



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

***TUESDAY, 15 NOVEMBER 2011***

**TRENTHAM MECHANICS INSTITUTE**

**HIGH STREET**

**TRENTHAM**

**5:30 PM**

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**Hepburn Shire Council**  
**Ordinary Meeting of**  
**Council**



# **MINUTES**

**TUESDAY 15 NOVEMBER 2011**

**Trentham Mechanics Institute**  
**High Street, Trentham**  
**Commencing 5:30PM**

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**PETER REEVE**  
INTERIM CHIEF EXECUTIVE OFFICER  
15 NOVEMBER 2011



## 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.

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## 2. OPENING OF MEETING

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

**IN ATTENDANCE:** Peter Reeve, Interim Chief Executive Officer, General Manager Corporate Services Evan King, General Manager Infrastructure Jeff Saker, General Manager Sustainable Development Barry Green, General Manager Community Services Kathleen Brannigan.

### 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.**

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**4. DECLARATIONS OF CONFLICTS OF INTEREST**

Councillor Jonathan Barrell declared an indirect conflict of interest in item 6.2 – Closure of After Hours Emergency Nursing Service – Clunes and District, due to his position as an employee of Hepburn Health Service.

Mr Peter Reeve declared a direct conflict of interest in item 12.2 - Confidential – Appointment of Interim Chief Executive Officer.

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**5. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

- 5.1. That the Minutes of the Ordinary Meeting of Council held on 18 October 2011 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the *Local Government Act 1989*.

**MOTION**

5.1.1. *That the Minutes of the Ordinary Meeting of Council held on 18 October 2011 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Neil Newitt

**Carried.**

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## 6. NOTICES OF MOTION

### 6.1. HEPBURN FIRE STATION

7 November 2011

#### MOTION

That Council:

- 6.1.1. Contact the State Government and the CFA advising that the former Hepburn Shire Depot in Main Road Hepburn Springs is considered surplus to Council's requirements and inviting an expression of interest for acquiring the property or part thereof for relocating the Hepburn CFA Brigade.
- 6.1.2. support the relocation of the Hepburn CFA Brigade in the main business and residential area of Hepburn Springs close to most homes and businesses.
- 6.1.3. take the necessary steps to preserve current existing use rights of the former Depot site within a Residential 1 Zone.

#### AMENDED MOTION

*That Council:*

- 6.1.1. *contact the State Government and the CFA advising that the former Hepburn Shire Depot in Main Road Hepburn Springs is considered surplus to Council's requirements and inviting an expression of interest for acquiring the property or part thereof for relocating the Hepburn CFA Brigade.*
- 6.1.2. *support the relocation of the Hepburn CFA Brigade in the main business and residential area of Hepburn Springs close to most homes and businesses.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Don Henderson

**Carried.**

#### BACKGROUND

The Hepburn CFA Brigade is currently located in a small shed in Seventh Street Hepburn Springs where there is no room to expand and build additional or larger sheds. There is no on site car parking for members of the brigade

who attend the site to carry out their duties and members are forced to park their cars out on a narrow side street near residential and business properties. There are also only basic amenities for volunteer members at the rear of the narrow site.

The State Government and the CFA have agreed to relocate the Hepburn CFA Brigade to a larger more suitable site and provide better equipment from 2012 on. However, the site being considered may be less than suitable as it is;

- located west of the Doctors Gully which could become impassable in the case of a bushfire emergency.
- located immediately adjacent to a timbered bush area where there is an accumulated fuel load.
- considerably more distant from the main part of the Hepburn Springs township where most businesses and homes are located and
- therefore in a position where response times to combat a fire in the town of Hepburn Springs would be greater by at least fifteen minutes or more.

The former Council Depot has many attributes which should make it a very attractive and appropriate place to relocate the Hepburn CFA Brigade.

- Right in the main part of the township of Hepburn Springs close to homes and businesses
- More accessible to volunteer CFA Brigade members who live nearby.
- Existing large sheds where trucks, trailers and equipment could be stored.
- Staff amenities like showers, toilets and change rooms.
- An on site office.
- Plenty of on site parking for Brigade members.
- An on site fuel point that could be used by the CFA to store fuel for its fleet of trucks and be available in an emergency when commercial fuel points may be closed or unuseable.

