk implication associated with the mediation process. It is possible mediation will not provide an acceptable or any outcome, resulting in consideration of further legal process.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

JLHP is an existing operation. The unique environment of this park has been referred to in the past and especially by users.

The new Regulations will affect operational aspects of the Park, certainly in relation to layout (includes caravan siting and location) to meet fire protection requirements. It has been estimated to meet standards costs could be as much as \$10,000 or more per site. Park turnover could also be affected by these changes.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

JLHP users particularly those with 'annual sites' are known to be uncertain regarding their site occupancy at JLHP. It is entirely a matter for ATPM as the 'caravan park owner' to deal with such matters including fee structures.

CONCLUSION

Mediation is being arranged as an appropriate step in the process of determining a dispute concerning contractual lease obligations between Council and ATPM. A further report will be provided.

OFFICER'S RECOMMENDATION

- 10.3.1 *That Council note this report and that there will be a further report at the conclusion of the mediation process.*

MOTION

- 10.3.1 *That Council note this report and that there will be a further report at the conclusion of the mediation process.*

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

11. COMMUNITY DEVELOPMENT:

11.1 COMMUNITY GRANTS ROUND 1 2010 - 2011 GENERAL MANAGER COMMUNITY DEVELOPMENT

PURPOSE

The purpose of this report is to present to Council Round 1 2010/11 Community Grants recommendations.

BACKGROUND

Twice each year Council has the opportunity through its Community Grants Program to directly support the work of community groups and organisations as well as provide the chance for new innovations.

Round 1 Community Grants opened on 16 August 2010 and closed 17 September 2010. The availability of Community Grants was advertised in the Advocate, on the Council webpage and in community newsletters.

The Community Grants Program was also promoted through e-mail distribution lists. Grant writing workshops were held in Trentham (25 August), Clunes (26 August), Daylesford (1 September) and Creswick (2 September). Attendance at the workshops was down on previous rounds with no participants attending the Clunes workshop and only one person in Trentham although attendance was good in Creswick and Daylesford.

The funding pool available for Round 1 (2010/11) is \$22,500. 31 applications were received (although two applications were received for the same project) compared with 35 applications in Round 2 and 26 in Round One 2009/10.

ISSUES/DISCUSSION

No applications were received from community groups in Clunes and the majority of applications (14) were from Daylesford. A good number of applications were received from small towns (Smeaton, Clydesdale, Glenlyon, Kingston, Lyonville and Newlyn).

Grant applications were assessed against the following criteria:

1. Description of project - 10%
2. What will this project address? – 25%
3. What will the project achieve? – 25%
4. How will the project be implemented and who will be doing it? – 20%
5. How will risk and safety issues associated with the project be assessed? – 10%
6. Financial details – income and expenditure budget – 10%

Representatives from the Arts and Culture and Recreation Advisory Committees along with the Recreation Officer and Community Strengthening Manager assessed all grants.

The recommended Community Grant allocation for Round 1 (2010-11) is \$20,033. A summary of projects and recommendations is attached (Attachment 1).

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The Hepburn Shire Council Plan states:

“ We will create healthier, safer, more vibrant communities”.

FINANCIAL IMPLICATIONS

Council has allocated \$45,000 in the 2010/11 budget for Community Grants.

RISK IMPLICATIONS

N/A

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

N/A

COMMUNITY/STAKEHOLDER ENGAGEMENT

Round 1 2010/11 Community Grants were advertised in the Advocate, on Council’s webpage and through community newsletters and email distribution lists. Grant writing workshops were conducted in Daylesford, Creswick, Clunes and Trentham.

OFFICER’S RECOMMENDATION

11.1.1 That Council award the Community Grants 2010-2011 Round 1 as recommended in Attachment 1

MOTION

11.1.1 That Council award the Community Grants 2010-2011 Round 1 as recommended in Attachment 1

Moved: Councillor Tim Hayes

Seconded: Councillor Don Henderson

Carried.

Attachment 1
Item 11.1
COMMUNITY GRANTS 2010/2011 ROUND 1 RECOMMENDATIONS

11.2 COMMUNITY BUSHFIRE MEMORIAL SITE SELECTION GENERAL MANAGER COMMUNITY DEVELOPMENT

PURPOSE

The purpose of this report is for Council to consider the recommendation of the Community Recovery Committee on the proposed Bushfire Memorial at the road reserve at Sailors Falls and to consider further community feedback.

BACKGROUND

At the Ordinary Council Meeting on September 21 2010, Council considered a report seeking Council's endorsement of the Community Recovery Committee's recommendation that a Bushfire Memorial located at Sailors Falls be constructed (Attachment 2).

The Officer Recommendations in the report was:

That Council:

Endorse the Hepburn Community Recovery Committee's recommendation to develop a bushfire memorial at the road reserve at Sailors Falls;

Note that an expression of interest for an artist to develop the memorial will be advertised and that the project will be managed by a Project Reference Group.

At the Council Meeting, Council resolved to:

That Council:

Recognise and thank the Hepburn Community Recovery Committee for their recommendation to develop a bushfire memorial at the road reserve at Sailors Falls;

Allow the recommendation to remain on the table for a further period of one or two months before coming back to Council for consideration at either the October or November Ordinary Meeting.

Following the 2009 bushfires Council was allocated \$79,647 from the Department of Planning and Community Development (DPCD) for a bushfire memorial to symbolise the 2009 Daylesford/Musk Vale and Black Saturday fires.

Council officers and the Hepburn Community Recovery Committee have facilitated a public consultation process to select a location for a bushfire

memorial in accordance with the DPCD funding guidelines, which require an inclusive and supportive community consultation process

Consultation has included a series of public meetings hosted by consultant artist Sally Goldstraw and Council officers to generate ideas for the memorial including its location. A subsequent report was produced by the consultant identifying the symbols and themes that were important in developing the memorial. The Report also identified sites for the memorial as recommended by the community:

- Burke Square
- Daylesford Community Park
- Lost Children's Memorial Park
- Next to Daylesford Museum
- Defiance Tunnel site
- Roadside reserve (in the fire affected area)
- Walking trails between Sailors Falls and Bullarto
- A community garden (site uncertain).

These sites were evaluated by Council officers including engineers and town planning staff to assess site ownership, zoning and relevant planning overlays. The following sites were found to be preferential:

- Roadside reserve (recommended as being at Sailors Falls)
- Lost Children's Memorial Park
- Daylesford Community Park
- Burke Square

The CRC considered these sites at its July meeting and selected the Sailor's Falls roadside reserve as the preferred option. The CRC Memorial Working Group unanimously endorsed the decision following a site visit, identifying the exact location as the road reserve on the Daylesford Ballan Road, opposite Sailors Falls. The reserve begins at Shanahans Lane and stretches towards Daylesford along the road frontage of a farming property at the exact location where the fire started.

ISSUE/DISCUSSION

Advertisements were placed in the Advocate on 29 November and 18 October 2010 seeking public consultation on the preferred site at Sailors Falls. Written submission addressed to the Chief Executive Officer closed on 22 October 2010.

Five submissions (Attachment 3) were received from:

- Russ Jenkins
- Winsome Menadue
- Don Henderson and Ken Rea (Daylesford Urban Fire Brigade)
- Judy Macleod
- Ian Marshall (Daylesford & District Historical Society Inc.)

The Sailors Falls site is highly visible and could provide a 'gateway affect'. The site assessment report prepared by Council found there was plenty of potential for a tree row/avenue of remembrance/appreciation and public art to commemorate the efforts of CFA etc. This stretch of roadside is also where locals displayed banners after the fire to thank CFA volunteers. There is plenty of room for people to pull over and park their vehicles to view and enjoy the memorial along with good visual prominence for people just passing by.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009-2013 – Good Governance:

17. Embracing community knowledge and expertise to help guide its decision making and implementation.

FINANCIAL IMPLICATIONS

The Hepburn Shire has been allocated \$79,647 for the project. Ongoing maintenance will become the responsibility of the Council. A community program could be incorporated to maintain the reserve, such as Adopt a Roadside.

RISK IMPLICATIONS

The site has been assessed by VicRoads and they have given written approval for a memorial to be established at the site. Council would need to enter into an agreement with VicRoads to maintain the site.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The communities of Sailors Falls, Musk Vale and Leonard's Hill claim there is little to visually 'define' their area for people driving through. This project would provide something for these communities to identify with and be proud of. Council officers are about to embark on working with these communities to develop Community Plans.

The site is adjacent to the Sailors Falls Reserve and has the potential to value add to this tourist location.

At present the Sailors Falls site that is selected is overgrown with grass and weeds and this project would provide a method to beautify and manage this section of road reserve.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Extensive consultation has taken place in determining themes and location of the bushfire memorial. Following endorsement of the site:

- An expression of interest for an artist to develop the memorial will be advertised;
- A Community Advisory Group, will be involved in selection of the artist; and,
- A Project Reference Group comprising Council officers, Vic Roads and Parks Victoria will be appointed to oversee project implementation.

CONCLUSION

Following extensive community consultation the Sailors Falls roadside reserve adjacent to the Sailors Falls Reserve has been determined as the most suitable location for the Hepburn Bushfire Memorial.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1 Endorse the Hepburn Community Recovery Committee's recommendation to develop a bushfire memorial at the road reserve at Sailors Falls;
- 11.2.2 Note that an expression of interest for an artist to develop the memorial will be advertised and that the project will be managed by a Project Reference Group.

MOTION

That Council:

11.2.1 again recognizes and thanks the Hepburn Community Recovery Committee for their great work on this and other matters, and the wide range of community members who have made written and verbal submissions on the topic.

11.2.2 Accepts the written advice of the Daylesford Urban Fire Brigade and others against the Sailors Falls site, and the request of the Bushfire Memorial that will properly acknowledge and represent the views of our community on this matter, benefit our community and provide a functional asset for our community and visitors to our area.

11.2.3 Favours a memorial being community infrastructure works, with a very significant public art component, at one of the following sites:

Vincent Street Daylesford between the roundabouts and /or Burke Square
Daylesford

Daylesford Community Park (Daylesford Youth and Skate Park) cnr Stanbridge
and Duke Streets

Defiance Tunnel Site, cnr Bleakley and King Streets.

Council is currently engaged in a Vincent Street Revitalisation Project and the staged development of the Daylesford Community Park, and has received submissions regarding the development of a Daylesford Historical Precinct.

Council will make its final decision on the site and nature of its Bushfire Memorial as the above proposals progress.

Moved: Councillor Rod May

Seconded: Councillor Don Henderson

Not carried.

AMENDED MOTION

That Council:

11.2.1 again recognizes and thanks the Hepburn Community Recovery Committee for their great work on this and other matters, and the wide range of community members who have made written and verbal submissions on the topic.

11.2.2 Accepts the written advice of the Daylesford Urban Fire Brigade and others against the Sailors Falls site, and the request of the Bushfire Memorial that will properly acknowledge and represent the views of our community on this matter, benefit our community and provide a functional asset for our community and visitors to our area.

11.2.3 Favours a memorial being community infrastructure works, with a very significant public art component, at one of the following sites:

Vincent Street Daylesford between the roundabouts and /or Burke Square
Daylesford

Daylesford Community Park (Daylesford Youth and Skate Park) cnr Stanbridge
and Duke Streets

Defiance Tunnel Site, cnr Bleakley and King Streets.

Sailors Falls Reserve, cnr Telegraph Road and Ballan-Daylesford Road
Council is currently engaged in a Vincent Street Revitalisation Project and the
staged development of the Daylesford Community Park, and has received

submissions regarding the development of a Daylesford Historical Precinct.

Council will make its final decision on the site and nature of its Bushfire Memorial
as the above proposals progress.

Moved: Councillor Sebastian Klein

Seconded: Councillor Bill McClenaghan

Carried.

Attachment 2
Item 11.2
BUSHFIRE MEMORIAL SITE RECOMMENDATION

Attachment 3
Item 11.2
COMMUNITY FEEDBACK RE BUSHFIRE MEMORIAL SITE
RECOMMENDATION

12 SUSTAINABLE DEVELOPMENT:

Councillor Don Henderson left the Meeting at 9.30pm due to a Conflict of Interest and returned at 10.03pm.

12.1 PROPOSED LEASE AGREEMENT FOR THE FORMER CRESWICK RAILWAY STATION, GOODS SHED AND LANDS, AND PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE CRESWICK RAILWAY WORKSHOPS ASSOCIATION

PURPOSE

This report presents for Councils consideration:

- A lease agreement between Hepburn Shire Council and VicTrack for the former Creswick Railway Station, Goods Shed and Lands
- A Memorandum of Understanding (MOU) between Hepburn Shire Council and the Creswick Railway Workshops Association (CRWA) for the use of the former Creswick Railway Station, Goods Shed and Lands for community and tourism activities.

BACKGROUND

With the re-use of the existing railway line to Creswick and the construction of the new Creswick railway platform in 2010, the former Railway Station, Goods Shed and Land became the focus for possible alternate uses by community groups.



