



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

TUESDAY 20 JULY 2010

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

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 20 JULY 2010

CRESWICK SENIOR CITIZENS

Water Street, Creswick

Commencing 7PM

CONTENTS	PAGE
1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	1
2. OPENING OF MEETING	1
3. APOLOGIES.....	1
4. DECLARATION OF CONFLICTS OF INTEREST	2
5. CONFIRMATION OF MINUTES.....	2
6. NOTICES OF MOTION.....	3
6.1 ADVOCACY ON TRUTH IN FOOD LABELLING.....	3
7. PRESENTATIONS	5
7.1 PRESENTATION OF REPORTS.....	5
8. PUBLIC PARTICIPATION TIME	13
8.1 PETITIONS	13
8.2 QUESTIONS	13
9. EXECUTIVE SERVICES	16
NIL REPORTS.	

Hepburn Shire Council Ordinary Meeting of Council



10.	URGENT ITEM OF BUSINESS	16
10.1	MELBOURNE CUP PUBLIC HOLIDAY ARRANGEMENTS	16
11.	CORPORATE SERVICES	17
11.1	REQUESTED CHANGES TO LEASE – JUBILEE LAKE CARAVAN PARK	17
	<i>Attachment 1</i>	<i>22</i>
	<i>Attachment 2</i>	<i>25</i>
11.2	APPROVAL OF PROPOSED BUDGET 2010/2011	27
11.3	DELEGATIONS	50
11.4	FINANCE REPORT – JUNE 2010	56
12.	COMMUNITY DEVELOPMENT	60
12.1	VICTORIA PARK MULTI-PURPOSE FACILITY UPDATE	60
	<i>Attachment 3</i>	<i>62</i>
12.2	YOUTH ADVISORY COMMITTEE – TRANSITION TO YOUTH ENGAGEMENT	75
	<i>Attachment 4</i>	<i>78</i>
12.3	LOAN REQUEST – TRENTHAM & DISTRICT COMMUNITY BANK ..	82
13.	SUSTAINABLE DEVELOPMENT	84
13.1	HERITAGE ADVISORY COMMITTEE – APPOINTMENT OF COMMUNITY MEMBER	84
14.	INFRASTRUCTURE	86
14.1	PROPOSED AMALGAMATION OF WASTE GROUPS	86
	<i>Attachment 5</i>	<i>89</i>
14.2	ROAD CLOSURE – HEATH STREET AND KILKENNY LANE, CLUNES	98

Hepburn Shire Council Ordinary Meeting of Council



	Attachment 6	102
14.3	ROAD CLOSURE – UNNAMED ROAD OFF FRASER STREET, CLUNES.....	112
	Attachment 7.....	114
14.4	UNUSED ROAD LICENCE APPLICATION – BRIDGE STREET, CRESWICK.....	116
14.5	UNUSED ROAD LICENCE APPLICATION – BEACHES ROAD AND MOTTS LANE, TRENTHAM.....	118
14.6	UNUSED ROAD LICENCE APPLICATION – CAMERON STREET, CLUNES.....	120
15.	COUNCIL SECTION 86 AND ADVISORY COMMITTEES	122
15.1	SECTION 86 AND ADVISORY COMMITTEE UPDATE	122
15.2	HEPBURN MINERAL SPRINGS MINERAL RESERVE ADVISORY COMMITTEE.....	124
15.3	AGRICULTURE ADVISORY COMMITTEE RECOMMENDATIONS .	126
15.4	HERITAGE ADVISORY COMMITTEE RECOMMENDATIONS.....	130
16.	CLOSE OF MEETING	133

KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
15 JULY 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 7pm.**

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, Acting General Manager Corporate Services Anthea Lyons, 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 Hayes declared a Conflict of Interest in regards to Item 10.1 Approval of Budget 2010/2011 due to his position as Secretary of “Creative Clunes.”

Councillor McClenaghan declared a direct Conflict of Interest in regards to Item 10.1 Approval of Budget 2010/2011 Fees and Charges and Item 13.1 Proposed Amalgamation of Waste Groups due to his private waste management business.

5. CONFIRMATION OF MINUTES:

Recommendation

- 5.1 *That the Minutes of the Special Meetings held 8 June 2010, 22 June 2010 and 29 June 2010 and the Minutes of the Ordinary Meeting held 15 June 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Motion

- 5.1 *That the Minutes of the Special Meetings held 8 June 2010, 22 June 2010 and 29 June 2010 and the Minutes of the Ordinary Meeting held 15 June 2010 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Cr Rod May

Seconded: Cr Jon Barrell

Carried.

6. NOTICES OF MOTION

6.1 ADVOCACY ON TRUTH IN LABELLING

NOTICE OF MOTION

That council write to our local federal member/s, to the relevant minister and shadow minister urging them to make commitment to enacting more precise and explicit food labelling laws throughout the country and enable regulatory bodies to better represent consumer and farmer interests, specifically in regards to: Country of Origin, GMO and organic content.

Further advising in this correspondence that these issues are seen by shire farmers as influential to their livelihoods and by the community as important for their health and wise consumer decision making.

Background

At a recent farm focused ward meeting in Coliban Ward, the issue of food labelling was raised as a barrier to more profitable activity in the market place. Further it has been raised by community members throughout the Shire as a matter of concern and one that is in opposition to the vibrant and active local economy and food culture of the region.

In one well-publicised example, bottled sewerage water from Singapore was labelled as spring water: “bottled in Australia from local and imported ingredients”.

While there is little we can do as municipal government we can act as advocates on behalf of ratepayers and particularly our farmers to prevent situations occurring where consumers are receiving less than they paid for and farmers are forced further towards marginality by yet another external pressure on operations.

Councillor Name: Sebastian Klein

Councillor Signature:

A handwritten signature in black ink, appearing to be "SK", written over a faint circular stamp.

CEO Signature:

A handwritten signature in black ink, appearing to be "KOR", written over a faint circular stamp.

MOTION:

That council write to our local federal member/s, to the relevant minister and shadow minister urging them to make commitment to enacting more precise and explicit food labelling laws throughout the country and enable regulatory bodies to better represent consumer and farmer interests, specifically in regards to: Labelling Country of Origin, Genetically Modified Organisms (GMO) and organic content.

That council represent these issues in a similar fashion to the next MAV State Council.

Moved: Cr Sebastian Klein

Seconded: Cr Don Henderson

Carried.

7. PRESENTATIONS

7.1 PRESENTATION OF REPORTS

Mayor's Report

Councillor Janine Booth, Creswick Ward presented the following report:

Immediately following last month's Council meeting I flew to Canberra to participate in the Australian Local Government Association National General Assembly. ALGA is the peak Australian wide representative body for Local Government.

This year's event also coincided with the Australian Council of Local Government at Parliament house. The National Assembly gave participants the opportunity to hear from the Leader of the Greens Senator Bob Brown on the Greens policies, the CEO of NBN Co the government owned enterprise responsible for the National Broadband rollout who spoke on the key to a successful rollout was strong consultation and engagement with Local government. There was much discussion around constitutional recognition for local government and the work being done by ALGA, A website and resource material was launched to assist local government's campaign for a referendum on the inclusion of local government in the Australian Constitution. And Geoff Lake welcomed the announcement that the then Rudd Government would contribute \$250,000 to an education campaign to inform Australians on the need for a referendum of Local government constitutional recognition. In recognition of the importance of 2010 being the Year of Women in Local Government, ALGA also launched a new book titled Women in Politics.

At the Australian Council of Local Government, delegates met with the then Prime Minister Kevin Rudd and his cabinet in an open Cabinet forum where Australian Government Ministers and Parliamentary Secretaries took questions and discussed issues affecting local governments including the importance and strength of the partnership between the Federal Government and Local Government. It was pleasing to hear from the Minister for Local Government Minister Albanese acknowledge his view "that our partnership is based on recognition of the important role Councils play and respect for their local knowledge that you have". Minister Albanese also announced the bringing forward of one quarter of this year's financial Assistance grants and another round of funding for the Rural Community Infrastructure funding program under which Councillors will now be aware Hepburn received an allocation of \$172,000 for its priority spade ready community infrastructure project.

Over the past month I have also represented Council at the Central Highlands Mayors and CEOs forum, and at the Future of Local Government National summit run by the MAV in Melbourne.

I attended an announcement by Jo Helper Member for Ripon at the Clunes Recreation Reserve when He announced funding for the storm water and solar upgrade from the Small Towns Development Fund and congratulated Hepburn Shire Council and the Community for working together to bring forward these much needed Community infrastructure projects.

I also attended the Daylesford Child care Centre for their Solar upgrade launch. I attended a farewell morning tea for Home care worker Leanne Heagney when she recently retired after 21 years as a home care worker with Hepburn Shire. I thanked Leanne for her commitment and passion to our residents over many years. I continue to work with the MSS Review Committee in drawing up a brief, working with DPCD and selecting Consultants to assist with the involved task of reviewing this important Strategic Planning document for the Hepburn Shire.

I also attended and chaired the AGM and installation of new officer bearers for the Daylesford and district Red Cross and this morning attended the Daylesford Secondary College to cook a special breakfast for the Students as part of a yearly opportunity for Council to mix and interact with Staff and teachers in an informal setting. It has been a very busy month in Local Government for all Councillors and staff and I acknowledge the extra effort by all involved.

Councillor Reports

Councillor Rod May, Birch Ward delivered the following report:

I attended the Pool group meeting at the Daylesford hotel where the future directions of the indoor aquatic facility were discussed.

I attended Chinese Sister city conference held in Parliament house NSW whilst on business in that state. It was revealing how many local government agencies were seeking support and investment from Chinese investors

I attended Agriculture committee and the Springs advisory committee and the MAV conference Future of Local Government which included a presentation on the electrification of a grid for electric cars in the near future.

Finally, I attended our Environmental sustainability group selection process and was pleased at the number and calibre of applicants.

Councillor Bill McClenaghan, Holcombe Ward

This month, my report to Council will contain something completely different. I will give an outline of discussions at the recent V.L.G.A. “Leading Edge Forum” at which various Councillors attending the Forum detailed the main issues facing their Council. It was an extremely interesting and informative Forum and offered a rare window of opportunity to compare Local Government issues faced by like and unlike Councils across the state.

I quote from statements made by attending Councillors from various Councils. Some problematic matters raised are respectfully omitted from this report.

The City of Maribyrnong is an area of large transport terminals and huge road networks. They have to deal with the big three Authorities in Victoria and have major multi-cultural issues in both large industrial and residential areas.

The City of Yarra is where \$1million buys you a single bedroom apartment with one window onto a terrace. Population density in high rise inner suburban Melbourne is as high as property values and “densification” is constantly occurring with high demand for dwellings as people want to live near work, leisure and recreation facilities. There are major transport issues as all public transport modes are overflowing by the time they get to Yarra en route to the City so many people walk or cycle to work. Their annual budget is \$130million.

In neighbouring Macedon Ranges Shire, many areas are not suitable for development because of the bushfire threat, evident since Ash Wednesday. The current Royal Commission is expected to deliver findings that will make development of housing in many areas unwise if not difficult and costly. The issue of Neighbourhood Safer Places is massive with the concept of “places of last resort: not fully understood. Millions of dollars will be needed to protect the community from the bushfire threat.

Mornington Peninsula Shire reported problems in the high socio-economic area of Mt Eliza and others in the low socio-economic area of Hastings. It is an area that is and has always been Melbourne’s playground. Their rates are kept low and they have closed their infrastructure funding gap because of the wealth in the rates base. However all of this comes at a price as they only have 7% of their area remaining as bushland and suffer from drainage and major freeway problems. Better public transport is needed also and at long last a cross-peninsula bus service has commenced. As “Collins Street farmers” move in and overcapitalize their land, they buy up and amalgamate former farm blocks and drive prices steeply upwards. Hence their green wedge of non-public

non-residential land is forever shrinking. Another big issue is road safety with more service personnel killed on the roads in this Shire than in the Middle East. In addition there are issues of coastal erosion and climate change affecting seaside areas.

Nillumbik Shire reported issues with conflicts of interest respectfully not detailed here. Otherwise there is a general shortage of funds for projects and operations because there are “too many trees and not enough rates”. Quite the opposite of Mornington Peninsula Shire. There are also planning issues and conflicts with the State Government when planning decisions do not get made locally.

Towong Shire is 140 km east of Wodonga in the state’s North East and reported a large infrastructure funding gap in their small \$11 million annual budget (even ours is twice theirs). They have a large local road network and budget \$6m out of their \$11m in capital works just to keep their assets maintained. They too have issues with Neighbourhood Safer Places and keeping roadsides clear of weeds is a financial burden as people must travel these roads to get to NSPs. The growth rate is only 0.48% and the Shire is made up of many small communities of only 200-300 people. There are many planning issues like trying to maintain large amounts of agricultural land despite a very large “Rural Activity Zone” not dedicated to farming. Innovations have been developed in wireless broadband and bushfire monitoring cameras. Their Council takes the attitude of focusing on the good things and positive achievements and are now a cohesive stable team after certain difficulties respectfully omitted from this report.

An ex-Councillor from the City of Whitehorse reported that many problems stem from people’s expectations and when they don’t get what they expect / want / need. They have been sorely impacted by government cost-shifting and the transfer of functions onto local government. It was stated that good governance is often a function of how well versed people are with the decisions that affect their lives and it is most important for Councils to engage their residents, inform them about what is happening and find out what they really want. Planning, high rise development and densification are issues in the City of Whitehorse.

The City of Wyndham is very interesting as their issues all revolve around massive growth in stark contrast to Towong Shire. This is Victoria’s fastest growing municipality and the second or third fastest in Australia. Each year, 11,000 new people come to live in Wyndham City; interesting when you factor that against Hepburn’s total population of just over 14,000. Many of the new arrivals are “new arrivals”; with an average of 55 babies born every week. That is a need for two new kindergartens per week, ongoing. Hence there is a need for schools and kindergartens and an emergence of social problems with this massive growth. .The demographic is interesting; 33% of the

population work and 85% of them use their private cars to get to work. Only 10% use public transport, presumably overcrowded like in the City of Yarra's experience. The remaining 5% would walk or cycle to work. Wyndham's annual budget is \$150 million, similar to Ballarat City. Of this, \$104 million is to be spent on capital works this year as part of their ambitious Ten Year Plan. Greater Geelong by comparison is spending \$60 million. Wyndham's rates need to increase consistently by 5.5% per year just to keep up with the growth and there is also a massive residential rate base here unlike Hepburn and Towong Shires. Wyndham's worst problems are asset management, road maintenance and construction, congestion and just keeping up with the burgeoning demand for services by a mushrooming population. They are always playing "catch up" because of their massive growth and people keep coming there because it's affordable and livable. This municipality is right on the edge of Melbourne's urban growth boundary and managing expansion is the main issue with development occurring around railway stations where outer suburban public transport and regional fast rail the drivers.