In November 2003, a large accommodation business in Main Road Hepburn Springs caught fire and was completely destroyed in a short period of time. Only the rapid deployment of the Hepburn CFA Brigade saved adjacent homes from being burned down as well. Hepburn Springs has an “Extreme” fire danger rating and it is vital that its local CFA Brigade have a rapid turn out time because of a convenient down town location near most homes and businesses and where members live and work.

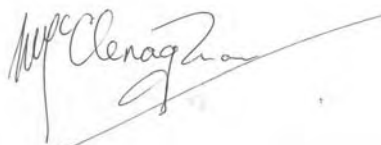
Currently, the former depot site has existing use rights as a depot and can be used for storage of trucks, equipment and fuel despite the fact that it is located within a Residential 1 Zone. If the site were to lose these existing use rights,

they would not be able to be re-established. The third part of this Notice of Motion seeks to preserve these existing use rights at least for as long as it takes for the State Government and the CFA to consider relocating the Hepburn CFA Brigade to this location. It would involve stabling trucks and/or machinery there for a short period by effectively re-opening the depot temporarily.

As the site is contaminated by its use as a Council depot, future residential use poses some risks to Council unless the site is fully cleaned up. Decontamination of the site and certification are costly undertakings and would heavily impact on any monetary gain Council would make by selling the site either in an “as is” condition or fully decontaminated. Use as a CFA Brigade Station would overcome the need to perform these works and prevent future residential development on the site and subsequent risk to Council.

Acquisition of the former Council Depot for a new Hepburn CFA Brigade Station would be a “Win – Win” situation for Council, the CFA and the local community.

**COUNCILLOR NAME:** **Bill McClenaghan**

A handwritten signature in black ink, appearing to read "Bill McClenaghan", written over a horizontal line.

**COUNCILLOR SIGNATURE:**

A handwritten signature in black ink, consisting of stylized initials, likely "KAR", written over a horizontal line.

**CEO SIGNATURE:**

**Councillor Jonathan Barrell left the meeting at 5:39 pm due to a declared indirect conflict of interest and returned to the meeting at 5:45pm.**

## **6.2. CLOSURE OF AFTER HOURS EMERGENCY NURSING SERVICE – CLUNES AND DISTRICT**

9 November 2011

### **MOTION**

*6.2.1. That Council as a matter of urgency contact the Minister for Health to intervene and find a solution to Hepburn Health Service's imminent closure of the after hours emergency nursing service currently provided to the Clunes and district community.*

**Moved:** Councillor Neil Newitt

**Seconded:** Councillor Don Henderson

**Carried.**

### **BACKGROUND**

The Clunes Hospital was closed in June 1994 by the State Government, with a promise from the then Health Minister Rob Knowles, that the government would fund a 24 hour Emergency Nursing Service as compensation for the Hospital closure. The Community of Clunes has benefitted from this vital service, which has saved many lives and has had a positive impact on many families from 1994 until now.

In 1998 the Clunes Health Service amalgamated with Western Highlands Health Service to become Hepburn Health Service. There was a commitment at this time to keep the 24 Hour Emergency Nursing Service going.

On Thursday 3 November 2011 at a public meeting called by the CEO of Hepburn Health Service it was announced that Hepburn Health will be closing the after hour Emergency Nursing Service at the end of this month, due to staffing issues.

Under the existing model, Hepburn Health claims to have had difficulty attracting nurses to the position. The meeting attended by 300 people (around a third of Clunes' population) contributed many suggestions to find a way to continue the service. Several times, the CEO referred to the Board's decision

to terminate the service and was not prepared to investigate any further ideas or ways to continue the service.

The 24 Hour Emergency Service has won awards for both the service it provides to the Clunes Community and for the security volunteers who help the Nurses. This service is vital to the community of Clunes which does not have an ambulance service or resident GPs. Clunes is situated 30 minutes away by road from Ballarat, Maryborough and Daylesford. Clunes is a growing population and has in recent times been badly affected by floods of 2010-2011, with some residents still not back in their homes. The staff at the Clunes Health Service helped flood victims when they were evacuated from their homes to the Health Service building (at night after hours).