View from South of the former Creswick Railway Station (prior to restoration works)



View from South of the brick Goods Shed located behind new platform and shelter

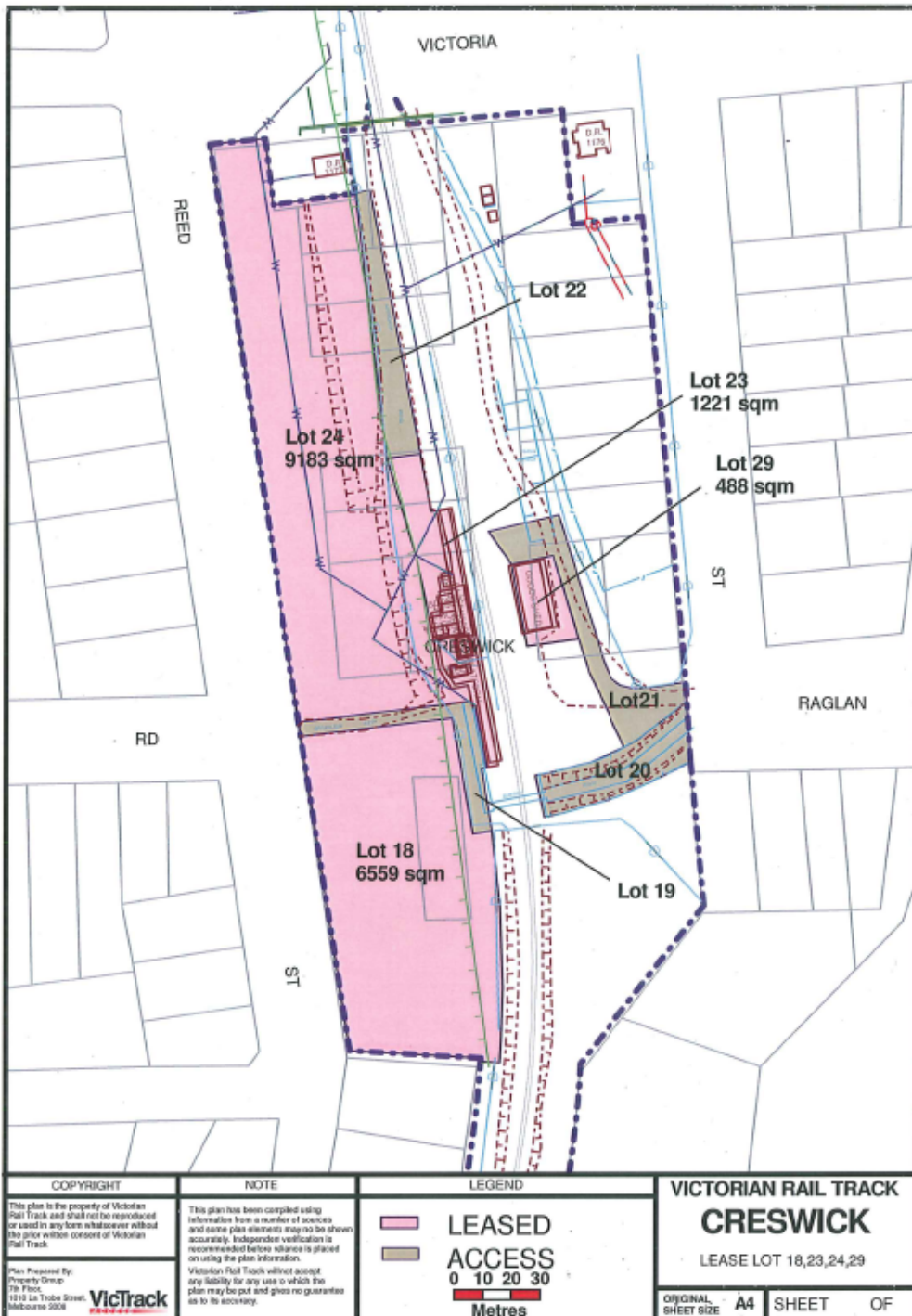
As endorsed at the March 2010 Ordinary Meeting, Council has been in discussion with VicTrack regarding opportunities to lease the former Creswick Railway Station, Goods Shed and Lands to develop the community and tourism hub. Council have also been in discussions with the CRWA to produce a MOU for the buildings and land.

After a number of meetings with both VicTrack and CRWA representatives, two proposed agreements have been produced, as detailed later in the report. The buildings and land for lease by VicTrack are composed of the former Creswick Railway Station, Goods Shed and the lands identified in the VicTrack lease. (Refer plan below)

A Councillor briefing was previously held for the CRWA to address Council on the merits of the proposal.

ISSUE/ DISCUSSION

The use of the former Creswick Railway buildings and land for a community use should provide community and economic benefits for the Creswick community. Some of the anticipated uses of the facility include workshops and short courses, tea rooms, trades training programs, community market, arts and crafts, exhibitions and other like activities.



<p>COPYRIGHT</p> <p>This plan is the property of Victorian Rail Track and shall not be reproduced or used in any form whatsoever without the prior written consent of Victorian Rail Track.</p>	<p>NOTE</p> <p>This plan has been compiled using information from a number of sources and some plan elements may not be shown accurately. Independent verification is recommended before reliance is placed on using the plan information.</p>	<p>LEGEND</p> <p> LEASED ACCESS </p>	<p>VICTORIAN RAIL TRACK</p> <p>CRESWICK</p> <p>LEASE LOT 18,23,24,29</p>
<p>Plan Prepared By: Property Owner VicTrack 1310 La Trobe Street, Melbourne 3008</p>	<p>Victorian Rail Track will not accept any liability for any use to which the plan may be put and gives no guarantee as to its accuracy.</p>	<p>0 10 20 30 Metres</p>	<p>ORIGINAL SHEET SIZE A4 SHEET OF</p>

Former Creswick Railway Station, Goods Shed and the lands as identified in the VicTrack lease

To enable this use to occur, two documents have been produced for consideration:

- A lease agreement between Hepburn Shire Council and VicTrack for the former Creswick Railway Station, Goods Shed and Lands
- A Memorandum of Understanding (MOU) between Hepburn Shire Council and the Creswick Railway Workshops Association (CRWA) for the use of the former Creswick Railway Station, Goods Shed and Lands for community and tourism activities.

The proposed lease (Refer Attachment 4) provides details on the terms and conditions of the lease of the building and lands from VicTrack (the landlord) to Hepburn Shire Council (the tenant). The lease between VicTrack and HSC is an extensive document that is derived from a VicTrack standard format and adapted to suit this particular situation. The document deals with all aspects of the buildings lease and specifically deals with:

- Rent
- Lease Duration
- Payment Requirements
- Repairs/ Refurbishment and Alterations
- Insurance
- Permitted Uses
- Obligations from all parties

The key features of the lease include:

- Starting rent of \$1,000 per annum plus GST payable annually in advance
- 5% increase in rent every two years before a rent review in the fifth year
- Community purposes are the identified permitted use
- Outgoings to be paid by the tenant
- Public Liability Insurance to be at \$20M
- Community Conditions as set out in Annexure C
- Special Conditions as set out in Annexure E

In turn, it is proposed that Council should enter into an MOU for the use of the identified building and lands by the CRWA as an incorporated body. The MOU

(Refer Attachment 5) essentially links the CRWA to the relevant conditions of the main lease as well as providing an agreed understanding of the use and occupancy of the former Railway buildings and lands. The key points from the MOU are:

- The grant of occupancy to CRWA will be subject to a Licence or sub-lease with Hepburn Shire Council (HSC). The sub-lease will identify all relevant obligations and be guided by the MOU.
- The Licence or sub-lease for occupancy of the Premises by CRWA will require CRWA to meet the same obligations as HSC – but only those applicable and adapted for the purpose of any Licence or sub-lease - in the Lease between VicTrack and HSC.
- CRWA will be required to meet the same obligations as HSC that are applicable in meeting the repair and maintenance Lease obligations and through the annual work plan.
- CRWA will pay a Licence or sub-lease fee/rent equal to the amount payable by HSC to VicTrack.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009-2013:

54. Facilitating the restoration of important heritage buildings.

FINANCIAL IMPLICATIONS

The outgoings, rental, insurance and maintenance will be paid for by the CRWA through the sub-lease document.

Councils ongoing cost implications will be the legal and administrative cost of creating and maintaining the sub-lease document (inspections and letters etc). The legal cost of creating the sub-lease is expected to be around \$1,900.

RISK IMPLICATIONS

With the creation of the lease, MOU, Annual Work Plan and the business plan (Refer Attachment **X**), the key risk implications have been addressed.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There will be positive social and economic implications for the Creswick community as a result of this project, based on the business plan the CRWA has produced.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The project is a community initiative and has been delivered after numerous meetings with both the CRWA and VicTrack.

CONCLUSION

The re-use of the former Creswick Railway Station, Goods Shed and Lands will provide community and the economic benefit as a result of the community markets, tea rooms, trade and arts workshops as well as preserve an element of the heritage fabric of Creswick.

OFFICER'S RECOMMENDATION

That Council:

11.1.1 Sign and seal the lease between Hepburn Shire Council and VicTrack for Creswick Railway Lots 18, 23, 24 and 29 together with access rights over Creswick Railway Lots 19, 20, 21 and 22.

11.1.2 Sign the Memorandum of Understanding for Occupancy and Use of Premises of the Creswick Railway Station, Goods Shed and Associated Lands between Hepburn Shire Council and the Creswick Railway Workshops Association.

MOTION

That Council:

11.1.1 Sign and seal the lease between Hepburn Shire Council and VicTrack for Creswick Railway Lots 18, 23, 24 and 29 together with access rights over Creswick Railway Lots 19, 20, 21 and 22.

11.1.2 Sign the Memorandum of Understanding for Occupancy and Use of Premises of the Creswick Railway Station, Goods Shed and Associated Lands between Hepburn Shire Council and the Creswick Railway Workshops Association.

11.1.3 Request that the Memorandum of Understanding (MOU) include a clause that a properly prepared business plan be submitted to Council within three (3) months of signing the MOU.

Moved: Councillor Tim Hayes

Seconded: Councillor Rod May

Not carried.

MOTION

That Council:

11.1.1 Sign and seal the lease between Hepburn Shire Council and VicTrack for Creswick Railway Lots 18, 23, 24 and 29 together with access rights over Creswick Railway Lots 19, 20, 21 and 22.

11.1.2 Sign the Memorandum of Understanding for Occupancy and Use of Premises of the Creswick Railway Station, Goods Shed and Associated Lands between Hepburn Shire Council and the Creswick Railway Workshops Association.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Sebastian Klein

Carried.

Attachment 4
Item 11.1
CRESWICK RAILWAY WORKSHOP LEASE

Attachment 5

Item 11.1

CRESWICK RAILWAY WORKSHOP MEMORANDUM OF UNDERSTANDING (MOU)

HEPBURN SHIRE COUNCIL

Ref 12711R

AND

CRESWICK RAILWAY WORKSHOPS ASSOCIATION

MEMORANDUM OF UNDERSTANDING

CRESWICK RAILWAY STATION, GOODS SHED AND ASSOCIATED LANDS

OCCUPANCY AND USE OF PREMISES

Hepburn Shire Council ABN 76 845 763 535

76 Vincent Street Daylesford, PO Box 21 Daylesford Vic 3460

Tel 03 5348 2306 Fax 03 5348 2911 email shire@hepburn.vic.gov.au

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (Memorandum) is made on and operates from the day written below

BETWEEN

Hepburn Shire Council ABN 76 845 763 535 (HSC)

76 Vincent Street Daylesford Vic 3460

AND

Creswick Railway Workshops Association (CRWA)

PO Box 119, Creswick Vic 3463

INTRODUCTION

This Memorandum records an agreement between HSC and CRWA for the use and occupancy of the Creswick Railway Lots 18, 23, 24 and 29 (Premises) being all that land shaded red on the attached Plan including the improvements comprising the former station buildings and goods shed, together with access rights over Creswick Railway Lots 19, 20, 21 and 22 the land shaded brown.

RECITALS

1. HSC will lease from VicTrack Level 8, 1010 Latrobe Street, Docklands, Vic 3008 the Premises.
2. The Lease Term will be 5 years with an initial annual rent of \$1,000 + GST, although the annual rent may by further negotiation with VicTrack be reduced.
3. CRWA has approached HSC and requested that it be allowed to occupy the Premises for the purposes of trades training programs, arts and crafts workshops, exhibitions and all ancillary or like activities, but in any case will be in accordance with its Statement of Purposes when finalised and approved.

4. HSC has agreed to the request from CRWA subject to the terms and condition of this Memorandum.

TERMS AND CONDITIONS

1. CRWA is an incorporated association – viz: Certificate of Incorporation A0054961L.
2. HSC will use its best endeavours to execute a Lease of the Premises with VicTrack within a reasonable time.
3. The grant of occupancy to CRWA will be subject to a Licence or sub-lease with HSC, the Licence or sub-lease being subject to consent of VicTrack prior to occupying the Premises. The sub-lease will identify all relevant obligations, and be guided by this MOU.
4. The Licence or sub-lease for occupancy of the Premises by CRWA will require CRWA to meet the same obligations as HSC – but only those applicable and adapted for the purpose of any Licence or sub-lease - in the Lease between VicTrack and HSC and in particular Annexure C – Community Conditions and Annexure E – Special Conditions, copies of which are attached hereto.
5. CRWA will during its occupancy and in carrying out its purposes do nothing to prejudice the Lease between HSC and VicTrack.
6. CRWA will indemnify through the Licence or sub-Lease HSC and VicTrack.
7. CRWA will arrange for and hold public liability insurance to a minimum value of \$20m prior to occupying the Premises.
8. HSC will insure the Premises, but CRWA must insure its own contents and works.
9. CRWA will pay for the use of waste management services where required from the HSC.
10. CRWA will be required to meet the same obligations as HSC that are applicable in meeting the repair and maintenance Lease obligations and through the attached annual work plan.
11. CRWA will pay a Licence or sub-lease fee/rent equal to the amount payable by HSC to VicTrack but HSC will agree that the amount may be payable in installments commencing 3 months after commencement of the HSC VicTrack lease and quarterly thereafter.