So - it was agreed at the Forum that the 79 Councils in Victoria can be a great lobby group for change and improvement if united. Local Government really isn't bottom of the heap as "the third level of government"; it is in fact the first level that is closest to the people. Other ideas from the Forum included the following. Often communities do not know how to work with their Council and how to approach Officers and there can be too much in-your-face confrontation and activism. Friction is a loss of energy and can cause a loss of funding. Each planning issue is another opportunity for positive community engagement. *I think that* Towong have got it nailed pretty right as they focus on their positives and their achievements and leave the negatives behind. I kept that in mind as I reported on Hepburn's usual issues as a small rural shire with a limited rates base, a smallish annual budget, and an infrastructure funding gap with many old assets and a large network of local roads. Still Hepburn is all with oh-so-much potential in the right hands.

Councillor Tim Hayes, Cameron Ward did not deliver a report.

Councillor Sebastian Klein, Coliban Ward delivered the following report:

23 -25 June Future of Local Government Summit – Presented a number of positive perspectives on how Local government can meet the challenges of future.

29 June – Environmental Sustainability Committee nominee supper- good to see such a range of capable nominees from our community.

Trentham ReGenerate Youth Group – Wrote an article about their quest to build skate park and recent successful concert.

North Blackwood ward meeting – heard concerns on roads and rates from this far-flung corner of the shire.

Councillor Jon Barrell, Birch Ward delivered the following report:

1. **The Wombat Hill Botanical Gardens Advisory Committee** met today. The Friends of Wombat Hill Botanic Gardens reported on
 - i. Their attendance at the alternate year meeting of the Association of Friends of Botanic Gardens.
 - ii. Their desire to have occupancy of one surplus shed at the Gardens for educational & storage purposes
 - iii. Their desire to increase the level of curator expertise within Council
 - iv. The possibility of hosting the alternate year meeting of the Association of Friends of Botanic Gardens in 2014 or 2016
 - v. Their desire to be included in a New Resident Information Kit and to be able to speak at New Resident Information Sessions, & I thank Cr Henderson for his suggestion that these kits could achieve greater exposure to new tenants, owner occupiers & ratepayers.

2. **Councillors are aware that I have been appointed to represent Hepburn Shire Council at the Daylesford Macedon Ranges Regional Tourism Board.** The Board has not yet met but I did participate in the very successful launch of Tourism Hepburn & July 2010 where Mayor Booth spoke inspirationally & off the cuff, & I note a number of those present who personally congratulated her. I was also asked to Chair a meeting last week seeking to reinvigorate the Daylesford & District Business Group as an effective Business And Tourism Association.

3. **ARC Advisory Committee** met on Monday 7 June 2010
 - a. The Committee & Officers are involved in a review of the Committee's terms of reference, which may involve opportunities to report to Council & meet with Council
 - b. The Committee has modified its format to
 - i. ensure Officers prepare the agendas & take the minutes, rather than the Manager as was the case
 - ii. establish a new quarterly meeting schedule sequenced to allow for a full quarterly report from the Centre Managers, & a contract management review report from officers

4. **Cr May & myself met 17 June 2010 with representatives of the Swiss And Italian Festa Historical Project Implementation Committee.** They are progressing their 3 historical projects involving heritage badging, Main Rd

beautifications, & and electronic media project perhaps involving schools & the commencement of an oral history database.

5. **Finally Cr May & I conducted a very successful Ward Meeting at the Yandoit Hall 14 July 2010.** Cr McClenaghan attended too which was much appreciated as Holcombe Ward is very nearby. A number of infrastructure issues were raised, with particular safety concerns regarding the main Franklinton intersection, which may be a VicRoads matter. We have requested a site visit with General Manager Infrastructure, and we have requested General Manager Community Development to provide further information regarding proposed tennis court improvements.

Councillor Don Henderson, Creswick Ward delivered the following report:

I have recently been associated with some exciting initiatives in Creswick and surrounding areas.

1. I attended a meeting along with Cr Booth of around forty residents who voted unanimously to have a Creswick and District Residents Association. A committee was elected on the night and the focus of this group is to be a positive voice in the community. One of their goals is to engage with government at all levels to ensure that Creswick remains a great place to be. I wish them well in their endeavours. Whilst it may be perceived that such groups can be a thorn in the side of elected representatives my experience has been vastly different to this.
2. Friends of the Creswick Railway Workshops are attempting to organise the old railway buildings for use by various interest groups and are forging close ties with groups in the community to see that this project builds not only itself but assists and compliments others aspirations. I must commend Victrack here for the trust they have shown and the goodwill in spending large sums of money to ensure that these fine heritage buildings are preserved and in a usable and safe state.
3. Whilst speaking of railways it is important to note that the new platform will be opened on Saturday and Creswick folk have been invited to go on a trip to Maryborough to celebrate. Leaving at around 10am for Maryborough.
4. I must also commend the people of Clunes for their measured and orderly insistence that the trains stop at Clunes in the future. This is a great step for Clunes and I am sure that it will be greatly appreciated and used. Could this be a case of politicians listening to the people? In any case I thank the Victorian Brumby Government on behalf of the people of Creswick and Clunes districts.
5. I also attended a forum to discuss the formation of a sustainability and environment committee for our shire and was impressed by not only the numbers attending but the passion and desire of our community to be part of future strategy on these most vital issues.

6. Creswick residents have raised the issue of a cycle/footbridge over the creek at Hammons Bridge. This request has come from CDDA, Great Dividing Trail Association and our many walkers who have sent in a submission with quite a number of signatures. This bridge would be used as an alternative to running the gauntlet of trucks and cars when using the main road bridge. It would provide a safe route to Creswick people going to our great other great outdoor heritage natural swimming hole at St Georges Lake. I do note that one person has asked how we are going to heat this wonderful pool for our swimmers into the future. When I raised heritage and engineering problems, one quick witted ratepayer pointed out that we could capture and store the considerable amounts of hot air that seem to abound around Federal and State election time.
7. One exiting piece of news is that there have been recordings of our timid friend the Growling Grass Frog in our area which is a great sign for the environment. References in Grahams Early Creswick note the prevalence of this now endangered frog and the hunt is now on for a photo of this elusive amphibian. The Growling Grass Frog is incidentally part of the Creswick Branding.
8. I have also met with the new manager at Forest resort along with the marketing manager. We discussed such important issues of ensuring the integration of the resort and residents there into our community. They are keen to work with community groups and the shire for the betterment of all.
9. Finally I express gratitude of our many residents and ratepayers for their comments and input into the budget process. It is interesting and sometimes heartbreaking to hear the stories of real hardship that exist in our community and on the other hand the insistence of some that rates need to increase in order to sustain growth and promote industry and business.

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: Cr Jon Barrell

Seconded: Cr Sebastian Klein

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 Petitions received at time of collating Agenda.

8.2 QUESTIONS:

- 1. Submitted by Richard Campbell, member of Newlyn/Rocklyn Planning Group**

How does the council suggest we keep interest in these (community) planning groups alive if they are not going to support them financially in their endeavors?

Response

General Manager Infrastructure, Peter Reeve, confirmed that further work with members of the Newlyn/Rocklyn Planning Group would occur to look at ways to realise the roundabout upgrade.

2. Submitted by Bruce Whitton, Daylesford.

I would like to know if all Councillors have been to “Jubilee Lake Holiday Park” in the last 2 years to see whether ATPM have been fulfilling their obligations as lease-holders?

If the answer is in the negative, I feel that Council should delay a vote on ATPM’s plans, and instead demand that ATPM undertake basic roads and drains works, which is urgently required. I also feel that Council should appoint the “Ward Councillors” Cr Rod 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.

3. Submitted by Judy Macleod, Carnegie.

1. *On council’s website, in the final draft for Jubilee Lake a statement is made and I quote:*

results from community consultation.

- ***Leave the reserve as it is, it is loved by locals as a quiet, natural, understated parkland.***

The locals including the annuals request has NOT be considered as Jubilee Lake is about to face dramatic change and become like a Queensland tourist park.

2. *As stated in writing by council to the annuals, there would be consultation with us by ATPM. This has NOT happened. I quote from Councillor Barry Smalls letter to me dated 28 May 2010 “Council and ATPM will provide opportunities for community consultation and information regarding the proposed changes to the Reserve and caravan park” WHEN??????????*

3. *Will council step in on behalf of us all who love the park and have invested financially into it to ensure a fairer and secure future for annuals at Jubilee Lake?*

4. Submitted by Kevin Macleod, Carnegie

My questions are:

1. *Will council offer practical support to the annuals at Jubilee Lake and include in the lease document written security that we will not be forced to leave?*

2. *Negotiate a more reasonable fee increase for next quarter instead of \$ 400*
3. *Rates to be capped with increase according to CPI.*
4. *Do we have a future or does a ruthless big business dominate?*

5. Submitted by Laurie Sammut, Altona Meadows.

1. *When the council awarded the lease of Jubilee Caravan Park to ATPM a commitment was made by ATPM that the park will essentially remain as it was with some modernization and capital expenditure, they also committed to keeping the annuals informed as to any proposed changes. However, after 24 months there has been no capital expenditure and the parks annual fees have risen by just under 100% and excluding rate rise letters no correspondence has been entered into regarding the proposed redevelopment including the possible requirement to remove some longer term annual vans to facilitate the change. On that basis, if the council is to approve the extension of the lease would they consider making it conditional to ATPM not raising annual rates by any greater than CPI for the period of the extension being 3 years as a minimum as well as guaranteeing that no other vans will be required to be moved for twice that period being 6 years at a minimum. This could be seen as a gesture of goodwill towards both the longer term annuals as well as people like myself that have bought in the park as recently as 12 weeks ago believing that it is a quite, country style holiday park as opposed to the Queensland style cabin park it is about to be converted into.*
2. *Has the council considered the effect allowing this development will have on the local rental market which is already reached saturation point with vacancies available in all the peak periods over the last 24 months? These new cabins will undercut many local properties with all profits going interstate and no new local tourist business being generated.*

The Meeting was adjourned and the questions re Jubilee Lake Caravan Park were addressed during the adjournment.

9 EXECUTIVE SERVICES:

NIL REPORTS.

10. URGENT ITEM OF BUSINESS

That Council consider an urgent Item of Business re Melbourne Cup Public Holiday

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

Motion

That Council notes the recent gazetting of part shire public holidays occurred without Council approval and resolves to seek urgent Ministerial support for a gazettal of arrangements that revert to the status quo of Melbourne Cup Day for all of the Shire.

Moved: Cr Jon Barrell
There being no seconder the Motion lapsed.

Motion

That Council leave the Government gazetted public holidays for the Western part of the Shire.

Moved: Cr Don Henderson
Seconded: Cr Bill McClenaghan
Not carried.

Motion

That Council write to the relevant Minister expressing extreme disappointment that this has happened and at the absence of consultation.

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

Motion:

That the Meeting adjourn for 10 minutes.

Moved: Cr Bill McClenaghan

Seconded: Cr Don Henderson

Carried.

The Meeting resumed at 8.50pm.

11. CORPORATE SERVICES:

Motion:

That Council now consider the item *Requested Changes to Lease – Jubilee Lake Caravan Park.*

Moved: Cr Don Henderson

Seconded: Cr Bill McClenaghan

Carried.

11.1 REQUESTED CHANGES TO LEASE – JUBILEE LAKE CARAVAN PARK

(A/O – General Manager Corporate Services)

File Ref: FOL/10/3163

Introduction

The operator and business owner of Jubilee Lake Caravan Park, Australian Tourist Park Management (ATPM), requests approval to alter the Lease boundary in order to facilitate the site development required under the Lease, and to meet requirements under the Regulations. ATPM also requests an extension to the Lease term to offset the delayed implementation of that development. ATPM's letter of request is attached (Attachment 1).

Report

In February 2008 Council determined to grant a Lease of Jubilee Lake Caravan Park to ATPM following a Request for Tender process. The Request for Tender sought to achieve the best rent return for Council for the rights to manage and operate the caravan park, and included a development requirement that the Leaseholder invest in capital improvements during the term of the Lease. Provision of fire services works and

refurbishment of both amenities blocks were nominated as compulsory works. The current Lease term is twenty years, and expires July 2028.

ATPM's tender proposal included expenditure on works and services of a capital nature, a minimum sum of \$800,000 during the Lease term, refurbishment works to amenities and subject to approval by the Landlord and planning approval \$600,000 for additional accommodation being en-suite powered sites, additional powered sites and additional cabins. A summary of proposed improvements is included, refer Attachment 2.

In June 2009 there were discussions between Councillor Barrell, Council officers and ATPM representatives about proposed development of the Caravan Park and possible changes to Lease boundaries to improve safety and increase the amenity of the Park. ATPM subsequently wrote to Council, 23 July 2009, requesting approval to alter the Lease boundary, and flag the impact of delay on its ability to amortise capital expenditure of the term of the Lease. As the Jubilee Lake Reserve Management Plan was at this stage being developed, it was agreed that ATPM proposals be considered after the Management Plan was completed. ATPM is keen to have Council's in-principle approval to alter the Lease before embarking on the required Planning Approvals process.

The Management Plan, which was adopted by Council in March 2010, sets out the values and principles which should underpin management of the Reserve. ATPM made submissions about its proposal to change the Lease area as part of the consultation in development of the Management Plan. An adjoining resident strongly objected to any extension of the Lease and the 'Friends of Jubilee Lake' expressed "strong reservations" about the proposal to build cabins on the "upper bank of the oval". The Management Plan considered that the improvements proposed in ATPM's draft development plan "will improve the level of amenity for caravan park users, with minimal impact upon the native vegetation and surrounds". The proposal to improve amenities is supported, in principle, however there are some suggested guidelines with regard to the proposed actions. The Plan outlines these guidelines.