The Health Service is seen by many as the heart of the community. Clunes does not have an aged care facility nor an Ambulance Service. The town does not have a taxi service and has very few public transport options. The emergency nurse service has helped many residents remain a part of their community.

Hepburn Health is funded to provide this service. The Government has not withdrawn these funds. Full and immediate termination is not necessary. Since the announcement of the closure of the service, many from the community have come forward with possible solutions worth investigating. Hepburn Health Service through its CEO, has decided to terminate the service and is not prepared to have further discussions with the community nor investigate those suggestions which may lead to a continued service.

I am seeking the support of the Council to urge the Minister of Health to intervene and find a way for this vital service to continue.

**Councillor Name:** Neil Newitt

A handwritten signature in black ink, appearing to read "Neil Newitt".

**Councillor Signature:**

A handwritten signature in black ink, consisting of stylized initials.

**CEO Signature:**

## 7. PRESENTATION OF COUNCILLOR REPORTS

### MAYOR'S REPORT

Councillor Rod May, Birch Ward

Activities attended over the past month:

- Official Opening of the 2011 Swiss & Italian Festa Poster Artist at Stony Creek Gallery
- Loddon Highlands Water Supply Protection Area (WSPA) Committee to discuss extraction and formulation of rules for extraction of groundwater, particularly in western part/central western part of Shire, looking at sustainable use of aquifer water
- Flood Mitigation Meeting in Creswick
- New Residents Welcome in Creswick
- Culture and Arts Advisory Committee
- 2011 International Cities, Town Centres & Communities Conference in Hobart over 3 days

Sessions of interest attended: Sustainable housing, Affordable housing, Behavioural studies – People change their behaviour not because they change their attitude. People change their behaviour by looking at what goes on and then they change their attitude after they change their behaviour.

Traffic calming – best way to calm traffic and reduce hazards in city – make sure drivers are confused because they act more cautiously when confused.

- MAV Rural Land Use Planning Forum with Mr Barry Green – Issue of dwellings in rural zones
- Hepburn Wind Open Day - attended by 760 people  
Hepburn Wind through retailer Red Energy are attempting to sell electricity into community
- Mollonghip Poetry Slam
- Barwon South West and Grampians Sport and Recreation at the Novotel Forest Resort, Creswick
- Hilarious afternoon with Rod Quantock at Smeaton Primary School
- Opening of National Recycling Event - 'Pardon my Carbon' written and performed by Rod at Daylesford Town Hall – approx 120 people attended
- Remembrance Day Service and laying of wreath at the Daylesford Cenotaph
- MAV Rural South Central Region Forum



- Annual University of Ballarat Research Conference Dinner – Barry Golding – Champion of Men’s sheds - now 800 - now being developed overseas – an export industry
- Opening of school refurbishment project at Drummond Primary School with Catherine King – School has 36 solar panels and a vegetable garden that could feed the district

## **COUNCILLOR REPORTS**

### **Councillor Jonathan Barrell, Birch Ward**

**In my Councillor capacity**, I was delighted to set a new personal best attending 3 art shows in 9 days being the Swiss & Italian Festa Art Show, the Daylesford Rotary Art Show, & the Glenlyon Sculpture Show, interspersed with the Daylesford Wine Show Awards Dinner.

### **Wombat Hill Botanical Gardens Advisory Committee**

- a. Has been reformed and met 25/10/2011 with its new terms of reference and appointees as reported last month
- b. A sub-committee of the Friends of Wombat Hill Botanic Gardens presented regarding their exciting proposals for major fundraising to support Council management of the Gardens with a particular initial focus on the restoration of the Fern Gully & Rustic Cascade, and their initial indication that may seek a formal Memorandum Of Understanding with Council
- c. I was subsequently I chaired the Election of Office Bearers at the well attended, lively and very enjoyable Annual General Meeting of the FOWHBG on 10/11/2011. Mr Andrew Lowth is the new President.

### **ARC Advisory Committee**

Did not meet as we await new terms of reference and appointment of committee members.