12. CRWA may apply for HSC funds to establish its programs and other ongoing Licence or sub-lease commitments.

13. HSC will support CRWA applications for funding to external agencies.

The parties accept and agree to this Memorandum on _____
(Date)

For and on behalf of HSC

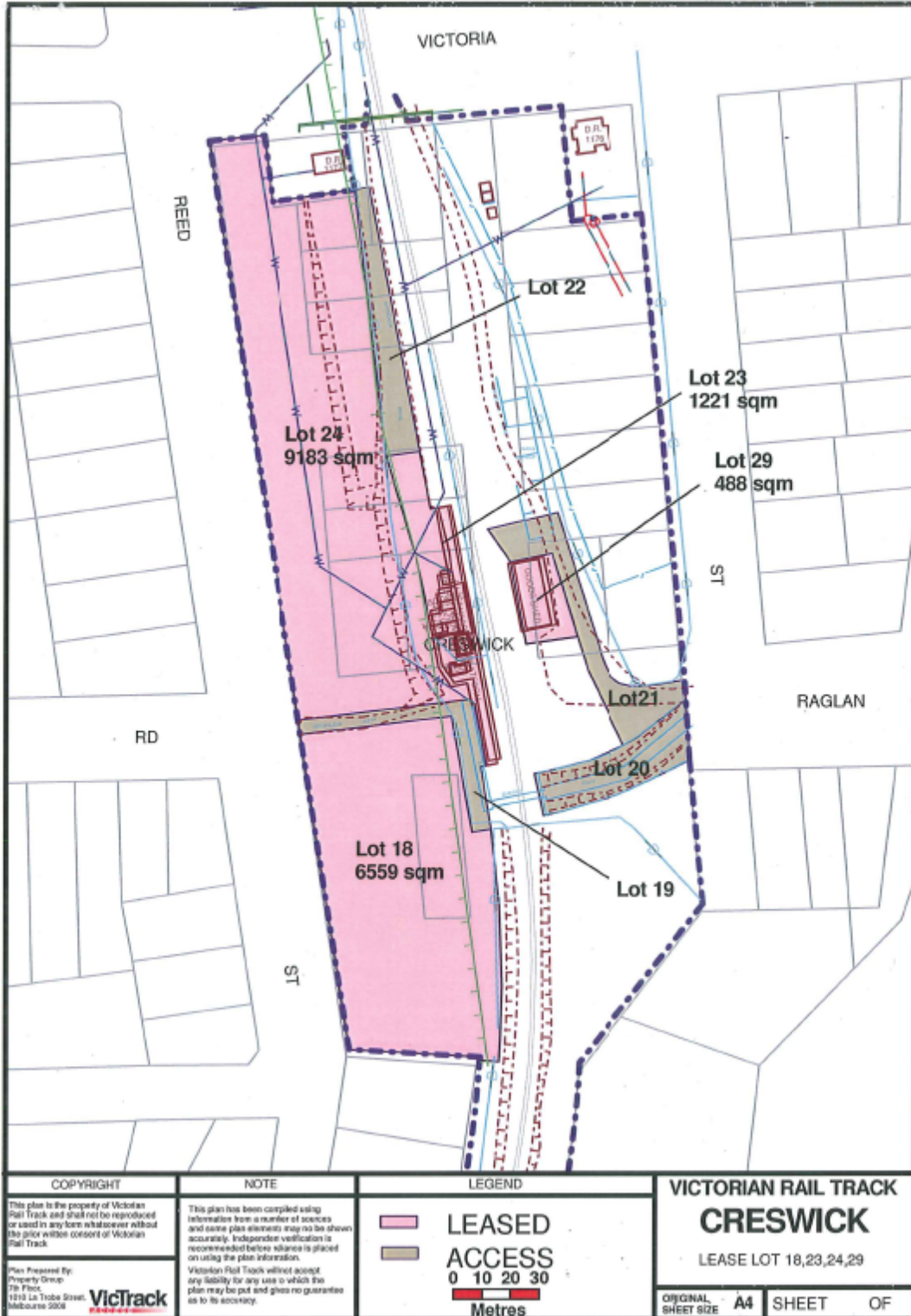
For and on behalf of CRWA

.....
Kaylene Conrick - CEO

.....
Ken Davis - President

.....
Judy A Henderson - Secretary

PLAN



ANNEXURE C – COMMUNITY CONDITIONS

1. HERITAGE

- 1.1 The Tenant acknowledges that the Premises may be affected by the *Heritage Act (Vic) 1994 (Heritage Act)*.
- 1.2 Without limiting clause 11.5 of the Lease the Tenant must, at its cost, observe and comply with the Heritage Act, including applying for all appropriate permits, consents and approvals required by the Heritage Act before carrying out any works to the Premises.

2. LIQUOR LICENCE

The Tenant must:

- 2.1.1 seek the prior written consent of VicTrack before applying for any licence or permit under the *Liquor Control Reform Act 1998 (Vic) (Licence)*, or applying for any variation, removal, transfer, surrender or release of the licence or permit or nominating any person to be a licensee or permittee, such consent may be withheld at VicTrack's absolute discretion;
- 2.1.2 produce the Licence to VicTrack for inspection upon demand;
- 2.1.3 comply with any conditions of the Licence imposed by VicTrack;
- 2.1.4 comply with all conditions of the Licence and all laws relating to the licence or permit;
- 2.1.5 not allow the Licence to be cancelled or suspended;
- 2.1.6 renew the Licence and notify VicTrack in writing within 14 days of the renewal;
- 2.1.7 promptly notify VicTrack in writing if the Licence is cancelled or suspended or if the Tenant receives any notice, summons or fine in relation to the Licence;
- 2.1.8 indemnify VicTrack for any damages or costs incurred in relation to the Licence or a breach of this clause by the Tenant; and
- 2.1.9 surrender the Licence within 21 days of receiving a written notice from VicTrack, which VicTrack may give to the Tenant if the Tenant's use of the Premises is causing or likely to cause a nuisance to local residents.

3. NO GAMING MACHINES

The Tenant must seek VicTrack's written consent, such consent may be withheld at VicTrack's absolute discretion, prior to using the Premises for the purpose of any gaming activities including gaming within the meaning of the *Gaming Machine Control Act 1981 (Vic)*.

4. COUNCIL AS TENANT

4.1 Definition

In this clause:

Council has the same meaning as in the *Local Government Act* (Vic) 1989

4.2 Sub-leases and Licences

4.2.1 Where the Tenant is a Council, the Council must not sub-lease or licence the Premises or part of the Premise (**Sub-let Premises**) without the written consent of VicTrack, which, despite clause 17 of the Lease, will not unreasonably be withheld if the Council:

4.2.1.1 executes and procures the sub-lessee or licensee to execute a sub-lease or licence (as the case may be) which must include a condition by which the sub-lessee or licensee covenants to comply with the following:

4.2.1.1.1 the sub-lessee or licensee must at all times be exempt from Commonwealth income tax under the *Income Tax Assessment Act* (Cth) 1997 (**Tax Act**);

4.2.1.1.2 the sub-lessee or licensee must not undertake any activity or permit anything to be done which may cause it to cease being exempt from Commonwealth income tax under the Tax Act; and

4.2.1.1.3 the sub-lessee or licensee must not amend its rules of incorporation or its constitution in such a way which may change the sub-lessee's or licensee's status as a not-for-profit community group without the prior written consent of VicTrack, which VicTrack may grant or withhold in its absolute discretion.

4.2.1.2 Where the sub-lessee or licensee does not comply with special conditions 4.2.1.1.1 or 4.2.1.1.2 or 4.2.1.1.3 VicTrack may, prior to consenting, impose any condition onto the Council that it deems necessary including imposing a Rent review in accordance with clause 4.2 of the Lease in relation to the Sub-let Premises which is the subject of the sub-lease or licence and accordingly, varying the Lease to provide for a Rent Review Date on the first and each subsequent 5th anniversary of the Commencement Date after the commencement of the sub lease or licence.

4.2.1.3 Any condition imposed by VicTrack in accordance with special condition 4.2.1.2 of this Annexure C is distinct from and in addition to any obligation contained in the Lease.

4.3 Reporting

- 4.3.1 The Council must procure from any sub-lessee or licensee:
 - 4.3.1.1 within 60 days of the end of each financial year an audited financial report including a statement of assets and liabilities and profit and loss statement for the sub-lessee or licensee for the financial year; and
 - 4.3.1.2 within 60 days of the end of the financial year (or, if the sub-lessee or licensee is an incorporated association or body corporate, within 14 days of the Tenant's annual general meeting), a statutory declaration from the sub-lessee or licensee's public officer or other authorised representative detailing:
 - 4.3.1.2.1 the activities conducted by the sub-lessee or licensee during the preceding year and where applicable, a list of the groups which have used the Sub-let Premises and a list of times at which the Sub-let Premise were used;
 - 4.3.1.2.2 the office bearers appointed to the sub-lessee or licensee, their duties and the length of term of the office of each office holder;
 - 4.3.1.2.3 the Tenant's compliance with the Building Act, Building Regulations and any other relevant laws; and
 - 4.3.1.2.4 any insurance claims made by the Tenant during the preceding financial year and an assessment of potential risks in relation to the Premises and the Tenant's specific use of the Premises.

ANNEXURE E – SPECIAL CONDITIONS

Right of Way Access

Definition

In this clause:

Common Area means those parts of Railway Lot's 19, 20, 21 and 22 at Creswick which is delineated and coloured brown on the plan in Annexure F.

The Tenant is granted the right to use the Common Area in common with the Landlord and those persons authorised by the Landlord, for the purpose of access to and from the Premises.

The Tenant must not and must ensure that its employees and invitees do not:

- obstruct any part of the Common Area;
- store or permit the accumulation of any property or rubbish in the Common Area; or
- interfere with any services in or about the Common Area.

The Tenant must:

- 1.1.1 use reasonable endeavours to keep the Common Area clean and tidy;
- contribute to the cost of maintaining the Common Area as reasonably determined by the Landlord; and
- comply with any reasonable request made by VicTrack regarding the Common Area.

Asbestos (report to be provided by VicTrack)

The Tenant acknowledges that it has read and understands the asbestos survey report from Noel Arnold and Associates Pty Ltd dated 26/07/2010 (**Asbestos Report**).

The Tenant acknowledges and accepts the findings contained in the Asbestos Report.

The Tenant will provide VicTrack with an asbestos management plan (**Asbestos Management Plan**), on or before the date 14 days after the Commencement Date of this Lease.

The Tenant authorises the Landlord or its agents to insert the Asbestos Management Plan into Schedule H.

Once inserted the Asbestos Management Plan is incorporated into the Lease

If the Tenant becomes aware of the existence of any asbestos at the Premises which is not identified in the Asbestos Management Plan, the Tenant must immediately cease any works being undertaken at the Premises and notify VicTrack, in writing of the existence of such asbestos.

The Tenant must provide VicTrack with an updated Asbestos management Plan) within 14 days of serving the notice referred to in special condition 2.6.

The updated Asbestos management Plan will be inserted into Schedule H. Once inserted the updated Asbestos Management Plan is incorporated into this Lease.

Condition Report

3.1 The Tenant acknowledges that it must within 28 days of the date of the Lease complete and return to VicTrack the Condition Report

3.2 Once approved by VicTrack, the Tenant authorises VicTrack to insert the Condition Report into Annexure H of this Lease.

Water Infiltration

4.1 Clause 14.3.1 is deleted, and replaced with the following:

"any damage to the Premises or the Tenant's chattels located in the Premises;"

4.2 A new clause 15.2.3 is inserted into the Lease as follows:

"15.2.3 The tenant acknowledges that the Premises are not watertight and water, including drain water, storm water, and rain water, may overflow, enter or leak into or from the Premises from time to time whether because of external sources or otherwise."

Maintenance

In Clause 11.2.2 of the Lease General Conditions, the words 'fair wear and tear excepted' are deleted. For the avoidance of doubt, it is agreed that the Lessee shall be responsible at its sole cost, for the future maintenance of the premises and appurtenant facilities (including fair wear and tear).

Fire Protection

The Lessee shall at its sole cost conform with the fire protection requirements of all Statutory Authorities

The tenant must ensure that the improvements (buildings) comply fully with all relevant O.H.& S, ESM and other legislation prior to allowing the buildings and or associated land to be occupied. Further, Council is to provide annual Emergency Services Management (ESM) compliance certificates. If Council fails to provide this, it will be undertaken by VRT at Council's cost, together with any compliance measures and associated costs.