An on-site meeting and workshop was held between ATPM representatives and Council officers in April 2010 to identify changes to the Caravan Park that will most effectively meet the ATPM, Council and community requirements. ATPM has modified its plans and drawings to reflect the agreed outcome of that workshop. (refer separate document.) One result was that the requested boundary change does not increase the total area under Lease. A survey is required to verify the new boundary and actual area. The workshop also confirmed that the altered boundary and development will

adequately provide for authorised vehicle and pedestrian access to the mineral spring in the Reserve.

Conclusion

In summary, the actions recommended to Council are based on the following key points:

- The altered boundary does not increase the size of the leased area, and ATPM is relinquishing the right to allow camping in Reserve areas.
- The proposed works are necessary to comply with updated Regulations, and reduce the current safety risks.
- A three year extension to the Lease term will offset the delayed start to the required works, and allow ATPM to amortise capital costs over the full 20 year term as originally planned.

Relevant Policies

The improved amenity will contribute to the enhanced viability of the Caravan Park. This investment in, and improvement of, the Caravan Park supports the Council Plan commitment to improving economic prosperity and specifically Commitment 29 to encourage new tourism infrastructure investments.

Community Engagement

Under the Local Government Act 1989, Section 190, Council is required to advertise the proposed alterations to the Lease thereby providing the opportunity for submissions to be received.

Council officers, in cooperation with ATPM, will undertake an appropriate community engagement process. Where practicable, this engagement will be coordinated with the Planning Approval process to optimise synergies and avoid duplication and confusion.

Financial Implications

The estimated Lease income to be paid to Council by ATPM in 2010-11 is \$51,500.

The altered boundary will improve the viability, and therefore commercial value, of the Caravan Park. Increased rent will also be reflected as the Lease provides for 3 yearly market reviews of rent.

Recommendation:

That Council:

- 11.1.1 Approve “in principle” alterations to the Jubilee Lake Caravan Park Lease to:
- a) Change the Lease boundary as shown in the ATPM Plan for Development, Attachment 3, subject to ATPM providing a detailed survey of the revised boundary, by a Licensed Surveyor.
 - b) Change the Lease expiry date to 30 April 2031.
- 11.1.2 Advertise the proposed alterations to the Jubilee Lake Caravan Park Lease, in accordance with the requirements of the *Local Government Act 1989*, Sect 190.

Motion:

That Council:

- 11.1.1 Advertise its intention to alter the Jubilee Lake Caravan Park Lease to:
- a) Change the Lease boundary as shown in the ATPM Plan for Development, Attachment 3, subject to ATPM providing a detailed survey of the revised boundary, by a Licensed Surveyor.
 - b) Change the Lease expiry date to 30 April 2031.
- 11.1.2 Request that ATPM provide a public forum on the proposed re-development.

Moved: Cr Jon Barrell

Seconded: Cr Sebastian Klein

Not Carried.

Motion:

That Council:

- 11.1.1 Refuse ATPM's proposal to extend the boundary and sum of the lease;
- 11.1.2 Inform ATPM of its decision;
- 11.1.3 Enforce the current terms and conditions of the lease agreement.

Moved: Cr Bill McClenaghan

Seconded: Cr Rod May

Carried.

Note: Due to file size, the following document is distributed separately:

- *Plan of development for Lake Jubilee Holiday Park.*

Attachment 1
Item 11.1

Attachment 2
Item 11.1

11.2 BUDGET FOR THE FINANCIAL YEAR 2010-11

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

Introduction

Council is required to prepare and adopt a budget for the forthcoming financial year. Council, at the ordinary meeting on 20 April 2010 proposed the budget for the 2010-11 financial year and the budget now needs to be formally adopted.

Report

Section 127(1) of the *Local Government Act 1989* requires that Council prepare a budget for each financial year and that it be adopted by 31 August each year (Section 130 (3) of the Act).

The budget papers have been prepared based on the *Victorian City Council Model Budget 2010-11 best practice guide* and contain details of the operational budget and the capital works to be undertaken in 2010-11. The budget papers contain the necessary statutory information required under the *Local government Act 1989* and *Local Government Regulations 2004*.

Submissions

61 submissions have been received from individuals and/or groups on the proposed budget. One of these submissions was a petition signed by 511 residents. Some of these submissions covered numerous components within the budget, resulting in 87 items in total being considered. Submissions were heard on Tuesday 8 June 2010.

Changes to budget that was advertised in April/May 2010

The forecast surplus and cash position for 30 June 2010 shown in the budget document has changed since the April when the budget was advertised. There are two main factors that have contributed to this:

- As with the prior year, a portion of the Victorian Grants Commission and Local Roads Grant for the 2010/11 year has been prepaid (\$932,000).
- Further, the value of capital works and projects that need to be carried forward to 2010/11 has changed which impacts both the 30 June 2010 cash balance and the 30 June 2010 and 2011 surplus.

A number of Councillor briefing sessions have been held since the submission period closed on 24 May 2010. Further, a Special Council Meeting was held on 22 June 2010 where officers were instructed to make a number of changes to the advertised Proposed Budget 2010-11.

The changes are summarised as follows:

- Decrease the farm differential to 65% for genuine primary producers;
- Lower the rate increase by \$162,000 as the Grants Commission Income is anticipated to be higher than first estimated;
- Lower the overall general rate increase to 5%;
- Halve the environmental charge to \$11;
- Include the \$116,500 Mineral Springs Reserves capital projects;
- Reallocate the \$65,000 that would have been spent on the unsuccessful Sport and Recreation Grant projects to the Daylesford Playground;
- Include the following \$67,000 additional operating expenditure, projects and capital works:
 - Swiss Italian Festa (MOU) - \$10,000
 - Cycling/Walking Strategy - \$25,000
 - Additional contribution to Landcare (Tree planting only) - \$12,000
 - Skatepark Upgrade for all four locations - \$20,000;
- Exclude the following \$274,000 of expenditure and capital works:
 - Wombat Hill Botanic Garden linear path \$40,000
 - Wombat Hill Botanic Garden pump - \$40,000
 - Environment Officer - \$65,000
 - Newlyn Roundabout Beautification - \$9,000
 - Elm Leaf Beetle project, with \$10k retained for monitoring works - \$50,000
 - Operating expenditure savings - \$100,000.

\$84,000 in operating savings has been made across the five departments by reducing certain discretionary expense items by 6%, the remaining \$16,000 savings have been made by excluding the Victoria Park detailed drawings from the list of 2010/11 projects.

\$65,000 will now be allocated specifically to an amenities block at the Daylesford Playground, the capital works program (refer Appendix C) has been updated to reflect this.

The \$40,000 Wombat Hill Botanic Garden pump is a carried forward project from 2009/10, only part of this money remains at 30 June 2010 and further, it cannot be removed as this is partly funded by a government grant.

\$90,000 of Open Space Reserves was to be used to fund the filter at the Trentham Pool. Per the revised budget, these works will now be funded by unrestricted cash and investments, which comprise accumulated surpluses from prior years.

All of the above changes result in an anticipated working capital ratio of 106% at 30 June 2011 and an underlying deficit of \$1.3 million.

The revised 2010-11 budget has been prepared on the basis of an overall increase in revenue raised by rates, the municipal and environmental charge by 6.95%. This constitutes a 5% increase in revenue from all property types, plus an additional 0.95% to be raised from commercial, industrial and mixed use businesses and an additional 1% (\$108 thousand) to be raised from the environmental charge.

This budget continues the existing practice of applying rate differentials. However, proposed are the following three changes for 2010-11:

FARM DIFFERENTIAL

- Council understands that the higher land component inherent in farming properties contributes to their relatively higher value, however this may be disproportionate compared to the income generated. Therefore, historically and per the Shire's rating strategy, a lower rate has been applied to farm land. The basis for this decision is that:
 - Rate relief should continue to be provided to genuine farm land operations because of the sectors importance to the economy.
 - Council has determined that in order to provide such rate relief, the farm differential will be decreased to 65% (2009/10: 70%).

COMMERCIAL, INDUSTRIAL AND MIXED USE DIFFERENTIAL

- At present, Council funds the majority of its tourism, regional and economic development costs from general rate revenue. To fund its increasing commitment to local economic development Council will increase the differential rates raised from the commercial, mixed use and industrial businesses by \$100 thousand. The basis for this decision is that:

- the Council's cost commitment to economic development and tourism should be financially supported by those who receive direct and indirect benefits; and
- the application of these additional contributions toward existing activities will ensure their survival and the support of new initiatives will assist the local economy into the future.

Therefore the commercial, industrial and mixed use differential will be increased by 6% to 116% in 2010/11.

VACANT LAND DIFFERENTIAL

Vacant land has been split into two differentials in 2010/11, township and other. Only the vacant land township differential has been set at 125% of the residential rate as Council has identified that vacant land outside townships may not be appropriate for development and therefore should not attract the higher rate.

The Rate Differentials, Municipal and Environmental Charge that will be applied are as follows:-

	2009-10	2010-11
Rate Differentials		
General	1.00	1.00
Commercial	1.10	1.16
Farmland	0.70	0.65
Industrial	1.10	1.16
Mixed Use	1.10	1.16
Recreational Land	0.50	0.50
Trust for Nature	0.50	0.50
Vacant Land - township	1.25	1.25
Vacant Land - other	1.25	1.00
Municipal and Environmental Charge	\$22	\$33

Relevant Policies / Council Plan implications

Council has a statutory responsibility to prepare and adopt a budget.

The Council Plan is the Council's medium term planning tool which guides the development of the Council budget.

The Council Plans strategic objectives are achieved through the funding of the activities and initiatives that support each objective within the Council Budget.

Community / Engagement / Communication / Consultation

Following preparation of the budget it was placed on public exhibition for 28 days to enable any written submissions to be made.

The budget has been publicly advertised in both local papers and has received a reasonable amount of general press coverage.

Council also conducted six public information sessions across the Shire and in Melbourne during the exhibition period to provide interested residents with an opportunity to understand the Council budget and to ask questions in relation to the proposed budget.

As a requirement of the *Local Government Act 1989* the draft documents were placed on public exhibition for the statutory period while public submissions were sought.

All submitters will be written to, thanking them for their comments and provided with detailed feedback. The final Council Budget and Strategic Resource Plan for 2010 - 2011 will be placed on Council's website and also copies will be made available for viewing at Council's administration offices.

Financial & Resource Implications Initial & Ongoing

The budget setting process is necessary to ensure that funds are set aside to achieve the most important objectives as prioritised by Council after consulting the community. The budget is Council's principal financial tool.

Recommendation:

*That Council, having complied with the procedures enunciated within the **Local Government Act 1989 and Local Government Regulations 2004** regarding the method of preparation and content of the budget for the 2010/11 financial year:*

11.2.1 Hereby determine that the budget for the 2010/11 year as presented

to this meeting and incorporating the changes detailed in the report be adopted.

- 11.2.2 The Strategic Resource Plan for the year 2010-2011 to 2013-2014 included in the budget document be adopted.
- 11.2.3 Acknowledge that the following details are provided in relation to the 2010/11 Hepburn Shire Council budget, which commences on 1 July 2010.
- As at 30 June 2010 the total amount borrowed by Council will be \$3.493 million.
 - There will be new borrowings of \$380,000 during the financial year.
 - The total amount of borrowings projected to be repaid during the year will be \$418 thousand.
 - The total amount of borrowings at 30 June 2011 is projected to be \$3.455 million.
 - The expected cost of servicing the borrowings during the financial year is \$220 thousand.

- 11.2.4 Declare that rates and charges be in accordance with the following statement.

DECLARATION OF RATES AND CHARGES

Whereas the Council is required by Section 158 of the *Local Government Act 1989* to at least once in each financial year by 31 August, to declare the amount it intends to raise by general rates, municipal charges, service rates and charges and whether such declaration will be of uniform or differential rates, the Council now resolves:

- 11.2.4.1 An amount of \$13,352,000 be declared as the amount which Council intends to raise by general rates, the municipal and environmental charge and annual service charges (all later described in this resolution) which amount is calculated as follows:

- General Rate \$11,204,000
- Municipal and Environmental Charge \$324,000
- Annual Service Charge - Waste Management (improved) \$817,000
- Annual Service Charge - Waste Management (vacant) \$187,000

- Annual Service Charge - Garbage Collection
\$495,000
- Annual Service Charge - Recycling Collection
\$325,000

A general rate be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

- 11.2.4.2 It is further declared that the general rate be raised by the application of differential rates.
- 11.2.4.3 It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.
- 11.2.4.4 A differential rate be declared for all rateable land (or part thereof) having the following characteristics:
- GENERAL - Residential
Meaning that rateable land which is used solely for residential purposes.
 - COMMERCIAL
Meaning that rateable land which is used solely for commercial purposes.
 - FARMLAND
Meaning that rateable land identified and defined as farmland and which is used solely for the purpose of farming as defined in section 2(1) of the Valuation of Land Act 1960 and is deemed to be a property for primary production purposes as accepted by the Australian Taxation Office.
 - INDUSTRIAL
Meaning that rateable land which is used solely for industrial purposes.
 - RECREATIONAL
Meaning that rateable land upon which sporting, recreational or cultural activities are conducted, including buildings which may be ancillary to such activities.
 - MIXED USE

Meaning that rateable land which is not used solely for residential or commercial or farmland or industrial or recreational but is a combination of residential and at least one other category.

- TRUST FOR NATURE
Meaning that rateable land which has a Trust for Nature Covenant applying to the land.
- VACANT LAND - TOWNSHIP
Meaning that rateable land which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected. This land must fall within township boundaries.
- VACANT LAND - OTHER
Meaning that rateable land which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected. This applies to all vacant land that does not meet the definition of “township” above.

- 11.2.4.5 The differential rate be applied by multiplying the capital improved value of the rateable land categorised in paragraph 4 by the percentages indicated on the following table:

RESIDENTIAL	.3835%
FARMLAND	.2493%
COMMERCIAL	.4449%
INDUSTRIAL	.4449%
MIXED USE	.4449%
RECREATIONAL	.1918%
TRUST FOR NATURE	.1918%
VACANT LAND – TOWNSHIP	.4794%
VACANT LAND - OTHER	.3835%

- 11.2.4.6 It be further recorded that the objectives of the differential rate are those objectives specified below:

- GENERAL - Residential
To ensure an equitable contribution towards the total rate income, having regard to the location,

use and services available to the land.