### **Daylesford Macedon Ranges Regional Tourism Board met this morning**

- a. Ms Kerry l’Anson has been appointed to the position of Chief Executive Officer. Due to prior commitments, she commences part-time this week and full time in January. She comes from a strong background in Strategy, Public Relations and Communications, with her most recent position Manager, Global Public Relations, Tourism Australia.

- b. Thus Board Member Mr Frank Page will provide a handover and conclude his Acting CEO role 30/11/2011
- c. Tourism Victoria
  - i. provided a detailed report on the Phase 9 Campaign with an unprecedented State Government spend on our region.
  - ii. In addition to substantial print advertising, a unique pilot tourism iPhone App is scheduled for release for our region December 2011.
  - iii. Tourism Victoria will conduct its annual planning session with the regions February 2012.
- d. Regular forums between the board, CEO and staff, and all interested stakeholders are now hoped to commence in February with our new CEO.

**In connection with the Daylesford Streetscape Revitalisation Project, I attended the first meeting of the Community Reference Group 02/11/2011**

- a. **I am very pleased to note the** additional community engagement 'listening post' being an on street interview with residents conducted by Village Well staff 9.30am–12.30pm on Tuesday 22 November outside the Town Hall in Daylesford.

#### **Councillor Neil Newitt, Cameron Ward**

I attended The Lee Medlyn Home of Bottles Committee of Management Meeting as Council's representative. It was interesting to find out how the facility works on a volunteer basis and hear about plans of what they are indenting to do over the next 12 months.

#### **Councillor Sebastian Klein, Coliban Ward**

Amongst meetings on childcare, the **Central Highlands water** strategy and others, probably the most significant meeting I attended was one with a **Municipal Association of Victoria** working group looking at **strategic directions for local govt**. While the meeting was, I thought, **light on** in regards to answers and ideas for **rural councils**,

Much of the content of the briefing material was on innovative ways that resource sharing, centres of excellence and practices of a kind described as **new localism** - these include better ways for communities to take part in local governance. It is a way of getting more value, and democracy, for money

through recognition of the fact that often, those best placed to make decisions for communities are the people that come **from those communities**.

These innovations are important to a shire like ours, having featured in the Whelan Report on LG feasibility and more recently an Auditor General's Report on organisational practices. We here at Hepburn Shire **have a choice** between being weighed down by our size and our limitations, or turning these characteristics into innovations that set us apart as leaders in the sector of local government.

We have communities who are more capable, better informed and motivated than most, and our proximity to these communities can be a bane or a boon. It is up to us to work with our communities and thrive or to wallow in combatitive practices, doing what we have always done and hoping things will change **or** to ensure equitability and wise and just acquittal of our budgets and revenue. Many of the questions asked in this forum last month were pertinent to this – particularly questions on rate equity and policies which blindly reinforce existing imbalances. I look forward to resolving these questions for the whole shire – assisting it to become a leader among small rural shires through our work as councillors and in concert with organisations like the MAV.

#### **Councillor Janine Booth, Creswick Ward**

No report to present this month.

#### **Councillor Don Henderson, Creswick Ward**

Recently I attended the Creswick Caravan Park to hear David O'Brien MLC for Western Victoria announce funding to the amount of \$300k to rectify Flood damage this will be very welcome.

The school program is underway at the Creswick Goods Shed and is well received by the students and parents. Other schools now want to join in. We have heard about men's sheds but this shed is a gender neutral shed so that is a bit different.

The IWD advisory Committee is making progress and we hope the event will be as successful as last year. The guest speaker is yet to be determined.

I also attended the Recreation Advisory Committee and was pleased to see the members taking a whole of Shire approach and not just putting their local projects up for discussion.

### **Councillor Bill McClenaghan, Holcombe Ward**

The MAV held the second State Council in Melbourne on Fri 28th October. Issues raised and debated included inhumane puppy farms and wind farm planning issues as well as larger sector issues like the Fire Services Levy and State funding for public libraries.

That Saturday, I attended a Woodduck Community Fireguard meeting in the Wombat Forest at W heatsheaf where bushfire preparations were discussed and we considered where these people will go if the forest catches fire and how they will cope if left away from home for extended periods.