ANNUAL WORK PLAN

ANNUAL WORKS PROGRAM
CRESWICK RAILWAY WORK SHOPS, GOODS SHED AND LANDS
EXTERNAL PROGRAM

Building Element	Year														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1 Roof Covering															
Roof Material/ Battens															
Flashings								Repair							
Inspection		•		•		•		•				•		•	Repair
2 Roof Drainage															
Gutters/ DPs								Repair							
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3 Eaves															
Material						Replace						Replace			
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
4 Walls															
Brickwork									Repair						
Other									Repair						
Inspection		•		•		•		•				•		•	
5 Structure															
Timber															Maintain
Other															Maintain
Inspection		•		•		•		•				•		•	
6 Joinery															
Windows									Repair						
Doors								Repair							
Inspection		•		•		•		•				•		•	
7 Painting															
Generally				Maintain				Repair				Maintain			
Windows/ Doors				Maintain				Repair				Maintain			
Other				Maintain				Repair				Maintain			
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
8 Services															
Stormwater					Maintain					Maintain					Maintain
Other					Maintain				Maintain						Maintain
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
9 External Works															
Landscaping/ Trees	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain	Maintain
Paving								Repair							
Fencing								Repair							
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
10 Urgent Maintenance															

As required throughout the year

Replace - Likely replacement date, but may be extended based on mutual agreement of condition each year
 Repair - Make good any damage, in the case of brickwork - re-joint, replace elements as required
 Maintain - Make servicable

ANNUAL WORKS PROGRAM
CRESWICK RAILWAY WORK SHOPS, GOODS SHED AND LANDS
INTERNAL PROGRAM

Building Element	Year														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1 Floors															
Floor Material/ Battens										Repair					
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
2 Walls															
Plaster/ finished surface										Repair					
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
3 Ceilings															
Board										Repair					
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
4 Electrical															
Switches, fittings and points										Repair					
Other										Repair					
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
5 Hydraulic															
Taps, sinks					Maintain					Repair					Maintain
Other					Maintain					Repair					Maintain
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
6 Joinery															
Windows												Repair			
Doors												Repair			
Inspection										•		•			
7 Fittings															
Generally												Repair			
Inspection										•		•			
8 Painting															
Generally										Maintain					
Inspection	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
9 Services															
Gas Supply						Maintain						Maintain			
Electrical Supply						Maintain						Maintain			
Hydraulic Supply						Maintain						Maintain			
Inspection						•				•		•			
10 Other															
OHS Compliance															
ESM Compliance															
11 Urgent Maintenance															

As required throughout the year

Replace - Likely replacement date but may be extended based on mutual agreement of condition each year

Repair - Make good any damage, replace elements as required

Maintain - Make servicable

Attachment 6

Item 11.1

Attachment 6

Item 11.1

BUSINESS PLAN – CRESWICK RAILWAY WORKSHOPS

CRESWICK RAILWAY WORKSHOPS

Business Plan

Vision : A welcoming and sustainable creative community hub that encourages discovery and participation by locals and visitors.

Mission :

- To create a series of working and leisure areas to meet the needs of our community, now and into the future.
- To create a community place that encourages young people and the general community to become skilled and involved in the arts, trades, ecology and history of the area.
- To develop partnerships with the local community, business, State and Federal government agencies and local government.
- To develop surrounds that will further tourism by providing products and information tourists seek, contributing to the local economy.
- To encourage greater interaction between the local community and the indigenous community.

- To build upon existing attractions and activities to encourage visitors and tourists to enjoy their time in our region.

Prepared By: CRWA Inc Committee

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1. Business Overview

Outline of services

The Creswick Railway Workshops (CRW) is a community not-for-profit enterprise that will offer a range of creative learning opportunities for residents of the district and for visitors, friends and tourists.

The services offered will be determined by the needs of the whole community, including young people and our ageing population. The intention is to develop a community hub that positively engages with people and supports artistic and cultural pursuits to build resilience and wellbeing.

In addition, the intention is to provide a place of interest that engages with visitors and tourists and enhances their experience of Creswick. A significant ambition is to highlight local venues, products and services of interest and value to the Tourist market.

History

The Creswick Railway Workshops Association Incorporated (CRWA Inc) will occupy the Railway Precinct and begin operating as soon as Hepburn Shire Council signs a lease with VicTrack. There are many CRWA members and Friends with considerable expertise willing to assist with programs commensurate with their interests and experience.

In addition, the CRWA will enter into partnerships with other local groups to value add the interactions and activities offered within the district.

Point of difference

The enterprise will stand out from other businesses because:

- being a community based not-for-profit model, it has a different focus to other traditional businesses
- being managed by the community for the community, it will promote ownership and engagement of the Railway Workshops
- facilitating a skills-based learning program based on 'learning by doing', will appeal to young people and promote good outcomes
- embracing the vision of cross-generational exchange will assist to broaden experience and understanding within the community
- maintaining affordable services will assist emerging artisans to showcase their talents and give opportunity

- revitalisation of the heritage precinct into a vibrant community asset will build pride in the community
- the precinct will deliver new exciting options for local events and festivals
- promote other local products, services and places of interest to enhance visitor experience
- advance knowledge of the multicultural nature of the goldfields with an initial focus on Chinese and Indigenous communities
- create a special place, reflective of Creswick A Living History that builds its own identity and positive future.

Service benefits

The Railway Workshops aims to give 'opportunity with outcomes' so that people can learn new skills, whether they are young people learning life skills or Barista training or older people learning home carpentry or pottery.

The enterprise will be accessible to a wide range of people by being affordable, responsive to community needs and inclusive of all.

2. Products/Services

Service: now and ongoing

The overall program will be developed in synergy with community needs and available expertise, interests and resources. This will be determined in consultation with all local groups and business and via expressions of interest. In addition, the program will be flexible and responsive to enable emergent topical issues to be capitalised upon, such as the recent Illuminated by Fire Arts Program fully funded by Arts Victoria.

Gatherings such as the Council sponsored Community Summit (3/11/2010) give voice to the desires of the community and inform priority setting. The Creswick Ward Community Plan and other Council documentation also provide an appropriate and legitimate foundation for the CRWA Project

- Tourism enhancement via tours and links to tourist enterprises in the area.
- Space for artists, performers, musicians and fee-for-service workshops.

- Provision of a market outlet and Tea Rooms.
- Provision of a dedicated display area for local business to promote their products.
- Information board to promote local events.
- Special events to add momentum and interest – links with other festivals.

Initially, the range of available programs will be measured and conservative.

The initial focus will be on the Workshop Space, Writers (Literary Arts) Room and Art Gallery, as well as the establishment of the Tea Rooms.

The need for revenue to support the venture is also an important factor in the activity program. It is envisaged that the proposed Media Marketing & Event Management Sub-Committee will vigorously explore opportunities to advance sustainability of the precinct and to be innovative in formulating event programs.

Whilst the range of possible programs is large, there is a need to initially focus on achievable goals in order to establish the credentials and reputation of the venture. The success of this venture will be in its capacity to sustain innovative low cost services for the community by the productive cost efficient fee-for-service activities and other fund raising efforts and product sales. This is coupled with a marketing approach that targets affordability

Branding

A logo with the Railway Workshops name will be designed and implemented on all marketing material to enable brand recognition and to ensure a consistent image is maintained. This includes business cards, flyers, posters, articles, online business listings and the business website. The logo will represent the idea of community place making mindful of the existing Creswick branding 'A Living History'. The logo will be devised from input of CRWA members and the community. The visible promotion of the Creswick identity will promote unique place making and ownership so that the people of Creswick identify with the precinct as being their own, a place run by the community for the community.

The 4 themes of the logo are the basis for all CRW activity programs, so that there is a consistency in reinforcing the Creswick identity and product. This will enable the Railway Workshops to strongly support the Creswick branding campaign along with other business. These 4 themes are:

History & Heritage

Environment

Forestry

Arts & Culture

In addition, the CRWA is keen to vigorously support environmental sustainability by adopting a model that promotes good practice with a desire to embrace like-minded sponsors, advocates and alliances.

E.g. particular encouragement will be given to local producers of fresh local organic produce when establishing the CRWA Market Days.

Suppliers

In terms of suppliers, the not-for-profit enterprise will seek to be as cost efficient as possible, in all financial dealings. Suppliers for equipment and stock will be sourced from local community and associated business and service club sponsorship. The CRWA Committee will retain control over all suppliers to ensure quality and product suitability.

3. Business Structure and Management

Structure

The structure of the enterprise is that the CRWA Inc Committee will be the Committee of Management. The CRWA is an incorporated body under the Associations Incorporation Act (1981) with Consumer Affairs Victoria and has adopted the standard Model Rules. There are 4 office bearers; President, Vice President, Treasurer and Secretary, with 2 ordinary members to form a Committee of 6 persons.

The annual membership fee is \$5.00 that will be reviewed yearly. Members vote at the AGM to elect the Committee. The accounts and books are available for inspection by any member of the Association at any time in accordance with the Rules. The CRWA Committee will engage the assistance of the local Bendigo Bank, at which the CRWA Inc account is held, in auditing the accounts prior to the Annual General Meeting.

The benefit that CRWA members get is an opportunity to participate in a rewarding community activity with a chance to preserve and revitalise an important heritage

icon. In addition, they are recognised for making a contribution to an exciting community project.

Many CRWA members are also involved in other community groups such the Neighbourhood Centre, U3A, CADRA, the Men's Friendship Shed and others. This assists in sharing information and relationship building for the benefit of the whole community.

It is envisaged that for each planned and agreed programmed activity, a convenor from that specific sub-committee will retain overall responsibility and accountability. Regular reporting to and oversight by the Management Committee will be a shared expectation and operating principle. This will be clearly spelt out and endorsed by the Management Committee.

The CRWA will enter into a Memorandum of Understanding (MOU) with the Hepburn Shire Council (HSC) based upon the VicTrack Lease signed by HSC as the lessee. The CRWA has prepared an Annual Work Plan and a Special Conditions Paper that addresses the Special Conditions and Annexures that form part of the Lease Agreement and MOU.

The need for paid employees within the Precinct may arise at a future time. The CRWA will seek to fund such a position via community operations grants or sponsorships. The assistance of volunteers will underpin this project. The contribution of in-kind support in exchange for display time or other co-operative arrangements will be of benefit in financial offsets and building collective engagement and ownership.

CRWA available expertise covers a broad range of industry groups and life experience, including youth work, all facets of building and construction, heritage restoration, hospitality, graphic design, tourism and marketing, business ownership, accounting skills, artists and artisans, safety professionals, metal fabrication, mechanical and electrical, music and performance, literary, vocational employment skills, teachers, project managers, landscape design, engineers, professional photographers, horticulture and community development and political lobbyists.

E.g. qualified chefs with training certification able to teach food preparation and hospitality skills.

E.g. special class tradesmen with skills capable of conducting classes in heritage building repair and maintenance, including timber restoration, masonry and brickwork.

E.g. vehicle restoration and welding using qualified metal shapers and fabricators.

4. Market Analysis

Target audience

The target audience is two fold, local Creswick and district residents and visitors and tourists. Local district can extend to Maryborough, Daylesford, and Ballarat.

The holistic view taken by the CRWA is that the Railway Precinct is there for everybody, young and old, able-bodied and disabled. The positive benefits of providing a place where retired folk can still utilise their considerable skills is attractive in terms of the wellbeing and satisfaction that people obtain by such activities. Volunteerism is alive and well in Creswick with a large number of Clubs and Groups in place. The Australian Bureau of Statistics advises that within Hepburn Shire in 2008, some 30% of the population are involved in unpaid voluntary activities.

The need for young people to find their place within a community is also important and the CRWA is committed to working with the Hepburn Shire Council Youth Team to develop activity programs that are diversionary in a positive sense, and productive in a skills development sense.

The importance of family connectedness means that families and children are also a consideration that the CRWA will factor into program planning. There are few places for families to get together and engage in fun activities in Creswick.

The vision of the CRWA is that in 5 years the Railway Workshops will be a vital part of the Creswick community, integrated in the regular activities of locals, visitors, friends and relatives as well as a place known within the tourist market.

Location

The location of the enterprise is the heritage Creswick Railway Station and Goods Shed, which sit in an elevated position above the central town area within easy walking distance of the local Post Office.

Market trends

The region has an ageing population, which is a general trend within the Shire. Many new residents relocate to the region from Melbourne when they reach retirement age. Creswick will experience continued growth due to its reasonable real estate prices and good community structure and friendliness.

There are 2 primary schools nearby and one pre-School Centre with a Child Care Centre under construction. A major recreational facility is under construction in a nearby area.

Ballarat is located some 15-20 minutes from Creswick and there is a regular bus service. Many residents commute to Ballarat for medical, employment and retail needs and some folk, who obtain work in Ballarat, chose to live in this rural village environment of Creswick.

There is also a proposal to create a community market in conjunction with other local organizations. Overall, this will be a diverse market including fresh local produce, arts & crafts, books and a recycled quality goods market. It will be held on a regular basis and will raise funds to assist with the sustainability of the enterprise.

People are becoming more attuned to the notion of recycling and sustainability with renewed interest in farmers markets where local fresh produce can be purchased.

The Railway Workshops aims to create unique experiences for tourists so that Creswick has a 'product' that differentiates it from other tourist areas.

The CRWA market will focus on quality fresh produce and art/craft items and complement other local markets, such as the current monthly Neighbourhood Centre Market. Into the future it is hoped that some more permanent outlets may be established between markets so that there is always a market or event happening in the town each weekend.

The CRWA aims to value add the experience of visitors and tourists in the sense of making their time in the area memorable and satisfying so that they will return. This will support this project and also contribute to economic prosperity within the town.

Price range

The Hepburn Shire region is a mix of high and low-income earners. Many residents are older people and receive government support or are self funded retirees. The program will be mindful of the need to cater to all community members and therefore price will be carefully assessed.

The Tourist market may not have the same constraints as lower income residents, however it is envisaged that there will be a range of prices for various products with the mindfulness of having 'something for everyone' as a general principle. It is important that no one sector feels excluded from being a part of this precinct.

Those who exhibit will set their own prices for their own work, however there will be some innovative thinking to support the philosophy of having 'something for everyone'.

5. Competition

Competitor's profile

The CRWA does not see any other enterprises or service organizations as true competitors. It sees that there is value in diversity and choice. There may be some overlap and some duplication however the CRWA will endeavour to minimise such factors by working closely with other community groups and business to the benefit of the whole community in terms of choice. The CRWA understands the need to engage with other local business and their representatives to ensure clear understanding and communication about retail matters.

Decision-making will be undertaken mindful of the effect upon the whole community. The CRWA Committee will encourage business to use the Precinct as an extension to their marketing plan on a fee or commission basis.

E.g. Seeding Victoria will be encouraged to have a presence at the Railway Workshops to invite and draw visitor's friends and tourists to their enterprise. This will enable them to have a more visible presence closer to the centre of the town.

E.g. local collectable stores will be invited to have a presence at the Precinct and Market, which will effectively expand their market exposure and build variety and momentum. Such a business would be encouraged to place quality items within the Precinct.