- **COMMERCIAL**
To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land
- **FARMLAND**
To ensure an equitable contribution towards the total rate income commensurate with the nature of the land, the services available and the primary production uses to which the land is put.
- **INDUSTRIAL**
To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land
- **RECREATIONAL**
To recognise the contribution this land makes towards the environment and habitat of native flora and fauna.
- **MIXED USE**
To ensure an equitable contribution towards the total rate income where the use is not solely residential or commercial or farmland or industrial or recreational, but maintains the characteristics of residential use and at least on other use category.
- **TRUST FOR NATURE**
To recognise the contribution this land makes towards the social, cultural and physical well being of the community.
- **VACANT LAND - TOWNSHIP**
To ensure an equitable contribution towards the total rate income and encourage the development of vacant land.
- **VACANT LAND - OTHER**

To ensure an equitable contribution towards the total rate income, having regard to the location, use and services available to the land.

11.2.4.7 ANNUAL SERVICE CHARGES

A Municipal and Environmental Charge be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Municipal and Environmental Charge be declared for the purpose of covering some of the administrative costs of the Council's operations and to fund key environmental initiatives that will benefit the whole community.

The Municipal and Environmental Charge be the sum of \$33.00 for each area of rateable land (or part thereof) in respect of which a municipal charge may be levied. It be confirmed that the Municipal and Environmental Charge is declared in respect of all rateable land within the municipal district against which a municipal charge may be levied and may be calculated pro rata for land which becomes rateable during the year.

- 11.2.4.8 An Annual Service Charge (here after described as the 'Service Charge – Waste Management (improved)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Waste Management (improved) be declared for :

- the management of waste disposal and the environment.

The Service Charge - Waste Management (improved) be the sum of \$101.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Waste Management (improved).

- 11.2.4.9 An Annual Service Charge (forthwith described as the 'Service Charge - Waste Management vacant)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Waste Management (vacant) be declared for the management of waste disposal and the environment.

The Service Charge - Waste Management (vacant) be the sum of \$101.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality which is vacant land or is land upon which is erected a building which is not occupied or not obviously adapted to be occupied for residential, commercial or industrial purposes will be liable for the Service Charge - Waste Management (vacant) with the exception of farmland where multiple assessments exist and which is worked as a single farming enterprise, only one charge will be levied.

- 11.2.4.10 An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection residential)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Garbage Collection (residential) be declared for:

- the collection, removal and disposal of domestic refuse and rubbish.

The Service Charge - Garbage Collection (residential) be the sum of \$96.00 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential and mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection (residential).

- 11.2.4.11 An Annual Service Charge (hereafter known as the

'Service Charge - Garbage Collection commercial)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Garbage Collection (commercial) be declared for:

- the collection, removal and disposal of commercial refuse and rubbish.

The Service Charge - Garbage Collection (commercial) be the sum of \$199 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land other than residential or mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection upon request for the service.

- 11.2.4.12 An Annual Service Charge (hereafter known as the 'Service Charge - Recycling Collection') be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Recycling Collection be declared for

- the collection, removal and disposal of approved recyclable materials.

The Service Charge - Recycling Collection be the sum of \$66 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential land and mixed use within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection.

All other land within the designated collector areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection upon request for the service.

- 11.2.4.13 Where during the year, a building is erected on vacant

land, the Service Charge - Waste Management for the year for that land will be the sum of the Service Charge - Waste Management (vacant) multiplied by the fraction of the year which elapsed prior to the building being occupied for the first time and the Service Charge - Waste Management (improved) multiplied by the fraction of the year remaining when the building is occupied for the first time.

- 11.2.4.14 Where during the year, a building on vacant land which is in a designated collection area becomes occupied or obviously adapted to be occupied, the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection respectively for that land will be the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the building becomes occupied or obviously adapted to be occupied.
- 11.2.4.15 Where during the year, land becomes part of a designated collection area, the Service Charge - Garbage Collection and the Service Charge - Recycling Collection respectively for that land will be the relevant Service Charge - Garbage Collection and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the land becomes part of the designated collection area.
- 11.2.4.16 Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:
- Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.
 - Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin
 - Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.
- 11.2.4.17 That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.
- 11.2.4.18 That pursuant to section 167(1) of the *Local Government Act 1989*, Council resolves that all rates and charges levied as a result of this declaration must be paid by four

installments payable on the dates fixed by the Minister under section 167(2).

- 11.2.4.19 That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.
- 11.2.4.20 That Council adopt the schedule of fees and charges included as part of the budget document.

Motion:

*That Council, having complied with the procedures enunciated within the **Local Government Act 1989 and Local Government Regulations 2004** regarding the method of preparation and content of the budget for the 2010/11 financial year:*

11.2.1	Hereby determine that the budget for the 2010/11 year as presented to this meeting and incorporating the changes detailed in the report be adopted.
11.2.2	The Strategic Resource Plan for the year 2010-2011 to 2013-2014 included in the budget document be adopted.
11.2.3	<p>Acknowledge that the following details are provided in relation to the 2010/11 Hepburn Shire Council budget, which commences on 1 July 2010.</p> <ul style="list-style-type: none"> • As at 30 June 2010 the total amount borrowed by Council will be \$3.493 million. • There will be new borrowings of \$380,000 during the financial year. • The total amount of borrowings projected to be repaid during the year will be \$418 thousand. • The total amount of borrowings at 30 June 2011 is projected to be \$3.455 million. • The expected cost of servicing the borrowings during the financial year is \$220 thousand.
11.2.4	<p>Declare that rates and charges be in accordance with the following statement.</p> <p>DECLARATION OF RATES AND CHARGES</p> <p>Whereas the Council is required by Section 158 of the <i>Local Government Act 1989</i> to at least once in each financial year by 31 August, to declare the amount it intends to raise by general rates, municipal charges, service rates and charges and whether such declaration will be of uniform or differential rates, the Council now resolves:</p> <p>11.2.4.1 An amount of \$13,352,000 be declared as the amount which Council intends to raise by general rates, the municipal and environmental charge and annual service charges (all later described in this resolution) which amount is calculated as follows:</p> <ul style="list-style-type: none"> • General Rate \$11,204,000 • Municipal and Environmental Charge \$324,000 • Annual Service Charge - Waste Management (improved) \$817,000 • Annual Service Charge - Waste Management

	<p>(vacant) \$187,000</p> <ul style="list-style-type: none">• Annual Service Charge - Garbage Collection \$495,000• Annual Service Charge - Recycling Collection \$325,000 <p>A general rate be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.</p> <p>11.2.4.2 It is further declared that the general rate be raised by the application of differential rates.</p> <p>11.2.4.3 It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.</p> <p>11.2.4.4 A differential rate be declared for all rateable land (or part thereof) having the following characteristics:</p> <ul style="list-style-type: none">○ GENERAL - Residential Meaning that rateable land which is used solely for residential purposes.○ COMMERCIAL Meaning that rateable land which is used solely for commercial purposes.○ FARMLAND Meaning that rateable land identified and defined as farmland and which is used solely for the purpose of farming as defined in section 2(1) of the Valuation of Land Act 1960 and is deemed to be a property for primary production purposes as accepted by the Australian Taxation Office.○ INDUSTRIAL Meaning that rateable land which is used solely for industrial purposes.○ RECREATIONAL Meaning that rateable land upon which sporting, recreational or cultural activities are conducted, including buildings which may be ancillary to such activities.
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	<ul style="list-style-type: none"> ○ MIXED USE Meaning that rateable land which is not used solely for residential or commercial or farmland or industrial or recreational but is a combination of residential and at least one other category. ○ TRUST FOR NATURE Meaning that rateable land which has a Trust for Nature Covenant applying to the land. ○ VACANT LAND - TOWNSHIP Meaning that rateable land which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected. This land must fall within township boundaries. ○ VACANT LAND - OTHER Meaning that rateable land which does not form part of a commercial or industrial or farming enterprise or recreational purpose or upon which a residence is erected. This applies to all vacant land that does not meet the definition of “township” above. 																		
11.2.4.5	<p>The differential rate be applied by multiplying the capital improved value of the rateable land categorised in paragraph 4 by the percentages indicated on the following table:</p> <table style="margin-left: 40px;"> <tr><td>RESIDENTIAL</td><td>.3835%</td></tr> <tr><td>FARMLAND</td><td>.2493%</td></tr> <tr><td>COMMERCIAL</td><td>.4449%</td></tr> <tr><td>INDUSTRIAL</td><td>.4449%</td></tr> <tr><td>MIXED USE</td><td>.4449%</td></tr> <tr><td>RECREATIONAL</td><td>.1918%</td></tr> <tr><td>TRUST FOR NATURE</td><td>.1918%</td></tr> <tr><td>VACANT LAND – TOWNSHIP</td><td>.4794%</td></tr> <tr><td>VACANT LAND - OTHER</td><td>.3835%</td></tr> </table>	RESIDENTIAL	.3835%	FARMLAND	.2493%	COMMERCIAL	.4449%	INDUSTRIAL	.4449%	MIXED USE	.4449%	RECREATIONAL	.1918%	TRUST FOR NATURE	.1918%	VACANT LAND – TOWNSHIP	.4794%	VACANT LAND - OTHER	.3835%
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VACANT LAND – TOWNSHIP	.4794%																		
VACANT LAND - OTHER	.3835%																		
11.2.4.6	<p>It be further recorded that the objectives of the differential rate are those objectives specified below:</p> <ul style="list-style-type: none"> ○ GENERAL - Residential To ensure an equitable contribution towards the 																		

	<p>total rate income, having regard to the location, use and services available to the land.</p> <ul style="list-style-type: none"><li data-bbox="527 388 1307 598">○ COMMERCIAL To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land<li data-bbox="527 640 1307 819">○ FARMLAND To ensure an equitable contribution towards the total rate income commensurate with the nature of the land, the services available and the primary production uses to which the land is put.<li data-bbox="527 861 1307 1071">○ INDUSTRIAL To ensure an equitable contribution towards the total rate income which recognises the objective of maintaining an environment which is beneficial to the continuing operation of these properties. As well as the use and services available to the land<li data-bbox="527 1113 1307 1249">○ RECREATIONAL To recognise the contribution this land makes towards the environment and habitat of native flora and fauna.<li data-bbox="527 1291 1307 1543">○ MIXED USE To ensure an equitable contribution towards the total rate income where the use is not solely residential or commercial or farmland or industrial or recreational, but maintains the characteristics of residential use and at least on other use category.<li data-bbox="527 1585 1307 1732">○ TRUST FOR NATURE To recognise the contribution this land makes towards the social, cultural and physical well being of the community.<li data-bbox="527 1774 1307 1911">○ VACANT LAND - TOWNSHIP To ensure an equitable contribution towards the total rate income and encourage the development of vacant land.
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○ VACANT LAND - OTHER

To ensure an equitable contribution towards the total rate income, having regard to the location, use and services available to the land.

11.2.4.7 ANNUAL SERVICE CHARGES

A Municipal and Environmental Charge be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Municipal and Environmental Charge be declared for the purpose of covering some of the administrative costs of the Council's operations and to fund key environmental initiatives that will benefit the whole community.

The Municipal and Environmental Charge be the sum of \$33.00 for each area of rateable land (or part thereof) in respect of which a municipal charge may be levied. It be confirmed that the Municipal and Environmental Charge is declared in respect of all rateable land within the municipal district against which a municipal charge may be levied and may be calculated pro rata for land which becomes rateable during the year.

11.2.4.8 An Annual Service Charge (here after described as the 'Service Charge – Waste Management (improved)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Waste Management (improved) be declared for :

- the management of waste disposal and the environment.

The Service Charge - Waste Management (improved) be the sum of \$101.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Waste Management (improved).

11.2.4.9 An Annual Service Charge (forthwith described as the 'Service Charge - Waste Management vacant)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Waste Management (vacant) be declared for the management of waste disposal and the environment.

The Service Charge - Waste Management (vacant) be the sum of \$101.00 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land within the municipality which is vacant land or is land upon which is erected a building which is not occupied or not obviously adapted to be occupied for residential, commercial or industrial purposes will be liable for the Service Charge - Waste Management (vacant) with the exception of farmland where multiple assessments exist and which is worked as a single farming enterprise, only one charge will be levied.

11.2.4.10 An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection residential)' be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Garbage Collection (residential) be declared for:

- the collection, removal and disposal of domestic refuse and rubbish.

The Service Charge - Garbage Collection (residential) be the sum of \$96.00 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential and mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection (residential).

11.2.4.11 An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection commercial') be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Garbage Collection (commercial) be declared for:

- the collection, removal and disposal of commercial refuse and rubbish.

The Service Charge - Garbage Collection (commercial) be the sum of \$199 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All land other than residential or mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection upon request for the service.

11.2.4.12 An Annual Service Charge (hereafter known as the 'Service Charge - Recycling Collection') be declared for the period commencing on 1 July 2010 and concluding on 30 June 2011.

The Service Charge - Recycling Collection be declared for

- the collection, removal and disposal of approved recyclable materials.

The Service Charge - Recycling Collection be the sum of \$66 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

All residential land and mixed use within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection.

All other land within the designated collector areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection upon request for the service.

- 11.2.4.13 Where during the year, a building is erected on vacant land, the Service Charge - Waste Management for the year for that land will be the sum of the Service Charge - Waste Management (vacant) multiplied by the fraction of the year which elapsed prior to the building being occupied for the first time and the Service Charge - Waste Management (improved) multiplied by the fraction of the year remaining when the building is occupied for the first time.
- 11.2.4.14 Where during the year, a building on vacant land which is in a designated collection area becomes occupied or obviously adapted to be occupied, the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection respectively for that land will be the Service Charge - Garbage Collection (residential) and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the building becomes occupied or obviously adapted to be occupied.
- 11.2.4.15 Where during the year, land becomes part of a designated collection area, the Service Charge - Garbage Collection and the Service Charge - Recycling Collection respectively for that land will be the relevant Service Charge - Garbage Collection and the Service Charge - Recycling Collection multiplied by the fraction of the year remaining when the land becomes part of the designated collection area.
- 11.2.4.16 Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:
- Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.
 - Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin
 - Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.
- 11.2.4.17 That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.
- 11.2.4.18 That pursuant to section 167(1) of the *Local Government Act 1989*, Council resolves that all rates and charges

	<p>levied as a result of this declaration must be paid by four installments payable on the dates fixed by the Minister under section 167(2).</p> <p>11.2.4.19 That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.</p> <p>11.2.4.20 That Council adopt the schedule of fees and charges included as part of the budget document.</p> <p>11.2.4.21 That Drummond Tennis Court restoration be funded up to \$28,000 entirely from Open Space/Reserves allocation.</p>
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Moved: Cr Rod May

Seconded: Cr Sebastian Klein

Carried.