On Monday 31<sup>st</sup> October, I attended another Highlands Regional Waste Management Group board meeting in Maryborough where problems with the Smythesdale Regional Landfill were explained. The EPA is becoming more active in compliance activities and requires even an approved lining membrane to be tested prior to installation in the new cell. This could close the landfill for months and cause user Councils like Ballarat and Hepburn to divert their municipal waste elsewhere at greater cost.

The Jim Crow Planning Group had a well attended meeting at Yandoit on Friday 4<sup>th</sup> November. We are keen to continue work to create a little wayside stop at Batts Bridge on the Jim Crow Creek. Also, the Yandoit tennis court restoration is going ahead as it has been fully funded.

On Remembrance Day, 11<sup>th</sup> November, the Mayor and I attended the service at the cenotaph in Daylesford. Later that day, I attended a re-dedication of the Drummond Avenue of Honour where old trees have been replaced and the area tidied up. There is also a new photographic sign bearing a brass plaque listing the names of the fifty local men who went to the First World War. I helped unveil the new sign and plaque commemorating "Fifty Trees for Fifty Soldiers". Thanks to the local community and Hepburn Shire staff. Thanks also to Len Peeler and the Kyneton RSL for their work arranging the sign and organising the event.

Yesterday, I attended another M.A.V. South Central Regional Forum at Creswick where the main topic was roadside weeds and pest animals and who should pay to control them. Landowners have been responsible in the past but we believe that DPI and the State Government should adequately fund Councils to do the work if it must become our responsibility.

### **RECOMMENDATION**

7.1. That Council receives and notes the Mayor and Councillors' reports.

## MOTION

7.1.1. *That Council receives and notes the Mayor and Councillors' reports.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Don Henderson

**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

**Questions 1: From Mr Jack Cooper, Glenlyon**

**My question about option out of the Recycle Scheme in Glenlyon Township was approved and recorded by Councillors at the meeting on 18 October 2011. Ratepayers were told they would receive written confirmation within a week or so. As it is 3 weeks I have not received a reply.**

**Many times I and other including Councillors, Parliamentarians, Legal Aid and phone calls were never returned or faxes not answered.**

**Did the Heads of the departments of Infrastructure and Sustainable Development decide not to answer these people? Is it not time for a change of attitude? As ratepayers we deserve better.**

**Answered by Mayor Councillor Rod May:**

1. In accordance with my response at the Ordinary Council Meeting held on 18 October 2011, you are able to exercise your option to decline the provision of this service.

2. This option is consistent with the response contained in the letter dated 23 March 2010 and signed by the Chief Executive Officer.
3. This was again confirmed by the mayor in his response at the Ordinary Council Meeting held on 15 November 2011.
4. You wish to exercise this option and remove the recycling service.
5. The removal of this service will be immediately implemented and for rating purposes will be backdated to 18 October 2011 in accordance with the date that the Mayor agreed with your request.
6. Evan King, General Manager Corporate Services will organise the necessary adjustment to your rate notice.
7. Jeff Saker, General Manager Infrastructure will advise the Council contractor of the removal of this service to your property in Glenlyon.

**Question 2:           From Trentham Community Groups FORUM  
                              Mr Ian MacBean**

**Rate equity / a fair go for Trentham – Community Facilities**

The FORUM is disappointed in the responses received thus far to questions asked at the last meeting of Council and has written separately to the Mayor and CEO seeking further action and information. We note that our question re Policy 48 (C) has been taken on notice and our question now is to make our enquiries more explicit.

On behalf of the Trentham community the **FORUM requests:**

- **a list for each town of all community facilities – buildings and land, particularly sportsgrounds – that are owned, controlled, managed and maintained by Council for use by the community;**
- **annual and any major up-grade or development expenditure over the past 5 years for each facility; and**
- **if the question has to be taken on notice, when we might expect to receive a response.**

This has been raised previously without any real response. The aggregated expenditure of the (7% of total) spending which Council provided in response to our question at the October meeting was reported as consolidated percentages and, while this lists 'Public Halls' as being included, until further detail is provided we don't know if this provides any information relevant to the above question. Any claim that this information is not readily available is not credible: Council surely has an inventory of such facilities and corresponding expenditure must