Service edge

The CRWA aims to provide a unique experience for all who walk through the gates of the precinct. It will do this by utilising the skills, attributes and human energy of those involved with the project. The service edge will come via a dynamic and friendly atmosphere in a precinct infused with positive momentum. Leadership, planning and co-operation will be critical to the development of such a place as is the engagement and goodwill of the local community.

Price and promotion comparison

The price for goods and services will be kept within an affordable range. The innovative concept of 'pay what you feel it is worth' is being explored for the Tea Rooms in order to give social equity to lower income persons and families. However, irrespective of what model is adopted, the costs will be kept as low as reasonably practicable to be sustainable.

Price setting that is appropriate and a marketing approach that targets affordability will make these facilities as accessible as possible.

6. Marketing Strategy

Promotion

The CRWA plans to be active in the area of promotion by using available networks and media outlets via a specific Media Marketing and Event management Sub-Committee. A budget will be set for these activities but innovation in managing the budget will be critical.

Word of mouth and the Visitor Friends and Relatives tourist market will be most important to the building up of interest and return visits. In addition, target groups will be invited to participate and become Friends and sponsors of various events. A

local marketing mentor is being considered to support the initial stages of CRW operations.

The intention to have several high profile and marketable exhibitions and events in the first 6 months will be explored vigorously.

The CRW Logo and branding will be established and actively promoted via the assistance of artistic graphic designers who are also CRWA members. A dedicated web site will be established to support links with local and regional Tourist websites and beyond.

Printed materials will include information cards, badges, bookmarks, postcards, posters, brochures, banners and other information of interest.

Measuring success

The evaluation of the success of this venture will be measured in terms of the numbers of people who attend and participate, the sustainability of the financials and the outcomes for individuals in terms of the quality of life and social interaction. The progress to further skills development of young people involved in CRW activities will also be a positive sign of the success of the enterprise. The culture of acceptance and inclusiveness together with an awareness of the need to enhance social equity will also be a positive indicator. The development of solid, co-operative linkages with other local networks, community groups, governmental agencies and business will also be a sign that the CRW is meeting its mission.

7. Finances

Finance

Initial funding will be via CRWA fund raising, donations and sponsorship. One local business has offered to support the project by donating funds towards the HSC lease payments.

CRWA membership raises a small amount of funds, however the Fund Raising sub committee will be active in planning fund raising activities for a 12-month period. A local endeavour aims to set up a volunteer manned recycled shop to raise funds for the CRWA. Other local business groups will also be approached with requests for financial assistance.

The proposed market will generate funds as will the use of the display areas for tourism product display. There is also a capacity to gather funds via exhibitions, events and hiring out of space. There will be opportunity to permit special event photography to be conducted within the precinct, which can also

raise revenue. Early activities such as those conducted in the Workshops will generate income for the CRWA project.

The enterprise has no employees and all work is voluntary in nature. Initially the precinct will be open only at certain days and hours until the activities and human resources gain greater momentum to permit greater accessibility.

8. Action Plan

Key Objectives	Task	By Whom	By When
Establishment			
	Secure CRWA incorporation	Done	Sept2010
	Research initial activities and management plans	Committee	Mar2011
Finalise premises	- MOU agreement - VT Redecorate review - Finalise set up	Committee	Mar 2011
Legal			
Contracts			
	Finalise contracts	CRWA & HSC	Dec2010
	Sign MOU	Committee	Dec 2010
Finance			
Determine fixed overheads	Estimate overheads (\$3000 - \$3500 pa)	Committee	15 Dec
Determine financial objectives	To be sustainable To meet obligations	Committee	
Finalise budget		Committee	Mar2011
Explore grants		Committee	Jan2011
Marketing			

Determine marketing objectives		Committee	Jan 2011
Determine launch plan	Outline plan	Committee	Jan 2011
	Agreement and decision on implementation	Committee	Feb 2011
Create a brochure	Agree concept	Committee	Mar 2011
	Approval of copy	"" ""	Mar 2011
	Print	"" ""	April 2011
	Distribute brochure	"" ""	April 2011

12.2 HEATWAVE PLAN GENERAL MANAGER SUSTAINABLE DEVELOPMENT

PURPOSE

This report presents the Hepburn Shire Council Heatwave Plan 2010 for Council's consideration and adoption. A copy of the Heatwave Plan is available under separate cover.

BACKGROUND

As a result of the bushfires in the early part of 2009 the State Government has declared that all Councils should have a heatwave strategy in place to compliment the emergency response to any future bushfires. This decision is based on the death of 347 people last summer as a direct result of extended hot periods of weather which were over and above the comparable figure of the past 5 years.

At the Ordinary Council Meeting on 20 October 2009, Council adopted the Interim Heatwave Strategy for the 2009-2010 period. A further update report was provided to Council in April 2010 and the interim document has been included in the revised Municipal Emergency Management Plan.

In the October 2009 report, it was also noted that the consultation period for the Municipal Public Health Plan and the Heatwave Plan would be performed at the same time. As the production of the Municipal Public Health Plan has not yet commenced, it was decided to implement the Heatwave Plan separately to ensure that the Hepburn Shire was ready for the upcoming 2010 summer season.

ISSUE/DISCUSSION

The Heatwave Plan aims to minimise the harmful effects of extreme heat on the health and wellbeing of the most vulnerable people in our community.

The Bureau of Meteorology defines a heatwave as a period of excessively hot and uncomfortable weather that adversely affects human health. The threshold conditions for a heatwave vary around the world based on the demographic structure and acclimatisation of the population, and consequently there is no universally accepted definition.

A heatwave is generally defined as when 'temperatures remain abnormally high over more than a couple of days'. Preliminary research has indicated that a mean daily temperature of 30°C or a minimum overnight temperature in Hepburn Shire of 26°C can result in an increase in mortality in people aged 65 years and over.

Heatwave thresholds are calculated by dividing the forecast daily maximum temperature and the forecast minimum temperature for the following day by two. For example, if the forecast maximum is 38 degrees and the forecast minimum is 25, the resulting temperature calculation of 31.5 degrees would be above the 30 degree threshold and the plan would be activated.

The aims and objectives of the Heatwave Plan (Refer Attachment X) are to:

- Provide a co-ordinated plan to guide agency responses
- Minimise heat related mortality and morbidity in the population by increasing the public's awareness of the hazards of heat
- Raise community awareness of extreme heat event risks to vulnerable members of the population
- Identify effective strategies, agency co-ordination and response planning to address such risks
- Implement and activate the plan successfully
- Conduct a review process prior to each summer period
- Ensure health information and support is readily available to the community
- Ensure support to vulnerable population groups and their carers
- Increase understanding of heatwave planning in the community.

By the time a heatwave starts, the window of opportunity for effective actions is very short. A robust heatwave warning and intervention system, combined with good community education programs for preparedness, can prevent most heatwave deaths and provide a high level of care to the community. Prior preparedness is critical.

The Heatwave Plan also documents the monitoring and alert process, emergency contacts for heatwave incidents, an advice sheet as well as the staged response to heatwave hazards. The proposed heatwave alert stages are:

- **STAGE 1: Awareness**
Awareness will commence at the end of November each year. The Department of Health will provide heatwave health information to Councils across the State. This information will be disseminated to the community where applicable via the Communications Officer, Manager Aged and Disability Services, Senior Environmental Health Officer and through other stakeholders such as Hepburn Health Services.
- **STAGE 2: Alert**
Alert will commence upon Hepburn Shire Council receiving a heatwave warning from either the Dept. of Health or the Bureau of Meteorology. This alert will trigger the relevant officers to disseminate the warning to the community and vulnerable groups.
- **STAGE 3: Heatwave Response**
Heatwave Response occurs during the heatwave event. The dissemination of information continues as outlined in the Alert Stage of the response.

Information as to what symptoms to watch out for should be disseminated to these at risk community members or made aware of where they can obtain this information.

- **STAGE 4: Heatwave Recovery**
Heatwave Recovery is triggered when a heatwave is exacerbated by severity, length, blackout or another emergency. Upon this occurring, either the Municipal Emergency Response Coordinator (MERC) or the Municipal Emergency Response Officer (MERO) will declare the Municipal Emergency Control Centre (MECC) open.

The Municipal Emergency Resources Officer (MERO) has overall responsibility for the management of the plan, and is supported by the Manager Aged and Disability Services and the Environmental Health Department.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

From the Council Plan 2009-2013:

44. Continuing to provide high quality, comprehensive aged and disability services to the frail aged, disabled and their carers across the Hepburn Shire.

49. Involving communities in emergency response preparedness.

Legislative framework is provided by Victorian Government Acts of Parliament. These Include:

- The *Emergency Management Act 1986* – requiring the development and maintenance of a Municipal Emergency Management Plan;
- The *Local Government Act 1989* – requiring Councils to service the needs of the public including local emergency and safety services;
- The *Public Health and Wellbeing Act 2008* – requiring Councils to develop and maintain a Municipal Public Health Plan.

The Department of Human Services has strongly encouraged all local governments to develop Heatwave Plans and sees them as forming part of the public health and emergency management roles of Council.

FINANCIAL IMPLICATIONS

A \$25,000 grant was approved to assist in the development of the heatwave plan. This grant has covered all costs surrounding the production of the interim and full document in terms of staff costs and production of the plan. It will also cover the education component of the plan.

RISK IMPLICATIONS

The purpose of the Heatwave Plan is to mitigate the potential risk of heatwave incidents on the community. There is a consequent automatic accountability on Council to follow the processes identified in the Plan.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are natural social implications should the full effects of a heatwave take effect and an appropriate Heatwave Plan not be in place. There will be economic implications should the plan need to be activated on Council.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation was undertaken with a range of health, disability and aged care services and facilities.

There was community engagement to Level 1 of the Community Engagement Framework to date, with further education at Level 2 if adopted by Council.

CONCLUSION

The Heatwave Plan will increase the capacity of Hepburn Shire Council to respond to the prospect of heatwaves in the Shire. It will enable Council to further identify and support the needs of the frail aged population in our community during times of extreme heat.

In adopting this Heatwave Plan Council will have clear directional options in the event of a prolonged heatwave incident.

OFFICER'S RECOMMENDATION

That Council:

12.2.1 Adopt the Heatwave Plan for the 2010-2014 period

12.2.2 Link the Heatwave Plan to the Municipal Public Health Plan

12.2.3 Link the Heatwave Plan to the Municipal Emergency Management Plan.

MOTION

That Council:

12.2.1 Adopt the Heatwave Plan for the 2010-2014 period

12.2.2 Link the Heatwave Plan to the Municipal Public Health Plan

12.2.3 Link the Heatwave Plan to the Municipal Emergency Management Plan.

Moved: Councillor Jon Barrell
Seconded: Councillor Bill McClenaghan
Carried.

13.3 CODE RED DAY ARRANGEMENTS GENERAL MANAGER SUSTAINABLE DEVELOPMENT

PURPOSE

To review Council's *Code Red* Day closure procedure and to present the recommendation for Council's consideration.

BACKGROUND

On 15 December 2009 the Council adopted a Code Red Policy consistent with Victorian State Government Policy. The Code Red Policy outlines the organisational response to days declared Code Red Fire Danger Rating Days by Bureau of Meteorology (BoM).

The Policy suspends services and closes facilities in towns and surrounding districts of Trentham, Daylesford, Hepburn Springs, Creswick on Code Red Fire Danger Rating Days for reasons of staff, contractor and community safety. All aged and disability services will be suspended beyond these towns to all clients across the Shire.

In adopting this Policy in December 2009 Council also resolve to revisit the policy post the 2009/10 bushfire season. The policy review also awaited the final Bushfire Royal Commission Report handed down on 31 July 2010.

ISSUE/DISCUSSION

Generally

The 2009/2010 Bushfire season did not result in a Code Red day declared for the Central Fireband District. Therefore Council has not to date "tested" this Policy. However, the obligation of Council as an employer to provide a safe work place to employees on declared Code Red Fire Danger rating days remains.

Victoria has adopted the nationally agreed Fire Danger Rating scale to help communities understand information about fire danger. This scale recognises the significant increase in severe bushfire conditions over the past decade and the subsequent greater level of danger to the community, as experienced on Black Saturday, 7 February 2009. A Fire Danger Rating is a prediction of fire behaviour, including how hard it would be to put out a fire once it starts.

Due to increasing risk and impact of bush fires it is essential Council has clear plans to protect both its staff and our community.

Every day during the fire season the BoM forecasts an outlook of the fire danger index (FDI) by considering elements of the predicted weather including temperature, relative humidity, wind speed, and dryness of vegetation. When determining the Fire Danger Rating, fire agencies, in consultation with the BoM, consider a range of other factors relating to that area and day.

These factors include:

- The length of time the fire danger index has been elevated
- Extent of fire already in the landscape
- Fuel and dryness
- Likelihood of weather events such as lightning and grass fuel conditions.

Of particular concern are the four designated high fire risk towns in the shire. To ensure the safety of staff and the community and in keeping with State Government policy and Council's obligation to provide a safe working environment for staff, it is recommended that on all Code Red Fire Danger Rating days from 12 midnight to 12 midnight all services and facilities not operate in the high fire risk towns; Daylesford, Trentham, Hepburn Springs and Creswick.

Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with Emergency Management procedures.

State Government Policy

The Council Policy is in line with State Government policy from the Department of Education and the Central Highlands Library Corporation.

For the 2010 bushfire season, schools, kindergartens and child care facilities determined by the Department of Education to be at high-risk of fire danger were placed on a Bushfire At-Risk Register.

Inclusion on this register was a trigger for the school, kindergarten or child care facility to close on days declared by fire authorities as being Code Red.