Note: Due to large file size, the following document is distributed separately:

- *Hepburn Shire Council Proposed Budget 2010-2011.*

11.3 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER AND OTHER COUNCIL STAFF

(Action Officer: A/General Manager Corporate Services)

Introduction

Under the *Local Government Act 1989*, all delegations made by Council to Council staff are required to be reviewed after legislation is changed through the Parliamentary process.

This report reviews existing delegations from Council to Staff and incorporates changes necessitated by legislation change since the last report to Council on this subject on the 18 August 2009.

Report

General

Many Council decisions are not made at Council meetings, it is simply not practicable. Effective functioning of local government would not be possible if delegation of decision-making power is, or should be, was not allocated by formal delegations.

There are two forms of delegation which occur in Victorian local government:

- delegation to special committees;
- delegation to members of staff.

Delegations are different in nature from authorisations. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position - for example, an authorised officer - is not. An authorised officer's powers and responsibilities are quite distinct from Council's.

Council uses the 'Maddocks' model delegation package which involves every power, duty and function that has been identified and specifically delegated to Council. Under this regime delegations are dealt with in three ways;

1. Delegations from the Council to the Chief Executive Officer;
2. Delegations from Council to Council staff under specific provisions of various Acts and Regulations including the *Environment Protection Act 1970*, *Food Act 1984*, *Planning and Environment Act 1987* and *Road Management Act 2004*, and
3. Sub- Delegation from the Chief Executive Officer to staff.

A Council is a statutory entity. The authority of Council is therefore defined by statutory prescriptions.

The sources of council authority can be summarised as:

- power to do things which a "natural person" can do - in particular, the power to enter into contracts;
- powers conferred by provisions of acts and regulations, such as the *Local Government Act 1989* and the *Planning and Environment Act 1987*;

- powers conferred by other forms of statutory instrument.

The powers of a “natural person”

Section 5 of the *Local Government Act 1989* enables Council to deal with property and, more generally, the capacity to do anything which bodies corporate may by law do “which are necessary or expedient” for performing its functions and exercising its powers.

Decisions by the Council

The Council is a legal entity composed of its members (i.e. Councillors). Because it is not a “natural” person, it can act in only one of two ways: by resolution or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act -

- “(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.”

Types of delegation

Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written “instruments of delegation” wherever practicable.

The *Local Government Act 1989*, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils. There are two basic forms of delegation under the *Local Government Act 1989* -

- To a special committee. Although a special committee is not a separate legal entity (being only a “committee” of persons) as a body it can act as a “delegate” of the Council. This applies to special committees comprising councillors as well as to special committees which include officers and/or other persons;
- To an officer of the Council. If the delegation is to the Chief Executive Officer that person has power to “sub-delegate” some or all of those powers to other officers. If the delegation is to any other officer, there is no power of “sub-delegation”.

The essential features of a delegation.

Most statutory bodies have a power of delegation - delegation of power is generally considered essential to enable day-to-day decisions to be made.

Because it is a common feature of legislation, not all details about delegations are set out in the empowering Act - some general features of delegation are set out in the *Interpretation of Legislation Act 1984*. In particular -

- the decision, once made, is for all legal purposes a decision of the Council itself (section 42A of the *Interpretation of Legislation Act*);
- the "delegate" is in much the same position as the Council itself in terms of making the decision - for example, where the decision requires that opinion be formed, the delegate's opinion can be the basis for the decision (section 42 of the *Interpretation of Legislation Act*);
- the fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned (section 42A of the *Interpretation of Legislation Act*). This is subject, of course, to the rule that the delegate's decision (once made) is taken to be the decision of the Council itself.

For this reason, Council has in many instances appropriate policies and guidelines under which delegation should be exercised.

Delegations to Officers

The power of delegation under section 98 is a power to delegate Council's powers under the *Local Government Act* or any other Act (with specific exceptions).

The delegation power does not apply to statutory appointments - these are not delegations of Council powers. Persons who are appointed to positions are acting as holders of statutory powers, and are not acting as delegates.

Examples are:

- an authorised officer appointed under section 224 of the *Local Government Act*;
- a person appointed to institute proceedings on behalf of the Council (section 232 of the *Local Government Act*).

A recurring problem with delegations to Council officers is that changes occur in personnel - if delegations are made to named officers, each time a new officer is appointed a further instrument of delegation must be made.

The solution to this problem is to delegate to the person who, for the time being, occupies a specified office - for example, to the "Manager Planning and Development".

The Register of Delegations

Under sections 87 and 98 of the *Local Government Act 1989* the Council is required to keep a register of delegations to special committees and under section 98, a register of delegations to members of Council staff must be kept. These registers of delegations, including the date when delegations were last reviewed under section 86(6) and 98(6), must be made available for public

inspection (regulation 11(j) of the *Local Government (General) Regulations* 2004).

The Review Process

Council is regularly advised by Lawyers, Maddocks of changes to legislation that is likely to affect the current delegations of Council. This advice has resulted in this report. Since the August 2009 resolution of Council changes have occurred to several pieces of legislation which the attachment S6 now incorporates.

A summary of this legislation is as follows:

- Name change of Domestic Feral & Nuisance Animals Act 1994 to Animals Act 1994.
- Repeal of the Health Act 1958 by the Public Health and Wellbeing Act 2008.
- Several amendments to the Road Management Act 2004.
- Amendments to the Food Act 1984 as a result of the introduction of the Public Health and Wellbeing Act 2008.
- Amendments to the Food Act 1984 as a result of the Food (Regulation Reform) Act 2009.
- Additional powers of delegation provided under the Planning and Environment Act 1987 not previously advised to Council.

Relevant Policies / Council Plan implications

The Local Government Act 1989 and various other Acts.

Community / Engagement / Communication / Consultation

Council is delegating general powers to staff positions delegated to it under specific legislation set out above and in this instance is not required to undertake a public consultation program.

Financial & Resource Implications Initial & Ongoing

There are no financial implications in Council adopting these Instruments of delegation.

Recommendation:

That Council:

- 11.3.1 In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* ("the Act") and the other legislation referred to in the attached *Instrument of Delegation*, Hepburn Shire Council ("Council") resolves:

- a) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation (S6) to Members of Council Staff*, the powers, duties and functions set out in that Instrument attached as Appendix , subject to the conditions and limitations specified in that Instrument.
- b) The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.
- c) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- d) Council sign and affix Council's Common Seal to the Instrument of Delegation Council to Staff (S 6)

11.3.2 Authorise the Chief Executive Officer to update the delegation register as and when any relevant legislation is amended or introduced.

Motion:

That Council:

11.3.1 In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* ("the Act") and the other legislation referred to in the attached *Instrument of Delegation*, Hepburn Shire Council ("Council") resolves:

- a) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation (S6) to Members of Council Staff*, the powers, duties and functions set out in that Instrument attached as Appendix , with the deletion of S61 (1)(c) subject to the conditions and limitations specified in that Instrument.
- b) The Instrument comes into force immediately the common seal of Council is affixed to the Instruments of Delegation.
- c) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- d) Council sign and affix Council's Common Seal to the Instrument of Delegation Council to Staff (S 6)

11.3.2 Authorise the Chief Executive Officer to update the delegation register as and when any relevant legislation is amended or introduced.

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

Note: Due file size, the following documents are distributed separately:

- *Hepburn Shire Council Instrument of Delegation by the Chief Executive Officer Update Version 2010;*
- *Hepburn Shire Council Instrument of Delegation to members of Council Staff Update version June 2010.*

11.4 MONTHLY FINANCIAL REPORT JUNE 2010 (Action Officer – A/General Manager Corporate Services)

Introduction

The monthly financial report for June 2010 outlines the process for preparation and approval of year end accounts, and includes the monthly rates and sundry debtors reports and also Councils cash and investments at 30 June 2010.

Report

Year End Accounts Process

Officers are currently preparing the annual financial statements for the year ended 30 June 2010. The external auditors are expected on the 6 September 2010 with the initial audit report and annual financial statements to be submitted to the Auditor General by 17 September 2010.

At a special audit committee the Annual Report will be considered at the 21 September 2010 meeting of Council, Council will need to adopt the Financial Reports and Performance Statement in principle and appoint two Councillors and an officer to sign the Financial Reports and Performance Statement. Once final year-end adjustments have been made a summarised report on the year end result will be presented to the October 2010 Council meeting.

The audit statement is expected to be received from the Auditor General's office during the third week of September. The Annual Report which includes the Financial Reports and Performance Statement is required to be submitted to the Minister for Local Government by 30 September 2010.

In accordance with section 134 of the Local government Act 1989 Council must consider the annual report at a meeting of the Council as soon as practicable after the Council has sent the annual report to the Minister. Council is required to give at least 14 days public notice of the meeting at which it will consider the Annual report which is expected to be the November 2010 ordinary meeting of Council.

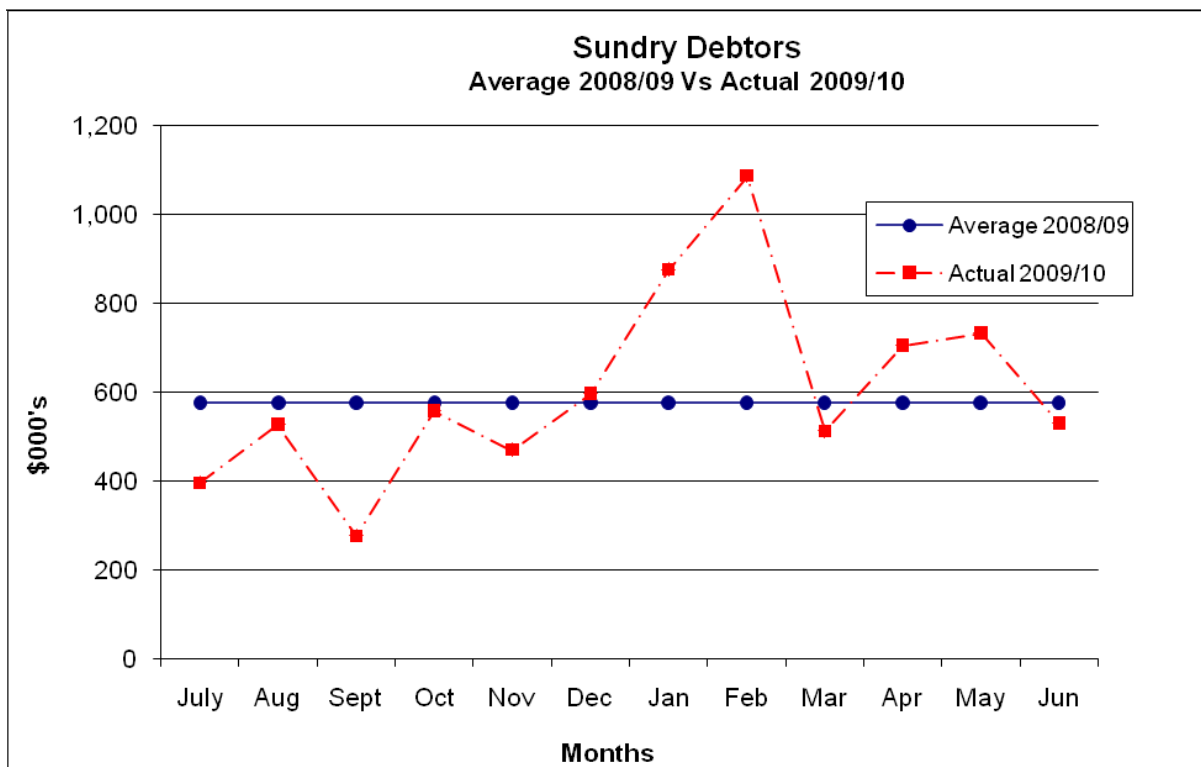
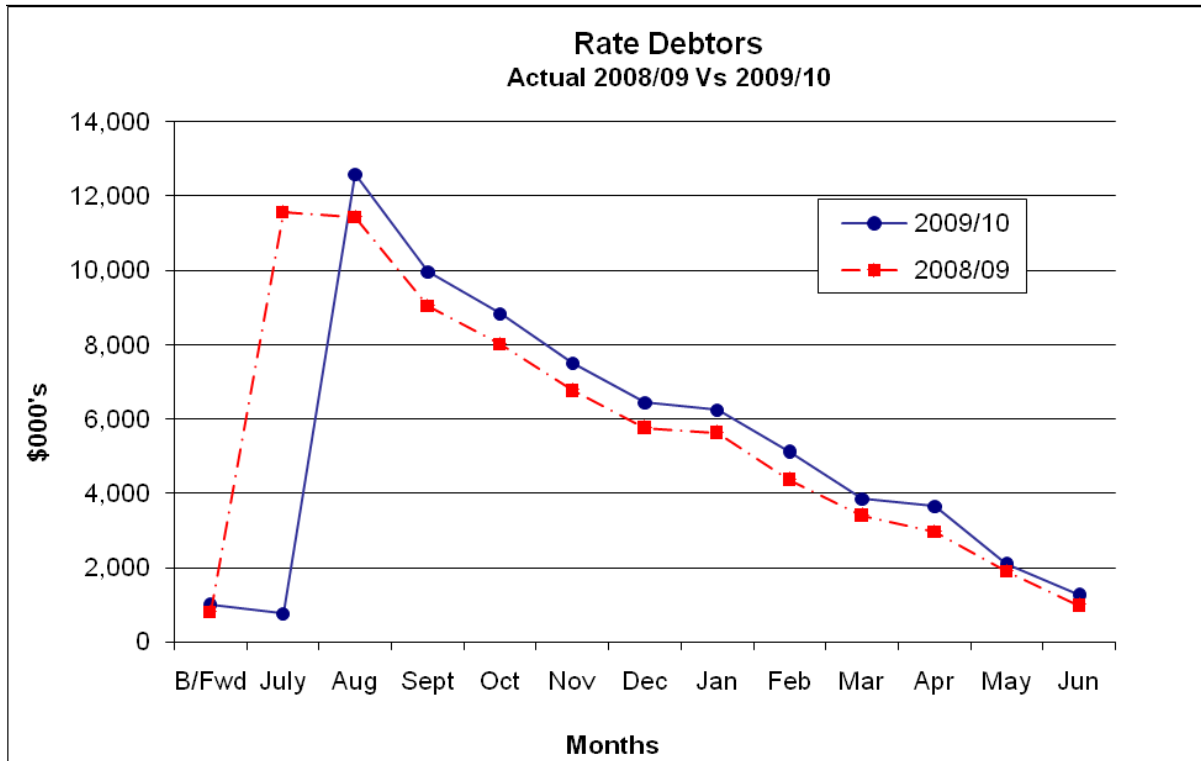
Debtors Reports for June 2010

Following for Councillors information are two graphs which show the level of rate debtors for 2009/2010 in comparison to the previous year and the level of sundry debtors to the average level of sundry debtors for the previous year. Both are considered to be at acceptable levels at the end of June 2010.