**be able to be compiled without unreasonable workloads. We are asking about large tangible assets – buildings and land, particularly sportsgrounds – maintained by Council. As previously raised with Council its policy of only spending money on facilities it either owns or controls is the basis of what we believe is the inequity experienced by Trentham in Council budgets.**

**Answered by Mayor Councillor Rod May:**

- Council's policy doesn't prevent spending monies on facilities it doesn't own or control – e.g. new change room at Trentham Recreation Reserve.
- Officers can provide a list of all community facilities – buildings and land and sportsgrounds – that are owned, controlled, managed and maintained by Council for use by the community;
- The information currently sits in multiple systems and will require some time and effort to consolidate.
- Providing expenditure over 5 years is problematic and would take considerable time.
- It is proposed that current budgeted expenditure be provided with a view to looking forward.
- Information to be provided be end of January 2012.
- In addition Council, in partnership with the Trentham Forum is pursuing funding for the Trentham Community Facilities Planning Project.
- The Community Facilities Plan will seek to provide clear advice to the Trentham community and Hepburn Shire Council about the future provision, operation and development of community facilities. It will consider for Trentham :
  - The adequacy, suitability and condition of existing community facilities,
  - Capacity of the community to continue managing and operating existing community facilities
  - Optimal use of community facilities and resources including possible consolidation of facilities and shared management structures
  - Need for a different mix and use of facilities and
  - Option to provide an emergency assembly site in association with existing or future facilities.



**Question 3: From Trentham Community Groups FORUM  
Mr Barry Elliott**

**Public Space / Subdivision Levy**

On behalf of the Trentham community the **FORUM requests:**

- **advice regarding the current balance of funds collected in Trentham from the open space / sub-division levy, including any expenditure of these funds over the past 5 years;**
- **confirmation that these funds will be held for future projects in Trentham (ref policy and intentions of adjacent Shires – see below); and**
- **that community input be sought by Council for establishing priorities for spending these funds.**

[For reference – Question 3 above

Macedon Ranges Shire Council

MRSC has a policy that states (Section 13):

Community Infrastructure Contributions will be allocated to projects within the defined Statistical Local Area (SLA) and/or sub-SLA area as per Clauses 15 and 16 of this policy. That is Community Infrastructure Contributions collected from a defined SLA area or sub-SLA area will only be expended on those projects identified in the appendices and within the same defined SLA or sub-SLA area as the contribution was collected.

Ref: <http://www.mrsc.vic.gov.au/Files/contributionspolicy.pdf>

Moorabool Shire Council

Proposal to set aside land-developer contributions only for major projects in the communities where development is taking place – 19 October meeting – ref The Moorabool News, p 6, 1 November, 2011.]

**Answered by the Mayor Councillor Rod May:**

The Current balance of Hepburn Shire Council's Recreation Land Reserve is \$884,907. The funds have been collected from the following towns:

Clunes	\$8,000
Creswick	\$277,340
Daylesford	\$401,152

Drummond North	\$12,500
Hepburn Springs	\$169,550
Trentham	\$141,150
Newlyn	\$3,500
Musk -	\$25,200
Muskvale	\$1,140
<b>Total</b>	<b>\$1,039,532</b>
Less	
Funds expended	(\$154,625)
<b>Net Balance</b>	<b>\$884,907</b>

### Details of Expenditure

#### 2006/07

Park Lake Creswick	\$37,800
Calembeen Park Dive Tower	\$30,200
Bath St Reserve	\$8,700
<b>Total:</b>	<b>\$76,700</b>

#### 2007/08

Daylesford Youth Park	\$9,365
Calembeen Park Dive Tower	\$5,721
Bath Street Reserve	\$1,400
<b>Total:</b>	<b>\$16,486</b>

#### 2008/09

Calembeen Park Dive Tower	\$959
Bath Street Reserve	\$1,800
Daylesford Youth Park	\$1,800
<b>Total:</b>	<b>\$4,559</b>

#### 2010/11

Daylesford Pool Entrance Steps Rails	\$6,160
Painting Daylesford Pool	\$23,634
Clunes Pool	\$7,086
Playground Equipment -	\$20,000
<b>Total</b>	<b>\$56,880</b>

Other Council funds are used for recreation land reserves e.g. Trentham Pool, Change Rooms at the Trentham Recreation Reserve and a new toilet block at Trentham.