The process of determining which schools, kindergartens and child care facilities are included on the register involves the facilities themselves, the Department's Regional Offices, the Catholic Education Commission of Victoria, the

Independent Schools Association of Victoria, the Municipal Association of Victoria and information from fire and emergency services.

The following Department of Education facilities (identified on their website at <http://www.education.vic.gov.au/about/bushfires/register.htm>) will be closed within Hepburn Shire on Code Red days as of 8 October 2010:

BULLARTO	Bullarto Primary School	131 South Bullarto Road
CRESWICK	Creswick & District Preschool	24 Victoria Street
CRESWICK	Creswick Learning Centre	7 Victoria Street
CRESWICK	Creswick North Primary School	Mac Street
CRESWICK	Creswick Primary School	Napier Street
CRESWICK	St Augustine's School (Creswick)	Napier Street
DAYLESFORD	Daylesford Dharma School	11 Perrins Street
DAYLESFORD	Daylesford Kindergarten	81 West Street
DAYLESFORD	Daylesford Preschool	20 Central Springs Road
DAYLESFORD	Daylesford Primary School (including Drummond and Yandoit annexes)	102-128 Vincent Street
DAYLESFORD	Daylesford Secondary College	39 Smith Street
DAYLESFORD	St Michael's School (Daylesford)	Smith Street
HEPBURN	Hepburn Primary School	Main Road
HEPBURN SPRINGS	Hepburn Kindergarten	2 Golf Links Road
TRENTHAM	Trentham District Primary School	Bridge Street
TRENTHAM	Trentham Kindergarten	23 Bridge Street

The Central Highlands Library Corporation has similarly determined to close the libraries in the four high risk fire townships on days declared Code Red Fire Danger Rating as part of their extreme weather policy. Specifically, libraries in

Daylesford, Creswick, Clunes and Trentham under a Code Red rating will not open until the risk is lowered.

Other Municipalities

The current arrangements (refer to Procedure issued under separate cover) are generally in line with that of other surrounding municipalities regarding services and staffing arrangements in areas located in the 52 high risk towns.

Moorabool Shire Council

The Council has a policy where on Code Red days, staff, contractors, councillors and volunteers will not be permitted to either work in or travel to or through declared Fire Prone areas and all Council owned facilities in the declared Fire Prone areas will be closed to the public.

Council offices remain open in Ballan and Bacchus Marsh (neither town is declared among the 52 high fire risk towns.)

Macedon Ranges

Closes all facilities and work places in areas included in the 52 high fire risk towns, which include Macedon and Woodend.

Offices remain open in Kyneton and Gisborne. These towns are not among the 52 high risk towns.

Mt Alexander

The township of Castlemaine is declared among the 52 high fire risk towns. The Council does not close its offices (both of the Council's Offices are located in Castlemaine) on Code Red Days. The Council is planning to review its Code Red Day arrangements before the fire season.

MEMPC Motion

In addition, Council's *Code Red* Day procedure was raised at the Municipal Emergency Management Planning Committee meeting on 3 November 2010. In response MEMPC Chair Cr Bill McClenaghan proposed the following motion which was subsequently carried.

Motion: *That Council review its Code Red Day arrangements with a view to Council conducting business as normal on Code Red Days.*

Moved: *Andrew Guiney (Vic Pol)*

Seconded: *Alfred Mason (CFA)*

Discussion at the Meeting highlighted community concern regarding the perception of “deserting” the community if the Council Offices close for Code Red days.

This perception appears to exist despite all Hepburn Shire Council Emergency Management Staff being on standby on Code Red days ready to respond should an incident occur and the Municipal Emergency Coordination Centre (MECC) being on standby.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009-2013:

4. Ensuring that the Hepburn Shire Council is an employer of choice, offering a safe and equitable workplace, also ensuring that employees are offered opportunities for professional growth.
49. Involving communities in emergency response preparedness and ensuring our response plans are sufficiently robust to deal with not only the familiar emergencies like bushfire but possible emergency crises like fuel shortages or widespread financial distress.

FINANCIAL IMPLICATIONS

There are financial implications when staff members are instructed not to attend the workplace, business ceases to operate and services are disrupted. The cost is variable depending on the number of Code Red Days declared each year.

Whilst it is acknowledged that business continuity arrangements may be able to be put in place for some staff, such as operating from home via laptops and mobile broadband, there will be other staff where this is not possible. As an organisation all staff will be paid if they work at Council facilities or normally operate in one of the four high fire risk townships and due to the declaration of a Code Red day and Council’s closure policy are unable to attend work.

RISK IMPLICATIONS

Risks to be considered include:

- Withdrawal of services to the community.
- Requiring staff to attend the workplace on a *Code Red* during a fire incident.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There may be social and economic implications through the disruption of Council business and impacts on the local community and businesses.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council's Communications Plan – Code Red Days will be communicated to the general public as part of media releases and advertisements (print media and website).

CONCLUSION

Council continues to have a responsibility as an employer to provide a safe working place to employees on declared Code Red Fire Danger rating days.

OFFICER'S RECOMMENDATION

That Council:

13.3.1 For reasons of staff and community safety not operate any services or open any facilities in Trentham, Daylesford, Hepburn Springs and Creswick on Code Red Fire Danger Rating days

13.3.2 Formally notify Section 86 Committees of Management and Contractors of Council's policy direction for Code Red Days.

13.3.3 Strongly recommend to lessees of Council facilities in these towns that they develop procedures in line with CFA recommended action on Code Red Fire Danger Rating days

MOTION

That Council:

13.3.1 For reasons of staff and community safety not operate any services or open any facilities in Trentham, Daylesford, Hepburn Springs and Creswick on Code Red Fire Danger Rating days

13.3.2 Formally notify Section 86 Committees of Management and Contractors of Council's policy direction for Code Red Days.

13.3.3 Strongly recommend to lessees of Council facilities in these towns that they develop procedures in line with CFA recommended action on Code Red Fire Danger Rating days

13.3.4 Council will operate on Code Red days

Moved: Councillor Sebastian Klein

Seconded: Councillor Tim Hayes

Not carried.

PROCEDURAL MOTION

That consideration of the Code Red Day Procedure be deferred.

Moved: Councillor Bill McClenaghan

13 INFRASTRUCTURE:

13.1 APPOINTMENT OF HEPBURN SHIRE FREIGHT STRATEGY STEERING COMMITTEE GENERAL MANAGER INFRASTRUCTURE

PURPOSE

The purpose of this report is to consider the appointment of members to the Hepburn Shire Freight Strategy Steering Committee.

BACKGROUND

Council at its meeting on 17 August 2010 approved the formation of a Steering Committee to oversee the development of a Freight Strategy for the Shire.

The Steering Committee is to consist of the following:

- 2 Councillors
- 2 Representatives of the Transport Industry
- 1 VicRoads Representative
- 1 Tourism Representative
- 2 Members of the general public (community)
- General Manager Infrastructure
- Manager Engineering Services
- Manager Planning

ISSUE/DISCUSSION

An advertisement seeking Expressions of Interest for the Steering Committee was placed in the *The Courier, Ballarat, The Advocate* newspapers and on Council's website.

Council received the following three nominations:

1. David Preston – Creswick – operator of GDP Transport,
2. David Marshall – resident – Stanbridge Street, Daylesford,
3. Brian Rowe – resident – Smeaton.

VicRoads have yet to respond to Council's request for a nominee and Council's Manager Economic Development and Tourism is pursuing a Tourism representative.

In order to progress this project, it is suggested that the Committee be formed with those who have nominated as we may be able to get more interest once the project commences.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009-2013:

We will deliver Good Governance to the Hepburn Shire

22. Requiring Council Management to prepare policies and protocols which support transparent decision making.

FINANCIAL IMPLICATIONS

The cost of the appointment of a consultant to prepare this strategy will be provided by the Infrastructure Services budget.

RISK IMPLICATIONS

The preparation of a strategy will reduce the risk of unauthorised use of Council roads by freight vehicles by defining clear routes.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The strategy will provide clear direction on freight routes, provide greater funding opportunities and greater certainty for the community on the use of their roads.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nominations to the Committee were publicly advertised in September 2010 in local newspapers and on Council's website.

Community consultation will be required in the development of the strategy.

CONCLUSION

That Council adopt the Officer's recommendations.

OFFICER'S RECOMMENDATION

That Council:

13.1.1 proceed with the formation of Hepburn Shire Freight Strategy Steering Committee to oversee the development of a freight strategy.

13.1.2 Appoint David Marshall to the Steering Committee as a representative of the general public (community).

13.3.3 Appoint Brian Rowe to the Steering Committee as a representative of the general public (community).

13.1.4 Appoint David Preston to the Steering Committee as a representative of the Transport industry.

13.1.5 Nominate two Councillors to the Hepburn Shire Freight Strategy Steering Committee.

MOTION

That Council:

13.1.1 proceed with the formation of Hepburn Shire Freight Strategy Steering Committee to oversee the development of a freight strategy.

13.1.2 Appoint David Marshall to the Steering Committee as a representative of the general public (community).

13.3.3 Appoint Brian Rowe to the Steering Committee as a representative of the general public (community).

13.1.4 Appoint David Preston to the Steering Committee as a representative of the Transport industry.

13.1.5 Nominate two Councillors to the Hepburn Shire Freight Strategy Steering Committee at the December Statutory Meeting.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

Councillor Bill McClenaghan left the Meeting at 10.34pm due a Conflict of Interest and returned at 10.40pm.

13.2 WASTE MANAGEMENT STRATEGY DEVELOPMENT GENERAL MANAGER INFRASTRUCTURE

PURPOSE

The purpose of this report is for Council to consider the process for the review of waste services and preparation of a Waste Management Strategy for Hepburn Shire.

BACKGROUND

Council plays a key role in protecting the environment and meeting the needs and expectations of the community in regard to waste management services.

This project is to undertake a comprehensive review of Council's waste management services and prepare a Waste Management Strategy for the next five to ten years.

Currently, Council provides a weekly kerbside garbage and fortnightly recycling collection service to the waste collection districts of Daylesford, Hepburn Springs, Creswick, Clunes and Trentham. Council also provides a fortnightly kerbside recycling only collection service to the township of Glenlyon.

Rationale for proposed review

- Review of existing services provided.
- Opportunities for recovery of resources within the waste services provided by Council and other potential opportunities,
- With a significant number of residents living in rural areas, Council receives requests from residents to provide kerbside collection to rural communities. The potential for an extension of a rural kerbside collection will be considered in the strategy and Council has expressed that green house gas emissions be considered in any extension of a rural kerbside garbage service.
- Undertake a strategy considering the effects of National, State Government and Regional waste management policies.
- A comprehensive and integrated waste management strategy is expected to improve waste management services and improve cost effectiveness.

- The strategy will provide direction to Council to determine long term service contracts required for waste services.

ISSUE/DISCUSSION

The Strategy is to provide the direction for Council to implement a waste management strategy that meets the needs of the community. The strategy will provide guidance for efficient service delivery, taking into account future demand, emerging new technologies and existing best practices applicable to municipal waste management.

The proposed strategy will cover, as a minimum, the following current waste services:

- Opportunities for recovery of resources within the waste services and linking this to regional and state initiatives
- Kerbside domestic and commercial garbage collection service
- Kerbside domestic recycling collection service
- Operations of Municipal Recycling and Sorting Facility (MRF)
- Operation and Management of Transfer Stations
- Supply and cartage of waste from transfer stations
- Litter and public recycling collection service
- Special events and recycling
- ChemClear, DrumMuster, tyre and oil recycling, *Detox your home* service
- Supply of waste disposal vouchers
- Green waste disposal and processing
- Hard waste collection in Clunes
- Unit cost comparisons.

The Waste Management Strategy will also consider community waste education requirements based on an assessment of the community waste disposal behaviour.

Simply, the strategy will consider various service delivery options and make recommendations for Council consideration.

In reviewing the current waste service contracts and in formulating the Waste Management Strategy, the consultant is required to consult with stakeholders including Government agencies such as Council's Environmental and

Sustainable Advisory Committee (ESAC), Environment Protection Authority (EPA), Department of Sustainability and Environment (DSE), Sustainability Victoria (SV), waste contractors and resource recovery businesses, local schools, Central Highlands Regional Waste Management Group and neighbouring Councils.

The consultant must undertake a community consultation process in reviewing/formulating the strategy. The community consultation process and communication plan to the public must be included in the tender/quotation submission for Council approval.

It is proposed that the preparation of the Waste Management Strategy be overseen by a Steering Committee comprised of:

- 2 Councillors
- 3 Member of the general public (community)
- General Manager Infrastructure
- Manager Assets and Engineering Services
- Waste Officer
- Sustainability Co-ordinator.

The Committee would finalise the brief and make a recommendation to Council on the appointment of the consultant to undertake the review of waste services and preparation of the Waste Management Strategy to ensure a quality outcome.

The consultant will be required to meet with the Steering Committee on a regular basis, at least five times during the preparation of the Strategy.

It is anticipated that new contracts based on the Waste Management Strategy will be awarded in early 2012 for commencement in July 2012. Therefore, the consultant would be required to present the final draft of the Waste Management Strategy in mid 2011.

A draft consultant's brief for the review of Council's waste services and preparation of a Waste Management Strategy for Hepburn Shire has been prepared for Council consideration and is attached (Attachment 7).

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009-2013:

74. Reducing the waste taken to landfill by encouraging waste minimisation practices and investigating options for the extension of the kerbside collection service and community recycling drop-offs.

FINANCIAL IMPLICATIONS

The estimated cost to prepare the Waste Management Strategy is in the order of \$55,000. This cost has been provided for in the Infrastructure Waste Management budget.