Investment Schedule for June 2010

Following is a list of Councils cash and investments as at 30 June 2010. Cash and investment levels are higher than anticipated due to carried forward projects and prepayment of 2010/2011 Grants commission payment.

Hepburn Shire Council Cash and Investments As at 30 June 2010			
	Maturing	Rate	Balance
CBA Investment Account		Variable	\$1,934,642.60
FIIG Securities	29/08/2014	Variable	\$250,000.00
Savings & Loans Credit Union	20/07/2010	5.95%	\$1,000,000.00
Big Sky Credit Union	25/08/2010	6.19%	\$500,000.00
MyState Investment	18/07/2010	5.81%	\$1,000,000.00
Bankwest	30/06/2010	5.50%	\$300,000.00
Doug Lindsay Reserve		Variable	\$980,895.00
Litherland Bequest		Variable	\$91,400.00
Medlyn Bequest		Variable	\$21,600.00
F Shaw Bequest		Variable	\$10,000.00
General CBA Bank Account		Variable	\$781,970.00
Cash Floats and Petty Cash			\$6,000.00
			\$6,876,507.60
LSL Reserve Funds			
Bendigo Bank Floating Rate	12/12/2011	Floating	\$484,850.00
CBA Investec	27/02/2014	Floating	\$489,300.00
			\$974,150.00
Total Cash and Investments			\$7,850,657.60



Relevant Policies

Council Plan – Good Governance

Community Engagement

Not Applicable

Financial Implications

Nil

Recommendation

11.4.1 That Council receives the June 2010 monthly financial report.

Motion

11.4.1 That Council receives the June 2010 monthly financial report.

Moved: Cr Tim Hayes

Seconded: Cr Sebastian Klein

Carried.

12. COMMUNITY DEVELOPMENT:

12.1 UPDATE – PROPOSED VICTORIA PARK MULTI PURPOSE FACILITY

(A/O – General Manager Community Development)

File Ref: 56/10/01

Introduction

The purpose of this report is to update Council on the results of the quantity surveyors report and recommend that Council allocate funding for additional preparatory site investigation works.

Report

At its March 2010 Ordinary Meeting Council resolved to allocate \$4,000 to fund an impact quantity surveyor estimator in order to develop a detailed Cost Plan for the proposed Multi Purpose Community Facility at Victoria Park, Daylesford.

The report prepared by Plancost (Attachment 3) includes a Total End Cost of \$4,463,000 for the facility, based on a 2012 completion date. Along with passive solar design the Multi Purpose Facility includes the following environmental sustainability features:

- A 4 kwh photovoltaic panel grid;
- Gas boosted solar hot water system;
- Grey water system;
- Rainwater harvesting
- Double glazing and high levels of insulation

The cost per square metre is \$2,700, higher than the square metre construction cost of comparable community facilities, as it is a three level building which requires lifts and additional footings. In addition there is a greater distance to existing service connections.

The Chief Executive Officer and Community Strengthening Manager met with the Vic Park Association (VPA) on 9 July, 2010 to provide them with the Plancost report and discuss the future of the project and next steps. The VPA were keen to test the project proposal with funding bodies and considered that there were opportunities for the project in the current funding environment.

The VPA and architect providing assistance, Simon Hill identified that, to date, no geotechnical survey had been undertaken. It is proposed that Council fund additional preparatory site investigation works - geotechnical and land contour surveys. Based on

these surveys the current footing design will be reviewed which lead to some may cost savings however the design and cost may remain unchanged.

Relevant Policies

Council Plan Commitment: We will assist our residents improve the health, safety and vibrancy of our communities

Community Engagement

The Victoria Park Association has undertaken extensive consultation with community groups in the development of the Victoria Park Multi Purpose Community Facility.

Financial Implications

The cost of the additional site investigation works is \$5,573 (GST inclusive).

Recommendation:

12.1.1 That Council allocate \$5,573 for the additional survey work based on quotes provided by Simon Hill .

Motion:

12.1.1 That Council allocate \$5,573 for the additional survey work based on quotes provided by Simon Hill .

Moved: Cr Bill McClenaghan

Seconded: Cr Rod May

Carried.

Attachment 3
Item 12.1

12.2 TRANSITION FROM YOUTH ADVISORY COMMITTEE - LOCAL YOUTH ENGAGEMENT

(A/O General Manager, Community Development)

File Ref: FOL/10/2894

Introduction

The purpose of this report is to seek Council approval to replace the Youth Advisory Committee with a local level approach to youth engagement and consultation.

Report

The Youth Advisory Committee has found that:

- Young people do not feel connected and engaged by the Youth Advisory Committee or Council;
- Effective engagement of young people needs to be on young people's terms and utilise a 'grassroots' approach, and;
- Young people need pathways to engagement within their own communities.

The Youth Advisory Committee has identified a number of things which would maximise involvement of young people, make better use of resources, give rise to greater engagement and participation of young people in Council processes and build support and connection between young people and their communities.

Key aspects of the proposed model are to:

- Build capacity and provide resources for youth groups and youth led initiatives in Trentham, Daylesford, Creswick and Clunes; (Attachment 4 details current youth programs)
- Undertake youth consultation processes which utilise locally based youth groups and which are consistent with Council's community engagement framework;
- Work with Council Advisory Committees to establish youth positions and support young people to be involved;
- Facilitate and encourage links between local community groups and youth groups to increase support and connection for young people in their communities;
- Run regular shire wide youth forums, at least two per year, to establish ongoing directions for Council Youth Development and promote youth leadership and advocacy, and;
- Establish a youth quick response grants program.

Relevant Policies / Council Plan implications

Council Youth Policy No. 43

Community / Engagement / Communication / Consultation

This recommendation has been developed and endorsed by the Youth Advisory Committee in consultation with young people.

Financial & Resource Implications Initial & Ongoing

The implications of this report are cost neutral.

It involves the reallocation of \$10,000 allocated in the 2010/11 budget to YAC and Youth Grants to establish the Clunes Youth Group (\$7,000) and Youth 'quick response' Grants (\$3,000).

Recommendation:

That Council:

- 12.2.1 *Endorses the transition to local youth engagement and consultation model.*
- 12.2.2 *Agree to dissolve the Youth Advisory Committee by January 2011.*
- 12.2.3 *Re-allocates \$10,000 2010-11 funding for the Youth Advisory Committee and the Youth Grants to support the development of a Clunes Youth Group and Quick Response Youth Grants.*

Motion:

That Council:

- 12.2.1 *Endorses the transition to local youth engagement and consultation model.*
- 12.2.2 *Agree to dissolve the Youth Advisory Committee by January 2011.*
- 12.2.3 *Re-allocates \$10,000 2010-11 funding for the Youth Advisory Committee and the Youth Grants to support the development of a Clunes Youth Group and Quick Response Youth Grants.*

Moved: Cr Sebastian Klein

Seconded: Cr Jon Barrell

Carried.

Attachment 4
Item 12.2

12.3 LOAN REQUEST – TRENTHAM & DISTRICT COMMUNITY BANK

(A/O – General Manager Community Development)

Introduction

The purpose of this report is for Council to consider a request from the Trentham & District Community Bank for loan funding of \$10,000 to undertake a feasibility study to establish a Community Bank.

Report

The Trentham & District Community Bank Committee has been formed to pursue the establishment of a Community Bank in conjunction with the Bendigo Bank.

To date, more than \$500,000 has been pledged by around 200 individuals. The Committee is confident that they will reach the \$650,000 target by mid-July 2010, which will be the trigger for undertaking a feasibility study.

The Committee requests a \$10,000 interest free loan to undertake the feasibility study. Previously Council has supported and underwritten similar feasibility studies for Community Bank Committees in Creswick and Daylesford.

Relevant Policies

Council Plan Commitment: We will help improve economic prosperity.

Community Engagement

The Trentham and District Community Bank Committee has undertaken extensive consultation with the Trentham and district community in pursuing a full Community Bank branch.

Financial Implications

Council has this amount in cash on hand. The loan would not impact negatively on the Council's operations as the loan would be provided and repaid within one financial year.

Recommendation

That Council

- 12.3.1 *Provide a short-term interest free loan to the Trentham & District Community Bank Committee to fund the feasibility study for the Trentham Community Bank – Bendigo Bank, up to a maximum of \$10,000, to be repaid over twelve months, from the signing of a loan repayment agreement.*
- 12.3.2 *Authorise the Chief Executive Officer to sign and seal the resultant loan repayment agreement on behalf of Council in which the Committee Members will be required to provide personal guarantees.*

Motion

That Council

- 12.3.1 *Provide a short-term interest free loan to the Trentham & District Community Bank Committee to fund the feasibility study for the Trentham Community Bank – Bendigo Bank, up to a maximum of \$10,000, to be repaid over twelve months, from the signing of a loan repayment agreement.*
- 12.3.2 *Authorise the Chief Executive Officer to sign and seal the resultant loan repayment agreement on behalf of Council in which the Committee Members will be required to provide personal guarantees.*

Moved: Cr Sebastian Klein

Seconded: Cr Tim Hayes

Carried.

13 SUSTAINABLE DEVELOPMENT:

13.1 HERITAGE ADVISORY COMMITTEE – APPOINTMENT OF COMMUNITY MEMBER

(Action Officer – General Manager Sustainable Development)

Introduction

This report concerns the appointment of a community representative to fill one of two advertised vacancies on the Hepburn Shire Heritage Advisory Committee.

Report

Council advertised calling for nominations for the two community vacancies in *The Advocate* newspaper in early December 2009. No nominations were received.

Council re-advertised on 27 March 2010 in *The Courier, Ballarat* and *The Advocate* on 31 March 2010 and on its website during March and April 2010. Nominations closed on Thursday, 29 April 2010. Subsequently, Council received one nomination from Heather Mutimer.

This nomination was tabled at the Heritage Advisory Committee meeting held on 28 May 2010.

Heather Mutimer is a local resident with many years experience as a member of many diverse community groups, two terms as a councillor of Hepburn Shire, amateur local historian and Committee member of the Daylesford and District Historical Society.

Relevant Policies

Local Government Act 1989

Council's Local Law No 1 – Meeting Procedures and Common Seal

Hepburn Shire Heritage Advisory Committee – Terms of Reference January 2008

Community Engagement

Nominations to the Committee were publicly advertised in December 2009 and March/April 2010 in local newspapers and on Council's website.

Financial Implications

Council has allocated funds within the current budget to cover the operating costs of this Committee. There are minimal financial implications.

Recommendation

13.1.1 That Council appoint Heather Mutimer as a community member of the Heritage Advisory Committee for a period of two (2) years.

Motion

13.1.1 That Council appoint Heather Mutimer as a community member of the Heritage Advisory Committee for a period of two (2) years.

Moved: Cr Bill McClenaghan

Seconded: Cr Sebastian Klein

Carried.

Cr McClenaghan left the Meeting at 10.30pm due to a direct conflict of interest in item 14.1: *Proposed Amalgamation of Waste Management Groups.*

14 INFRASTRUCTURE:

14.1 PROPOSED AMALGAMATION OF WASTE MANAGEMENT GROUPS

(Action Officer – General Manager Infrastructure)

Introduction

The State Minister of Environment and Climate Change, the Hon. Gavin Jennings MLC, has stated his intention to restructure the current waste management groups throughout Victoria in order to gain efficiencies and better outcomes within this area.

Report

The Hepburn Shire is currently a member of the Highlands Regional Waste Management Group which consists of the following Councils:

Ballarat City;
Central Goldfields Shire;
Golden Plains Shire;
Hepburn Shire;
Moorabool Shire, and
Pyrenees Shire.

The proposed restructure will combine the Highlands Regional Waste Management Group (RWMG) with the Grampians RWMG and the Desert Fringe RWMG.

The area covered by the new group will comprise an area of 48,700 sq km, more than 20% of Victoria with a current population in excess of 231,000.

It will represent an area covered by twelve (12) municipalities.

A recent meeting of the chairs, deputy chairs and executive offices of the three existing RWMG has developed a management model for the new “amalgamated RWMG” in response to the Minister’s aim.

The model developed is based on the following principles:

- “(a) An inclusive governance model that ensures all member councils have an equal level of participation.*
- (b) A divisional model that allows for detailed involvement of member councils and also provides for additional skills based members.*
- (c) The continuation of regional education offices in their current locations.”*

The structure is outlined in detail in the attached papers (Refer Attachment 5).

The staffing levels of the proposed amalgamation group is as follows:

Executive Officer (1)
Marketing Officer (2)
Education Officer (3)
Administration Officer (1.4: 0.4 existing – Stawell, 1 additional – Ballarat).

The three (3) existing RWMG have the following combined staffing:

Executive Officer (3)
Education Officer (3)
Administration Officer (0.4 – Stawell)

Current funding levels provided by the state landfill levy are not sufficient to provide for the proposed structure and a meeting is to be requested with the Minister in an aim to address this shortfall.

The Board of the Group is seeking all member councils’ “in principle” support for the proposed Governance and Management model.