The public open space is controlled by legislation but it is not a mandatory levy as it needs to be justified taking into consideration a range of issues such as provision of existing open space and adopted strategies. It is collected across the Shire and in accordance with the legislation it is not only expended in the areas in which it is collected.

The Macedon Ranges policy referred to is predominately for civil infrastructure however as it is only a policy and has not progressed to a Development Contribution Plan and subsequent planning scheme overlay it has little weight.

As with all expenditure utilisation of the Recreation Land Reserve is approved by Council as part of the Annual Budget process.

**Question 4: From Mr Bill O’Connell, Trentham East**

**What can be done about parking in Trentham? Not only is the town becoming overcrowded with parked cars, especially on weekends, but it is becoming dangerous.**

- **We need handy off-street parking sooner rather than later**
- **Maybe angle parking along the West side of the North End of Market St**
- **Perhaps land adjacent to the Church of England could be acquired for this purpose**

**Maybe angle parking behind the Cosmo against the Stoney Creek Reserve – this area can be dangerous when there are a few patrons at Cosmo as there is only room for one car to pass.**

**Answered by the Mayor Cr Rod May:**

Parking is determined based on normal operating conditions and not on peak periods. It is acknowledged that Trentham has grown over time and as such traffic has increased. The physical parking environment is considered adequate, even for the increase over weekends. In discussions with the local Police, parking problems have not been raised as a concern. It is possible when there are events either public or private, that some parking issues do arise however these incidents are irregular.

Council Officers have not observed a noticeable increase in parking problems and always observe the township of Trentham when in town and will continue to do so.

Traffic Management Plans are required from event organisers to show how they will manage traffic issues.

A main street plan is currently being prepared for High Street and will be released for public comment in approximately two weeks. You are encouraged to submit your comments regarding car parking as part of this process.

**Question 5: From Mr Bill O'Connell, Trentham East**

**A small suggestion to save some of the revenue from the ratepayers: Why not send out dog registration fees with rate notices? You would save thousands of stamps, envelopes and mailing department staff's time. Money saved would enable council to have more funds for other purposes. How many dogs are on council's books? This could really add up and is the kind of efficiency that a small shire like ours should be looking for- it won't impinge on anyone's pay or administrative practices, it's a win all round.**

**Answered by the Mayor Cr Rod May:**

Thank you for the suggestion, Council is always looking to improve its operations and make the best use of available resources. Unfortunately the annual due by date for pet registrations is 10 April which is legislated for under the Domestic Animals Act.

Council have adopted a payment scheme for rates being quarterly which is done under the Local Government Act. The closest rates payment due by and prior to the dog registration due by date is 28 February each year. Some years ago, Council attempted to send dog registrations with rate notices but it was found that the quarterly rates notice due on the 28 Feb was sent out some six weeks earlier (mid Jan) and by the time the 10 April came around, being the due date for the pet registrations some pet owners had forgotten all about it. Since this they are now sent separately in mid March.

A further issue with this idea is that many pet owners are not rate payers so we have to run two programs anyway sending out a separate registration form to these pet owners. To save confusion and to continue to encourage pet owners to register their dogs the decision was made to keep the processes separate.

Council currently has 3,000 dogs and 950 cats registered.

**Question 6: From Mr Allan McLeod, Daylesford**

**Agenda Item 9.10 Victoria Park Multi-Purpose Community Facility Page 93 states:**

***“Council is the land manager of Victoria Park, Daylesford as Committee of Management under the Crown Land Reserve Act. **At this stage Council has not made any decision in relation to changing current arrangements...*****

which is in direct conflict with the resolution passed at the April 2011 Council meeting which is detailed on page 91 and states:

***“As manager of Victoria Park crown land **reserve give approval in principle for the proposed multi-purpose facility to be built on the nominated site** within Victoria Park subject to all.....”***

***Page 93, a list of the RDAF Guidelines Round 2, with point 4 stating:***

***“Preference will be given to applications that demonstrate partnership funding on a dollar for dollar basis for grant requests of \$5 million and less, and...”***

The report then states that:

***“Implications for Victoria Park Multi-Purpose Community Facility project are that a matching contribution of at least \$2.3 million is required and that....”***

This information is not correct, as the RDAF guidelines state that preference will be given, not that a contribution of \$2.3 million is required and therefore this is misleading information.