RISK IMPLICATIONS

A comprehensive community supported waste strategy reduces the likelihood of dissatisfaction with the services provided, increases the sustainability of the service and the likelihood of more efficient services.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

- An opportunity to fully utilise the resources generated within the municipality.
- Possible creation of more employment and attraction/strengthening of industry.
- Provide a sustainable and efficient service for residents

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation with stakeholders including Government agencies such as such as Council's Environmental and Sustainability Advisory Committee, Environment Protection Authority (EPA), Department of Sustainability and Environment (DSE), Sustainability Victoria(SV), waste contractors, local schools, Central Highlands Regional Waste Management Group and neighbouring Councils.

The Consultant in preparing the Waste Strategy will undertake a community consultation process and public communication plan will be provided to the Steering Committee

CONCLUSION

That Council adopt the Officer's recommendation.

OFFICER'S RECOMMENDATION

That Council:

13.2.1 Approve the formation of a steering committee to oversee the review of waste services and preparation of a Waste Management Strategy generally in accordance with the consultant's brief attached.

13.2.2 That the Steering Committee be comprised of:

2 Councillors

3 Members of the general public (community)

General Manager Infrastructure

Manager Assets and Engineering Services

Waste Officer

Sustainability Co-ordinator.

13.2.3 Advertise for expressions of interest from members of the general public (community) to participate on the Hepburn Shire Waste Management Strategy Steering Committee.

MOTION

That Council:

13.2.1 Approve the formation of a steering committee to oversee the review of waste services and preparation of a Waste Management Strategy generally in accordance with the consultant's brief attached.

13.2.2 That the Steering Committee be comprised of:

2 Councillors

3 Members of the general public (community)

General Manager Infrastructure

Manager Assets and Engineering Services

Waste Officer

Sustainability Co-ordinator.

13.2.3 Advertise for expressions of interest from members of the general public (community) to participate on the Hepburn Shire Waste Management Strategy Steering Committee.

Moved: Councillor Don Henderson

Seconded: Councillor Sebastian Klein

Carried.

Attachment 7
Item 13.3
CONSULTANT'S BRIEF – WASTE MANAGEMENT



Strategic Review of Waste Services and Preparation of a Waste Management Strategy for Hepburn Shire Council

Consultant's Brief

DRAFT DOCUMENT AS AT 10/11/2010

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INTRODUCTION

Tenders are invited from suitably qualified and experienced consultants to undertake a strategic review of current waste services and prepare a comprehensive Waste Management Strategy (The Strategy) for Hepburn Shire Council for the next 5 to 10 years.

The consultant is to review existing waste management services, practices and facilities, and recommend future waste management requirements for Council and its community. The review must include current waste services such as:

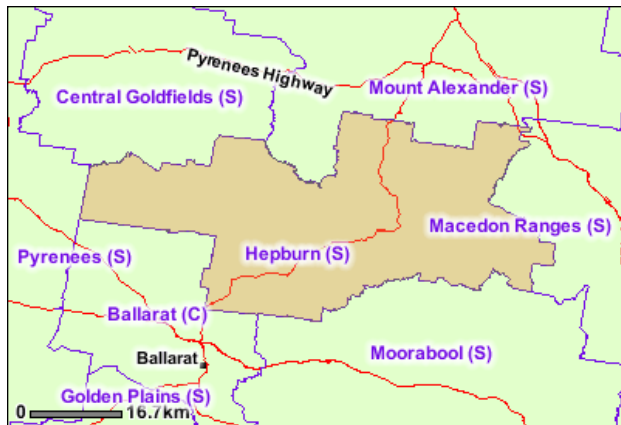
- Kerbside domestic and commercial garbage collection service
- Kerbside domestic recycling collection service
- Operations of Municipal Recycling and Sorting Facility (MRF)
- Operation and management of Creswick, Daylesford and Trentham Resource Recovery Centres and Transfer Stations
- Supply and cartage of hook lift bins
- Litter and public recycling collection service
- Special events and recycling
- ChemClear, DrumMuster, tyre and oil recycling, *Detox your home* service
- Supply of waste disposal vouchers
- **Greenwaste recycling and composting**
- Hard waste collection in Clunes
- **Reuse and recycling of electronic waste**

The Strategy must include a prioritized implementation strategy to ensure existing waste management “best practices” and emerging new technologies are considered in the medium to long term. Council requires the Consultant to canvass innovative ideas and “think outside the square”, in the development of Waste Management Strategy. **The focus must be on encouraging the recovery and reuse of different materials and improving efficiency in resource use.**

Council has strategically positioned most of its current major waste management contracts to be completed by June 2012. This will facilitate the Council to enter into new waste management contracts based on the recommendations expected from this study.

SHIRE PROFILE

Hepburn Shire is located in central Victoria, just over an hour from Melbourne. The City of Ballarat joins the Shire to the west and Bendigo is nearby to the north.



The Shire's population is approximately 15,000 (June 2006). The population is projected to reach 17,000 by 2021. The Shire's main townships are Daylesford/Hepburn Springs with 3,500 residents; Creswick with 2,480 residents; Clunes with 920 residents and Trentham with 710 residents. The remaining 6,710 residents live in more than 30 towns, villages and rural locations, scattered throughout the Shire.

Hepburn Shire's geography is varied and the region is renowned for its natural beauty and mineral springs reserves. The eastern part of the Shire is hilly with high rainfall levels and significant native forest areas. The western part is characterised by rolling hills, medium to lower rainfall and broad acre farming land. The total area of the Shire is 1,470 square kilometres.

The Council is committed to working with and empowering the community by taking a strategic and forward thinking approach to our future. One that is mindful of our heritage, enhances our environment, creates economic growth and fosters a strong community spirit.

CURRENT WASTE MANAGEMENT SERVICES

Council plays a key role in protecting the environment and meeting the needs and expectations of the community in regard to waste management services.

Council provides a weekly kerbside garbage and fortnightly recycling collection service to the waste collection districts of Daylesford, Hepburn Springs, Creswick, Clunes, Trentham and a fortnightly recyclables only kerbside collection to the township of Glenlyon.

Garbage is collected from 120 litre mobile garbage bins (MGBs) only and it is the property owners/occupiers responsibility to purchase a bin. Council has a supply of 120 litre MGBs for purchase by residents within the collection boundaries.

Recycling is collected from 240 litre MGBs which are green with a yellow lid. These bins are supplied by Council, belong to the property and are to remain at the property.



Residential properties which are outside the waste collection districts and do not receive a garbage collection service receive 12 vouchers each year. Each voucher allows for the disposal of up to 0.5 cubic meters of approved waste at Council's tip/transfer station sites. Recyclables are free of charge. These tip/transfer stations are serviced by the Council at Daylesford, Creswick and Trentham.

COUNCIL'S SPECIFICATIONS

Project Objectives

The objectives of the Waste Management Strategy are;

- a) To provide the framework for the planning of waste services and facilities that meet community needs and expectations for the next 5 to 10 years.
- b) To ensure integration of services and facilities to meet Council and Government policies, strategies and community expectations
- c) To provide a strategy for Council to influence waste minimization from all sources in the community
- d) To provide a strategy for the disposal and resource recovery for all solid wastes generated in the community for the next 10 years.

The waste management strategy is to address the following services and components. If the consultant, while developing the strategy considers there are other services and components,

which should be included in the Strategy, the consultant should raise those components with the Steering Committee.

Scope of Work

The scope of this project is to develop a comprehensive Waste Management Strategy for the Council for the next 5 to 10 years. The Strategy will provide the direction for Council to implement an integrated, cost effective, innovative and environmentally responsible waste management strategy that meets the needs of the community. The Strategy is to be in harmony with *National Waste Policy: Less Waste, More Resources*, national initiatives such as *National Packaging Covenant* and the Victorian Government's *Towards Zero Waste Strategy (TZW)*. The strategy will assist the Council to achieve its share of the targets set in the TZW Strategy and contribute towards regional objectives and sustainability policies of Highland Regional Waste Management Group.

The project is expected to undertake a review of the current waste management services provided by the Council to the community. The Strategy will consider efficient service delivery, taking into account the needs of the community, environmental impact, service cost, future demand, emerging new technologies and existing best practices followed in municipal waste management.

Simply, the Strategy will consider various service delivery options and make recommendations to Council.

Detailed Scope of Work to be Undertaken and Delivered

The following outlines the scope of work expected by Council of the consultants selected to undertake the study.

Current waste services review Component

Review of current waste services undertaken by the Council is a pre-requisite for preparing a waste management strategy for the proposed period. In addition to other matters and issues that may emerge during the study which will need to be addressed, the minimum outputs expected of the consultants in relation to this component of the study are as follows:

- Review the current kerbside domestic and commercial garbage collection services and examine the feasibility of extending the service beyond the waste collection districts to the regional areas. This must include but not limited to the assessment of the following against the current garbage collection services including the provision for waste disposal vouchers provided to rural households.
 - Greenhouse gas emissions resulting from extended garbage collection service
 - Efficiency in logistics and maximizing truck utilization for collection and disposal at the landfill site in Smythesdale
 - Most efficient areas of expansion

- Expected additional revenue from extended service and cost involved in collecting and disposing of garbage
 - Effect of potential extension on future waste service contract
 - Garbage bin size for ease of use and encouragement of waste reduction
 - Unit cost comparisons
- Review the current kerbside domestic recycling collection services and examine the feasibility of extending the service beyond the waste collection districts to the rural areas. This must include but not limited to the assessment of the following against the current recycling collection services including the provision for waste disposal vouchers provided to rural households.
 - Greenhouse gas emissions resulting from extended garbage collection service
 - Efficiency in logistics and maximizing truck utilization for collection and delivery at MRF Daylesford and Ace Recycling
 - Most efficient areas of expansion
 - Expected additional revenue from extended service and cost involved in collecting and recycling
 - Effect of potential extension on future waste service contract
 - Impact on Resource Recovery Centres and Transfer Stations and MRF Daylesford
 - Unit cost comparisons
- Review the viability of the Resource Recovery Centres and Transfer Stations in term of its ability to serve as:
 - A hub to maximise resource recovery and waste management
 - Cost-centre, generating revenue and reduced dependency on ratepayers
- Examine the MRF Daylesford in terms of:
 - Its ability to meet future recycling needs and improve resource recovery
 - Current infrastructure and requirements to meet future needs
 - Financial viability
 - Alternate options/facilities available for resource recovery including bulk transport of recyclables to Melbourne or Ballarat.
- Assess the current services of litter and public recycling services for its efficiency and compliance
 - Litter strategies

- Placement of litter and public recycling bin
- Provision and servicing of litter and recycling bins at sporting clubs
- Cigarette butt bin

- Assessment and options possible for green and organic waste collection and **recycling and composting** across the Shire including potential for biomass based energy production

- Hard waste collection in Clunes

- **Private and commercial garbage and recycling collection within the Shire**

- **Recycling and reuse of Electronic waste**

Community Waste Education Component

The Waste Management Strategy will advise the Council on community waste education requirements and provide a consistent approach that will contribute in avoiding generation of waste, reducing the waste for disposal, managing waste as a resource and ensuring that waste treatment, disposal, recovery and re-use is undertaken in a safe, scientific and environmentally sound manner. In order to do this, the consultant will assess the community waste disposal behaviour particularly in the disposal of kerbside garbage, recyclables, littering and disposal at transfer stations.

Waste Management Strategy

Based on the review of current waste management services and assessment of the waste disposal behaviour of the community, the consultant shall prepare a comprehensive Waste Management Strategy for the next 5 to 10 years. The outcomes expected from the Strategy are listed in Outcome section of Council's specifications.

Stakeholder Engagement

In reviewing the current waste service contracts and in formulating the Waste Management Strategy, the consultant is required to consult with the following Government agencies and interest groups. Detailed of how the consultant will engage the parties are to be included in the consultant's proposal. The list is only indicative.

- Commercial and industrial groups within the municipality

- The Highlands Regional Waste Management Group and neighbouring Councils

- Government Agencies: Environment Protection Authority (EPA), Sustainability Victoria (SV), Department of Sustainability and Environment (DSE), WorkCover

- Schools, Current Waste Contractors and Associations

- Community environmental groups and associations

Community Consultation and communication

An important aspect in the development of the Waste Management Strategy is public consultation. Consultation with the community must be undertaken in reviewing/formulating the Strategy. Community Consultation is also required to assess community's waste disposal behaviour. The consultation process is expected to set the strategic direction and framework of waste management for the next 5 to 10 years.

The consultant is to provide an outline of the proposed public consultation process and communication strategy in their tender submission for Council approval. Indicative costings for the various options need to be provided.

Project Study Management

The day-to-day Contract Manager for this study is Hepburn Shire Council's Waste Management Officer.

Council intends to set up a steering committee consisting of Councillors, Council officers and the community to oversee the development of the Waste Management Strategy. The Consultant will be required to meet with the Steering Committee on a regular basis, as per the timetable, to canvas ideas, views and to obtain direction.

The Consultant will be required to attend at least a total of five (5) meetings with the Steering Committee. The cost of attending these five meetings must be included in the lump sum tender price.

All meetings with the Steering Committee will be conducted at Hepburn Shire Council Offices.

The Consultant will be required to attend a meeting of the Council to present the final Waste Management Strategy. The cost of attending this meeting must be included in the lump sum tender price.

Project Budget

Council's budget for the development of the Waste Management Strategy will be up to \$ 60,000. This amount must include the consultants fees and other costs Council will incur as part of the consultation and development of the Strategy.

Tenderers are to submit a lump sum price **excluding GST**, for the completion/part of the project inclusive of all fees and expenses. The lump sum tender price is to be itemized for each individual project objectives detailed in Council's specifications.

Project Timetable

It is anticipated that new contracts based on the Waste Management Strategy will be awarded in early 2012 for commencement in July 2012. Therefore, Council seeks to adopt a new comprehensive Waste Management Strategy by September 2011. The Consultant is required to present the final draft of the Waste Management Strategy in July 2011.