Relevant Policies

State Legislation

Council Plan 2009-2013:

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

Community Engagement

Not applicable

Financial Implications

Recommendation

14.1.1 That Council provide “in principle” support for the proposed Governance and Management model as determined by the Highlands Regional Waste Management Group.

Motion:

14.1.1 That Council provide “in principle” support for the proposed Governance and Management model as determined by the Highlands Regional Waste Management Group.

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

Cr Bill McClenaghan returned to the Meeting at 10.35pm.

Attachment 5
Item 14.1

14.2 ROAD CLOSURES – MARYBOROUGH-BALLARAT RAIL PASSENGER SERVICE – HEATH STREET AND KILKENNY LANE, CLUNES

(Action Officer – General Manager Infrastructure)

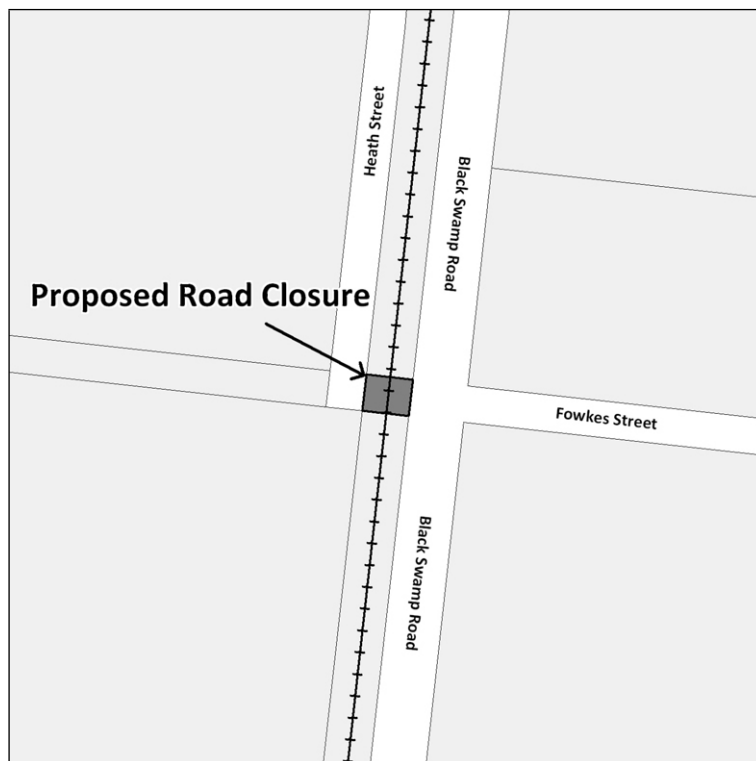
Introduction

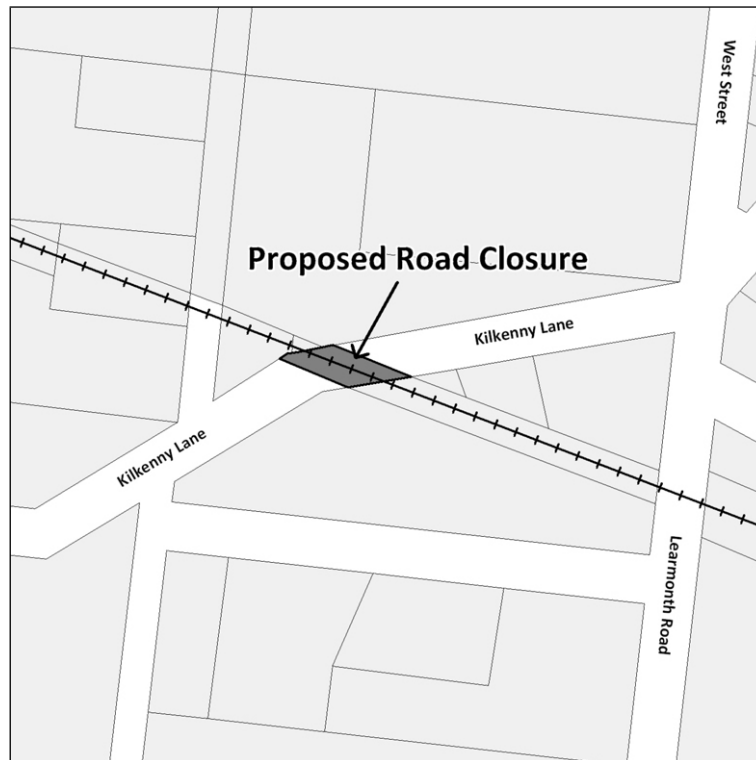
At the Ordinary Meeting of Council held on 18 May 2010, Council received a report about the recommencement of the passenger rail service between Ballarat and Maryborough.

Report

At its meeting, Council resolved to declare its intention to proceed under s206, clause 3 of Schedule 10 of the *Local Government Act 1989* to:

1. close Heath Street, at the railway crossing (Fowkes Street).
2. close Kilkenny Lane, Clunes at the railway crossing for vehicular traffic excepting emergency vehicles and pedestrians.





Council advertised its intention to close these sections of road and called for public submissions to the proposals on Saturday, 29 May 2010 in *The Courier, Ballarat* and Wednesday, 7 June 2009 in *The Advocate* newspaper.

A search of Council records, indicates that no submissions have been received in relation to these proposed road closures at the end of the advertising period on Monday, 28 June, 2010.

However, correspondence was received prior to and following public meetings held onsite at the locations from CFA, Midlands – Wimmera Area, Clunes Fire Brigade, Christine Douglas and Western Improved Passenger Service (W.I.P.S.) (Refer Attachment 6)

- | | |
|------------------------|--|
| CFA | Do not oppose closure to the public of Kilkenny Lane. |
| Midlands-Wimmera Area: | Preferred option to allow access to emergency vehicles during emergency situations.
Oppose closure of Black Swamp Road, however, this crossing is not being closed. |
| Clunes Fire Brigade: | Oppose closure but was written to prior to public meeting and has been officially replaced by CFA regional response. |

- Christine Douglas: Wants to retain access for all users of Kilkenny Lane and was present at onsite meeting.
- Western Improved Passenger Service: Generic letter that has been sent to all the municipalities along the rail line.

Relevant Policies

Local Government Act 1989

Community Engagement

Meetings were held onsite at locations where closure of road crossings were being considered and the input of the community is reflected in the context of the report and recommendations.

Notification of proposed road closure was advertised in *The Courier, Ballarat* on Saturday, 29 May 2010 and *The Advocate* newspaper on Wednesday, June 2010 calling for submissions under Section 223 of the *Local Government Act 1989*.

Financial Implications

Any works proposed and implemented will be fully funded by V/Line.

Recommendation

That Council having considered the submissions received prior to the formal notification of intention to close these sections of roads:

- 14.2.1 *Consent to the closure of Heath Street, Clunes at the railway crossing (Fowkes Street).*
- 14.2.2 *Consent to the closure of Kilkenny Lane, Clunes at the railway crossing for vehicular traffic excepting emergency vehicles and pedestrians.*

Motion:

That Council having considered the submissions received prior to the formal notification of intention to close these sections of roads:

14.2.1 *Consent to the closure of Heath Street, Clunes at the railway crossing (Fowkes Street).*

14.2.2 *Consent to the closure of Kilkenny Lane, Clunes at the railway crossing for vehicular traffic excepting emergency vehicles and pedestrians.*

Moved: Cr Tim Hayes

Seconded: Cr Sebastian Klein

Carried.

Attachment 6
Item 14.2

14.3 ROAD CLOSURE – UNNAMED ROAD OFF FRASER STREET, CLUNES (Action Officer – General Manager Infrastructure)

Introduction

At the Ordinary meeting of Council held on 20 April 2010, Council received a report about the proposed road closure of an unnamed road off Fraser Street, Clunes between CAs 19 and 20, Section D, Township of Clunes at Cameron Court, Clunes.

Report

As previously advised, Council currently owns and operates, through a Section 86 Committee the community housing project known as Cameron Court, Clunes. The existing development consists of six dwellings and currently has a waiting list of prospective tenants who wish to live in such premises.

Council currently holds the titles to the land adjacent to and immediately to the north of the existing dwellings being CAs 23, 22, 21, 20, 19, 18, 17 and 16 Section D, Township of Clunes, as shown on the attached plan (Refer Attachment 7).

Because of the need for community housing, a decision was made to construct additional dwellings on these parcels of land. However, a road currently exists on the plan between CAs 19 and 20.

To enable the optimum usage of the land and to construct an additional three units, it is desirable to formally close this road.

Because the road is not formed or functioning as a road, it is not required for public traffic and therefore can be closed.

Council advertised its intention to close this section of road and called for public submissions to the proposal on Saturday, 22 May 2010 in *The Courier, Ballarat* and Wednesday, 26 May 2009 in *The Advocate* newspaper.

Council has received no submissions in relation to this proposed road closure at the end of the advertising period on Monday, 22 June, 2010.

Relevant Policies

Council Plan 2009-2013:

7. Disposal of poorly utilised, inefficient or surplus assets in consultation with the community where appropriate.

Community Engagement

Notification of proposed road closure was advertised in *The Courier, Ballarat* on Saturday, 22 May 2010 and *The Advocate* newspaper on Wednesday, 26 May 2010 calling for submissions under Section 223 of the *Local Government Act 1989*.

Financial Implications

Advertising costs for notices.

Recommendation

That Council:

- 14.3.1 *Consent to the closure of this unnamed and unmade road having determined that the section of road is not reasonably required for public traffic in accordance with Section 206, Schedule 10, Clause 3 of the Local Government Act 1989.*

Motion

That Council:

- 14.3.1 *Consent to the closure of this unnamed and unmade road having determined that the section of road is not reasonably required for public traffic in accordance with Section 206, Schedule 10, Clause 3 of the Local Government Act 1989.*

Moved: Cr Tim Hayes

Seconded: Cr Don Henderson

Carried.

Attachment 7
Item 14.3

Cameron Court Units

Road Closure Un-Named Road Off Fraser Street, Clunes



14.4 UNUSED ROAD LICENCE APPLICATION – BRIDGE STREET, CRESWICK

(Action Officer – General Manager Infrastructure)

File Ref: 10138R

Introduction

Council has received a request from the Department of Sustainability and Environment (DSE) for consideration to declare a section of road described as “Unused road west of allotment 8, 9, 10, Section 93 of approximately 0.1 Ha” as unused. This will allow DSE to grant a licence for this piece of land.

Report

The Department of Sustainability and Environment (DSE) has provided written notification to Council under Section 400 of the *Land Act 1958* requesting that Council consider declaring a section of road described as “Unused road west of allotment 8, 9, 10 Section 93 Township of Creswick, area approximately 0.1 Ha” as an Unused Road. This road reserve is currently unused and not maintained by Council. The road reserve in question is not required for public traffic and therefore Council is able to support the issuance of an unused road licence. The applicant, PJ Rodier of 44 Bridge Street Creswick, is required to undertake the advertisement of public notices in the local paper and provide a copy to DSE.



Relevant Policies

Community Engagement

Not Required

Financial Implications

Nil

Recommendation

14.4.1 That Council declare the section of road described as “Unused road west of allotment 8, 9,10, Section 93, Township of Creswick, area approximately 0.1 HA” as an Unused Road pursuant to Section 400 of the Land Act 1958.

Motion:

14.4.1 That Council declare the section of road described as “Unused road west of allotment 8, 9,10, Section 93, Township of Creswick, area approximately 0.1 HA” as an Unused Road pursuant to Section 400 of the Land Act 1958.

Moved: Cr Don Henderson

Seconded: Cr Tim Hayes

Carried.

14.5 UNUSED ROAD LICENCE APPLICATION – BEACHES ROAD AND MOTTS LANE TRENTHAM

(Action Officer – General Manager Infrastructure)

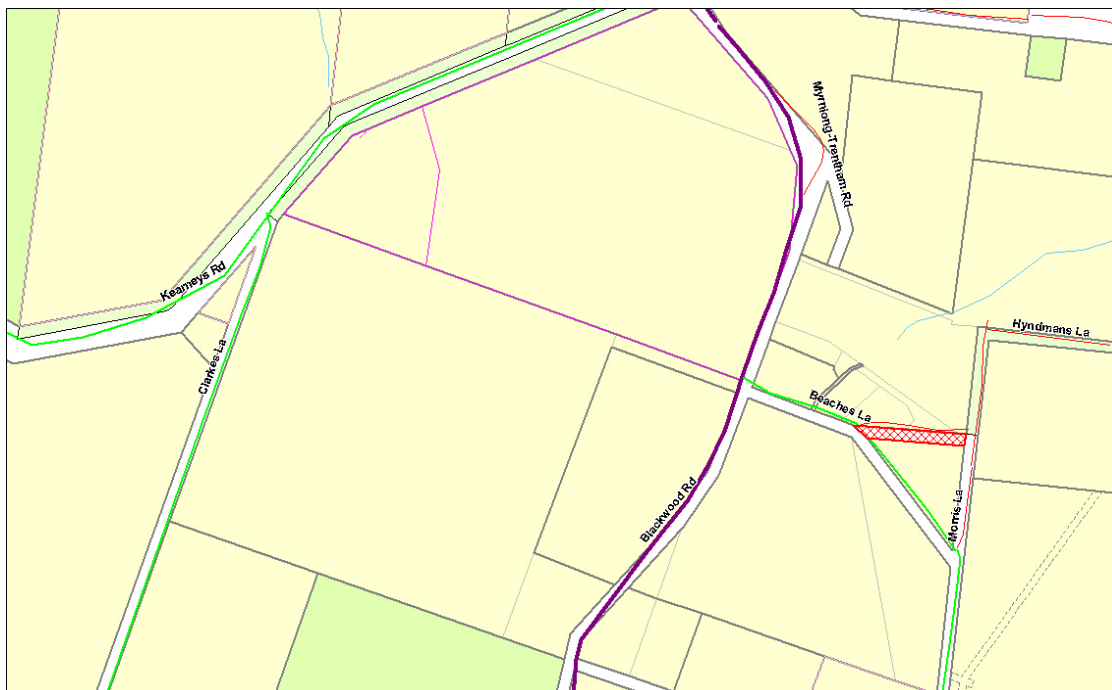
File Ref: 14511R

Introduction

Council has received a request from the Department of Sustainability and Environment (DSE) for the consideration to declare a section of road described as “*Unused road North of Lot 1 Parish of Trentham approximately of area 0.3 Ha*” as unused. This will allow DSE to grant a grazing licence for this piece of land.

Report

The Department of Sustainability and Environment (DSE) has provided written notification to Council under Section 400 of the *Land Act 1958* requesting that Council consider declaring a section of road described as “*Unused road North of Lot 1 Parish of Trentham approximately of area 0.3 Ha*” as an Unused Road. This road reserve is currently unused and not maintained by Council. The road reserve in question is not required for public traffic and therefore Council is able to support the issuance of a unused road licence. The applicant, R Blokland, 679 Blackwood Road, Newbury is required to undertake the advertisement of public notices in the local paper and provide a copy to DSE.



Relevant Policies

Community Engagement

Not Required

Financial Implications

Nil

Recommendation

*14.5.1 That Council declare the section of road described as “**Unused road north of Lot 1, Parish of Trentham, area approximately 0.3 HA**” as an Unused Road pursuant to Section 400 of the Land Act 1958.*

Motion

*14.5.1 That Council declare the section of road described as “**Unused road north of Lot 1, Parish of Trentham, area approximately 0.3 HA**” as an Unused Road pursuant to Section 400 of the Land Act 1958.*

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

14.6 UNUSED ROAD LICENCE APPLICATION – CAMERON STREET CLUNES

(Action Officer – General Manager Infrastructure)

File Ref: 13048R

Introduction

Council has received a request from the Department of Sustainability and Environment (DSE) for the consideration to declare a section of road described as “Unused road East and North East of Allotment 12, Section 24 Township of Clunes approximately of area 4 Ha” as unused. This will allow DSE to grant a grazing licence for this piece of land.

Report

The Department of Sustainability and Environment (DSE) has provided written notification to Council under Section 400 of the *Land Act 1958* requesting that Council consider declaring a section of road described as “Unused road East and North East of Allotment 12, Section 24 Township of Clunes approximately of area 4 Ha” as an Unused Road. This road reserve is currently unused and not maintained by Council. The road reserve in question is not required for public traffic and therefore Council is able to support the issuance of an unused road licence. The applicant, SA Samuel of 1/3 Manchester Grove, Glenhuntly is required to undertake the advertisement of public notices in the local paper and provide a copy to DSE.



Relevant Policies

Community Engagement

Not Required

Financial Implications

Nil

Recommendation

*14.6.1 That Council declare the section of road describes as “**Unused road East and North East of Allotment 12, Section 24 Township of Clunes, area approximately of area 4 HA**” as an Unused Road pursuant of Section 400 of the Land Act 1958.*

Motion

*14.6.1 That Council declare the section of road describes as “**Unused road East and North East of Allotment 12, Section 24 Township of Clunes, area approximately of area 4 HA**” as an Unused Road pursuant of Section 400 of the Land Act 1958.*

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

15 COUNCIL SECTION 86 AND ADVISORY COMMITTEES

15.1 SECTION 86 AND ADVISORY COMMITTEE UPDATE

(A/O – General Manager Corporate Services)

File Ref: Various

Introduction

Section 86 Committee and Advisory Committee Minutes are tabled for noting.

Report

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

- Minutes of the Clunes Town Hall Committee meetings held on the 10 June 2009, 13 August 2009, 11 February 2010 and 15 April 2010 File No: 1/0320/00098 (12802R)
- Minutes of the Drummond Hall Committee meeting held on the 28 May 2010 File No: 5/2105/00400 (200194R)
- Minutes of the Creswick InfoLink meetings held on the 23 March 2010, 27 May 2010 and Financial report for 2008/2009 and 2009/2010 File No: 22/15/02
- Minutes of the Lyonville Community Hall Committee meeting held on the 9 December 2009 File: 4/0860/00600
- Minutes of the Creswick Museum meeting held on the 3 May 2010 File: Fol/10/21

Relevant Policies

Nil

Community Engagement

Members of the community are represented on these committees.

Financial Implications

Recommendation

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

Motion

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

Moved: Cr Tim Hayes

Seconded: Cr Rod May

Carried.

15.2 HEPBURN MINERAL SPRINGS RESERVE ADVISORY COMMITTEE

(Action Officer – General Manager Infrastructure)

Introduction

At the meeting of the Hepburn Mineral Springs Reserve Advisory Committee held on Wednesday, 23 June 2010, the Committee listed an item for Council's attention in relation to the Hepburn Pool.

Report

The Committee expressed concern regarding the condition of the Hepburn Pool area which appears badly neglected and presents a possible public risk.

Can it be fenced/secured and used as an area for goat farming/grazing?

Action: Barry Small, Manager Risk and Property to provide a report for the August meeting of Council

Relevant Policies

Community Engagement

Representative members of the community are on this committee.

Financial Implications

Recommendation

That Council:

15.2.1 *Note this item for consideration at the August Council Meeting in conjunction with a report to prepared by Council's Manager Risk and Property, Barry Small.*

Motion:

That Council:

15.2.1 *Note this item for consideration at the August Council Meeting in conjunction with a report to prepared by Council's Manager Risk and Property, Barry Small.*

Moved: Cr Rod May

Seconded: Cr Jon Barrell

Carried.

15.3 AGRICULTURE ADVISORY COMMITTEE RECOMMENDATIONS

(Action Officer – General Manager Sustainable Development)

Introduction

This report presents for Council's consideration the recommendations of the Agricultural Advisory Committee from meetings held through 2010 to date.

Report

Minutes and recommendation of Council Advisory Committees need to be incorporated in the Council process. The nominated procedure to achieve this integration is the presentation of recommendations of the Advisory Committees to Council at its Ordinary Meeting and the attachment of Minutes for reference.

The report contains the details of the Advisory Committee meeting date, members, recommendations as well as any necessary supporting information. Minutes for these meetings have been previously sent under separate cover.

Meeting Dates

12 April 2010

24 May 2010

Members

Members and attendees

Cr Rod May (Chair)

Joy Durston

Stephen Glen

Elizabeth Hak

David Holmgren

Damian Leonard

Paul Righetti

Norm Suckling

Thomas Walsh

Support Officer(s)

GM Sustainable Development

Manager Economic and Tourism Development

Recommendations and Action Status from Meetings

Many recommendations have either been actioned or will naturally form part of processes for projects such as the Service Asset Management Plan or the Rating Review. A breakdown of the recommendations and action status is provided in the table below.

Meeting Date	Motion	Action/Status
12 April 2010	<u>Motion 1</u> <i>That Council evaluate vacant land to be used to set up small trial in township area to investigate livestock grazing on public land to include environmental, vermin, weed (in township) and bushfire hazard reduction factors and community acceptance to facilitate discussions.</i>	<u>Motion 1</u> <i>A brief feasibility investigation is being undertaken on this proposal.</i>
	<u>Motion 2</u> <i>That Council re-examine need for grading policy and provide statistics for grading of roads.</i>	<u>Motion 2</u> <i>A Service Asset Management Plan is currently being undertaken by Council.</i>
24 May 2010	<u>Motion 1</u> <i>That Council be advised that: The Hepburn Shire Agriculture Advisory Committee supports a 60% farm rate differential for the 2010 – 2011 budget year for the farming rate until a full rating strategy review is conducted. This recommendation is to be accompanied by the Victorian Farmers Federation (VFF) report.</i>	<u>Motion 1</u> <i>This motion was submitted to Council as part of the 2010-2011 Budget submission process.</i>
	<u>Motion 2</u> <i>In addition to the recommended motion supporting a 60% farm rate differential, the Hepburn Shire Agriculture Advisory Committee believes that the Hepburn Shire Council should, as soon as possible, look at a more equitable way of farm land being rated and suggests the house and cartilage system as being fair. This system should be explored as quickly as possible.</i>	<u>Motion 2</u> <i>This motion was submitted to Council as part of the 2010-2011 Budget submission process. A rate review process is proposed to be undertaken by Council in the 2010-2011 financial year.</i>

Meeting Date	Motion	Action/Status
	<i><u>Motion 3</u> The Hepburn Shire Agriculture Advisory committee extends its congratulations to Tom Walsh on his presentation.</i>	<i><u>Motion 3</u> Tom Walsh was congratulated on his presentation.</i>

Relevant Policies

Nil

Community Engagement

Representative members of the community are on this committee.

Financial Implications

There are no additional financial implications for Council at this stage. Outcomes of the brief feasibility investigation on livestock grazing on public land may have financial implications.

Recommendation

That Council:

- 15.3.1 Note and accept the recommendations of the Agricultural Advisory Committee from meetings held on 12 April 2010 and 24 May 2010.*
- 15.3.2 Agree that further investigation be undertaken on the livestock grazing on public land concept.*

Motion

That Council:

- 15.3.1 *Note and accept the recommendations of the Agricultural Advisory Committee from meetings held on 12 April 2010 and 24 May 2010.*
- 15.3.2 *Agree that further investigation be undertaken on the livestock grazing on public land concept.*

Moved: Cr Rod May

Seconded: Cr Tim Hayes

Carried.

15.4 HERITAGE ADVISORY COMMITTEE RECOMMENDATIONS

(Action Officer – General Manager Sustainable Development)

Introduction

This report presents for Council's consideration the recommendations of the Heritage Advisory Committee from meetings held through 2010 to date.

Report

Minutes and recommendation of Council Advisory Committees need to be incorporated in the Council process. The nominated procedure to achieve this integration is the presentation of recommendations of the Advisory Committees to Council at its Ordinary Meeting and the attachment of Minutes for reference.

The report contains the details of the Advisory Committee meeting date, members, recommendations as well as any necessary supporting information. Minutes for these meeting have been previously sent under separate cover.

Meeting Dates

29 January 2010

30 March 2010

Members

Members and attendees

Cr Don Henderson (Chair)

Cr Bill McClenaghan

Ina Bertrand

Karen Byrnes

Valda Catrice

Patricia Cook

David Endacott

Gael Elliott

Margaret Fullwood

David Henderson

Richard Hutton

Elizabeth McInerney

Les Pitt

Tony Redmond

Support Officer(s)
GM Sustainable Development
Manager Planning

Recommendations and Action Status from Meetings

Many recommendations have either been commenced or will naturally form part of processes for projects such as the Streetscape Revitalisation process or the Significant Tree Register. A breakdown of the recommendations and action status is provided in the table below.

Meeting Date	Motion	Action/Status
29 Jan 2010	<u>Motion 1</u> <i>The Heritage Advisory Committee recommends to Council that prompt action is taken to facilitate the necessary planning amendment to enable the significant tree register process to become reality. Significant Tree Register to be listed as an Agenda item on future Agendas.</i>	<u>Motion 1</u> <i>The planning process for the significant tree register is underway and is awaiting budget endorsement by Council. The Significant Tree Register is a standing item for Heritage Advisory Committee meetings.</i>
	<u>Motion 2</u> <i>Recommend to Council that there be an urgent review of status of existing studies that underpin heritage planning in the Hepburn Shire and to develop a funding process to undertake current plan/studies.</i>	<u>Motion 2</u> <i>An internal review of existing studies is underway. Funding can be sought as part of this process. Funding has been obtained to upload heritage studies onto the Hermes Database.</i>
	<u>Motion 3</u> <i>Advise Council that the Heritage Advisory Committee supports the concept of a heritage park to be located at the corner of Bleakley and Vincent Streets, Daylesford.</i>	<u>Motion 3</u> <i>A brief feasibility investigation is being undertaken on the Heritage Park concept.</i>
30 March 2010	<u>Motion 1</u> <i>The Heritage Advisory Committee recommends to Council that future projects to revitalize streetscapes in major townships of Daylesford,</i>	<u>Motion 1</u> <i>Any major streetscape revitalization projects will involve substantial consultation, including</i>

	<p><i>Hepburn Springs, Creswick, Clunes and Trentham be referred to the Committee for comments prior to decision being made on each project.</i></p>	<p><i>consultation with the Heritage Advisory Committee.</i></p>
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Meeting Date	<u>Motion</u>	<u>Action/Status</u>
<p>30 March 2010</p>	<p><u>Motion 2</u> <i>The Heritage Advisory Committee recommends to Council that any proposed removal of existing bluestone pavements that form part of streetscapes in major townships of Daylesford, Hepburn Springs, Creswick, Clunes and Trentham be referred to the Committee for comments prior to works commencing.</i></p>	<p><u>Motion 2</u> <i>Any major streetscape revitalization projects will involve substantial consultation, including consultation with the Heritage Advisory Committee.</i></p>
	<p><u>Motion 3</u> <i>The Heritage Advisory Committee recommends to Council that any proposed removal of trees of heritage significance in major townships of Daylesford, Hepburn Springs, Creswick, Clunes and Trentham be referred to the Committee for comments prior to works commencing.</i></p>	<p><u>Motion 3</u> <i>The referral process for tree removal will be identified in the adopted planning process for the Significant Tree Register. The creation of this process will be discussed with the Heritage Advisory Committee.</i></p>
	<p><u>Motion 4</u> <i>That the Heritage Advisory Committee Chair, Cr Don Henderson, provide letter of support from Council for grant application.</i></p>	<p><u>Motion 4</u> <i>A letter of support has been provided.</i></p>

Relevant Policies

Council Plan 2009-2013:

53. Complete a significant tree register and enable appropriate protection through the Hepburn Planning Scheme.

Community Engagement

Members of the community, historical societies and Museums are on this committee.

Financial Implications

There are no additional financial implications for Council at this stage. Outcomes of the brief feasibility investigation being undertaken on the Heritage Park concept and the funding for the update of the existing heritage studies may have financial implications.

Recommendation

That Council:

- 15.4.1 *Note and accept the recommendations of the Heritage Advisory Committee from meetings held on 29 January 2010 and 30 March 2010.*
- 15.4.2 *Agree that further investigation be undertaken on the Heritage Park concept.*

Motion:

That Council:

- 15.4.1 *Note and accept the recommendations of the Heritage Advisory Committee from meetings held on 29 January 2010 and 30 March 2010.*
- 15.4.2 *Agree that further investigation be undertaken on the Heritage Park concept.*

Moved: Cr Bill McClenaghan

Seconded: Cr Don Henderson

Carried.

16. CLOSE OF MEETING

The Meeting closed at 10.55pm.