The indicative timetable for the appointment of a consultant, completion of this project and payment schedule is as follows.

Proposed Timetable

S.No	Key Action Stage	Month/Date
1	Formation of Steering Committee	November 2010
2	Appointment of Steering Committee	December 2010
3	Initial meeting of Steering Committee	January/February 2011
4	Advertising for Consultants	February 2011
5	Appointment of Consultants	March 2011

Outcomes

The Waste Management Strategy must:

- a) Provide one preferred model for all waste services as detailed in Council's specifications
- b) Provide a framework and model detailing individual components for the delivery of waste services and disposal facilities for the next 10 years
- c) Provide a strategy for the resource recovery and disposal of waste generated within the community
- d) Provide evaluation of future innovative waste services and disposal options and opportunities
- e) Provide costing and prioritisation of the key issues and recommendations, including both capital and operating costs, together with any other associated infrastructure costs and financial implications for Council
- f) Provide transitional linkages between the services – for example if the preferred option is to include rural collection, then how this is achieved and the impact on the various collection services and the disposal facilities
- g) Provide actions to integrate services and facilities to reflect the requirements of, and be consistent with relevant Government Policies and Regional strategies
- h) Provide strategies which Council can implement to influence the reduction of waste generation in the community, domestic, commercial and industrial sectors
- i) Meet Occupational Health and Safety requirements

- j) Meet the Best Value requirements for Local Government
- k) Recommend an integrated waste management model for Hepburn Shire Council detailing individual components with supportive information

CONTRACT RESPONSIBILITIES

Effective Contract Relationship

Consultants are required to ensure quality, clarity and timeliness of communication with council staff / project manager. The general conditions of contract for the undertaking and completion of the services for this brief are attached.

Confidentiality & Political Sensitivity

Consultants are required to ensure that confidentiality of information is respected and political sensitivities are responded to in a timely and effective manner.

Media & Public Statements

The consultants will not make any statement to the media on behalf of the Hepburn Shire Council. Any requests for a comment or statement from the media must be referred to council's Project Manager. Any statement made by the consultants to a member of the public during the preparation of this study must be made within the context of the requirements of this brief and must only refer to factual or procedural matters.

Council's Responsibilities

Council will:

- Provide advice and direction to the consultants;
- Provide access to relevant Council records, publications, maps and other information required for the study; and
- Provide use of Council facilities for meetings, etc.

OWNERSHIP AND DISTRIBUTION

Ownership and the right to use any material from the project shall remain with Hepburn Shire Council. Council material supplied to the consultants shall remain the property of Council. On completion of the study, the consultants shall return all Council material and copies thereof. Council material may not be used or reproduced for any other purpose without the prior written consent of Council.

The consultants must ensure that no process, procedure or system whatsoever will involve payment of any royalties or fees, and does not infringe any intellectual property rights. The consultants shall indemnify Hepburn Shire Council against any claim or suit, whether arising directly or indirectly, for any infringement of intellectual property by the consultant in completing the study.

PROJECT MANAGEMENT

Council's Waste Management Officer will be the Project Manager. For the purpose of day-to-day contract management and on-going liaison with the appointed consultants an external project manager may be appointed.

A Steering Committee comprising the Project Manager and up to four other council and public representatives (to be determined) will oversee the project more broadly. Specifically, the steering committee will advise the consultants on questions of process, emerging issues and general policy parameters.

ATTENDANCE AT MEETINGS

The consultants will be required to attend meetings with the Project Manager on a monthly basis over the duration of the project. The consultants will also be required to attend meetings of the Steering Committee at key times during the project and as set out in a study strategy approved at the commencement of the project by the Steering Committee.

ENQUIRIES

Questions about to this brief should be directed to Hepburn Shire Council's, Waste Management Officer, on ☎ (03) 5321 6461.

CONSULTANTS' SUBMISSIONS

Submissions should provide the following information:

- Details regarding background, qualifications and/or expertise relevant to the project and examples of comparable study undertaken. This includes details about any sub-consultants proposed to be engaged in the preparation and consultation process.
- How value for money will be achieved, including time allocation and rates for each member of the consultant team and costs associated with particular study components.
- Preliminary / high level project methodology and timelines (to be refined and approved after appointment of the consultants).

Tender submissions must include

- The rate for attendance at additional meetings with the Steering Committee not specified in the above timetable.
- The cost structure that would apply to additional work that may be agreed to by the Project Manager.
- Costs per each consultant and expected time required for the study.

The closing date for submissions is .XXXX

Written submissions should be addressed to: XXXX

OUTPUT FORMAT

The report must be provided in MS Word and pdf formats. Hard copies (5) of the complete report also must be provided after presentation of the final Waste Management Strategy to Council.

Councillor Tim Hayes left the Meeting at 10.43pm and returned at 10.47pm.

**13.4 B-DOUBLE PERMIT – SPRINGHILL ROAD
GENERAL MANAGER INFRASTRUCTURE**

PURPOSE

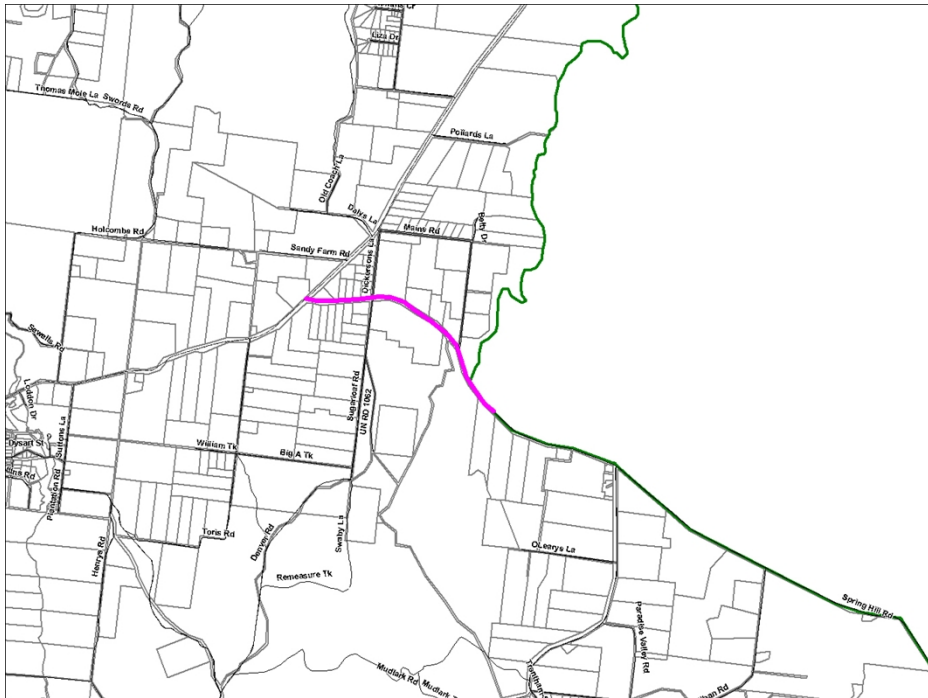
To consider an application for a temporary permit for the use of B-doubles on Springhill Road for Clearwater Logging and Transport. Before VicRoads can issue a permit for the Daylesford-Malmsbury Road, Council is required to consider issuing a permit for the Spring Hill Road.

BACKGROUND

The use of B-doubles on local roads is prohibited unless an exemption is gazetted or a permit is issued by the Local Government Authority.

Timber plantations are common throughout the Shire which generate no traffic for most of their lives and then a short period of intensive use during harvesting. It is common procedure for the timber transport to be done by B-doubles where the plantations are in rural areas.

ISSUE/DISCUSSION



Clearwater Logging and Transport have applied for permission to use B-doubles along the a 3km section of the Springhill Road from the plantation to the Daylesford-Malmsbury Road

The permit is for a 12 month period from December 2010 to December 2011. It is not a continuous ongoing use; once the harvesting is complete the use of B-doubles will no longer be required on this road.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

National Road Rules

FINANCIAL IMPLICATIONS

Springhill Road is one of Councils better performing roads requiring minimal maintenance. Traffic counts indicate that the road is already carrying a high percentage of commercial vehicles (6-12%). So the additional traffic from the plantation should have minimal impact on the road.

RISK IMPLICATIONS

The section of Springhill Road that is to be subject to the permit is sealed to 5.8-6.1m wide and has meandering curves and steep grades. Due to the current high use of commercial vehicles it is anticipated that there will be minimal risk due to the plantation operations.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There is already a high percentage of commercial vehicles using the section of road, so the impact of noise from the additional vehicles will be minimal.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The use is only temporary so no community consultation has been undertaken.

CONCLUSION

The permit is for temporary use in a rural area and will not have ongoing implications for the community.

OFFICER'S RECOMMENDATION

13.4.1 That Council issue a permit valid for 12 months to Clearwater Logging and Transport for the use of B-doubles along Springhill Road.

MOTION

13.4.1 That Council issue a permit valid for 12 months to Clearwater Logging and Transport for the use of B-doubles along Springhill Road.

Moved: Councillor Don Henderson
Seconded: Councillor Rod May
Carried.

14 COUNCIL SECTION 86 AND ADVISORY COMMITTEES AND STATUTORY REPORTING

14.1 COMMON SEAL APPLIED TO DOCUMENTS

PURPOSE

This report presents to Council a summary of agreements signed and sealed between Hepburn Shire and the Victorian Mineral Water Committee.

BACKGROUND

Hepburn Shire Council works in partnership with the Victorian Mineral Water Committee to manage and protect Mineral Springs Reserves and mineral water resources.

The Victorian Mineral Water Committee is an advisory body appointed by the Victorian Minister for the Environment.

ISSUE/DISCUSSION

The following grants have been signed and sealed by the Hepburn Shire Council CEO and Mayor.

1. Central Springs Reserve Upgrade – Master Plan	\$12,500.00 ex GST
2. Lake Daylesford / Central Springs Reserve – “Mineral Springs Walk”	\$46,500.00 ex GST
3. Lake Daylesford / Central Springs Reserve – Sutton Spring Upgrade	\$15,000.00 ex GST
4. Hepburn Mineral Springs Reserve – Parking / Traffic Movement Strategy	\$10,000.00 ex GST
5. Hepburn Mineral Springs Reserve – Remove concrete channel between Wyuna and Sulphur Springs	\$20,000.00 ex GST
6. Hepburn Mineral Springs Reserve – Upgrade pedestrian connection into reserve	\$10,000.00 ex GST
	\$114,000.00 ex GST

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Hepburn Shire Budget 2010/2011 allocates \$116,000 contribution to these projects.

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nil

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

14.1.1 That Council note the above information re signed and sealed grant agreements between Hepburn Shire Council and the Victorian Mineral Water Committee.

MOTION

14.1.1 That Council note the above information re signed and sealed grant agreements between Hepburn Shire Council and the Victorian Mineral Water Committee.

Moved: Councillor Jon Barrell

Seconded: Councillor Tim Hayes

Carried.

14.2 ASSEMBLIES OF COUNCILLORS OCTOBER 2010

PURPOSE

This report summarises Assemblies of Councillors which occurred during October 2010.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as ...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or*
- (b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee – but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation;*

ISSUE/DISCUSSION

In accordance with The Local Government Act 1989, Section 80A (2) the following summary of Assemblies of Councillors during October 2010 is provided. Note that details of the Assemblies are provided in Attachment 8.

Date	Location
5 October 2010	Council Chamber, Daylesford Town Hall
12 October 2010	Council Chamber, Daylesford Town Hall
12 October 2010	Senior Citizens, Daylesford Town Hall
26 October 2010	Council Chamber, Daylesford Town Hall

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil.

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nil

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

14.2.1 That Council note the above information re Assemblies of Councillors during October 2010

MOTION

14.2.1 That Council note the above information re Assemblies of Councillors during October 2010

Moved: Councillor Tim Hayes
Seconded: Councillor Sebastian Klein
Carried.

Attachment 8
Item 14.2
ASSEMBLIES OF COUNCILLORS OCTOBER 2010

15. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

15.1 CLOSURE OR MEETING TO CONSIDER CONTRACTUAL MATTER

The Local Government Act 1989, Section 89 (2), states that:

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

(a) personnel matters;

(b) the personal hardship of any resident or

ratepayer;

(c) industrial matters;

(d) contractual matters;

(e) proposed developments;

(f) legal advice;

(g) matters affecting the security of Council property;

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

or any person;

(i) a resolution to close the meeting to members of the public.

OFFICER'S RECOMMENDATION

*The Council resolve that the meeting be closed to members of the public to discuss contractual matters; **Tender H234 - 2011/2013 - Road Reseals**, in accordance with s 89 (2) (d) of the Local Government Act 1989.*

MOTION

*The Council resolve that the meeting be closed to members of the public to discuss contractual matters; **Tender H234 - 2011/2013 - Road Reseals**, in accordance with s 89 (2) (d) of the Local Government Act 1989.*

Moved: Councillor Rod May

Seconded: Councillor Sebastian Klein

Carried.

16. CONFIDENTIAL ITEM

16.1 TENDER H234-2011 – BITUMINOUS SURFACING OF VARIOUS SECTIONS OF LOCAL ROADS WITHIN THE HEPBURN SHIRE GENERAL MANAGER INFRASTRUCTURE

17. RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC

OFFICER'S RECOMMENDATION

17.1.1 That Council having considered the confidential item re-open the meeting to members of the public.

MOTION

17.1.1 That Council having considered the confidential item re-open the meeting to members of the public.

Moved: Councillor Don Henderson

Seconded: Councillor Rod May

Carried.

18. CLOSE OF MEETING.

The Meeting closed at 11.07pm.