**Question: Given the errors in the content of this report, how can Council make an informed decision on becoming a member of the Vic Park Consortium?**

**Answered by Mayor Cr Rod May:**

It is not considered there are any errors in the content of the Report.

The report about Victoria Park to be considered by Council this evening includes the Council resolution of April 2011 supporting the application. Council is the Crown Land Committee of Management for the Victoria Park Reserve, Daylesford and no decision has been made with regard to changing these arrangements.

The report quotes the RDAF guidelines which state that:

*Preference will be given to applications that demonstrate partnership funding on a dollar for dollar basis for grant requests of \$5 million and less, and on a 1:2 basis for grant requests of more than \$5 million.*

The report extrapolates the financial impact of applying this preference.

As resolved during consideration of Item 9.10 in relation to Victoria Park Multi-Purpose Community Facility, Council will invite the Daylesford Football Netball Club to a meeting with Council Officers to determine the actions required to secure funding to construct the Victoria Park Multi Purpose Community Facility.

## **9. OFFICERS' REPORTS**

### **9.1. ESTABLISHMENT OF TRENTHAM LIBRARY GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the General Manager Community Services, I Kathleen Brannigan, have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is to provide Council with a progress report about the development of a library service in Trentham and to seek Council's endorsement to further progress establishment of a fixed library service.

#### **BACKGROUND**

Community members submitted a proposal for the establishment of a static library in Trentham to Council. An allocation of \$50,000 towards a review of library services in Trentham was included in the 2011-12 Budget adopted by Council on 28 June, 2011.

The Hepburn Library Services Review (March 2011) recommended:

That Council actively pursue retention of a library service in Trentham giving consideration to changes in the mobile service which may occur as a consequence of the CHRLC ceasing to operate.

A review of the Mobile Library Service by the City of Ballarat found that:

*In a larger catchment area the limitations of a mobile service that may only visit once or twice a fortnight may necessitate a smaller static library or well managed depot.*

#### **ISSUE / DISCUSSION**

##### **Current Service**

The current population of the Trentham area is 1,286 and the population is projected to grow to 1,342 by 2016 (Source: id.population forecasts, 2011).

The current mobile library service, two hours per week is inadequate for population size. A minimum floor space of 139 m<sup>2</sup> is recommended.

In 2010-2011 the mobile library should have visited Trentham for 104 hours or 2 hours every week. The actual visiting time was approximately 90 hours. Visits of the mobile library service are increasingly sporadic, due to breakdowns as the vehicle is nearing the end of its useful life.

Expenditure in 2010-11 for the Trentham mobile library service was \$18,840 which equates to approximately \$200 per hour for each hour of service provided to Trentham community compared to the average cost of \$98 per hour for library branches in Hepburn. Anticipated cost to council for the mobile service in 2011-12 is \$24,000.

### **Availability of Premises - Albert Street, Trentham**

Due to redevelopment of Trentham Hospital Hepburn Health Service has no immediate need for its building in Albert Street, Trentham. Initial discussions, correspondence and an on-site meeting with the CEO of Hepburn Health Service (HHS) occurred about the use of the premises as library. A letter requesting that HHS agree to enter into a lease with Council was sent to HHS CEO and at its Board meeting on 24 October 2011, Hepburn Health approved entering into a 5x5 year lease with Hepburn Shire Council for use of the Albert Street property as a library.

### **Living Libraries Infrastructure Funding**

The Trentham community has established a Trentham Library Working Group and these volunteers have been heavily involved in the development of the proposal including drawing up plans, seeking quotes and drafting applications. An application for \$55,000 has been submitted to the Living Libraries Infrastructure Fund (Local Government Victoria, DPCD) to complete alterations as set out in the attached scope of works (refer Attachment 1) and plans (refer Attachment 2). The application also seeks funding for shelving, a circulation desk, improved lighting and heating. The total project cost is \$77,571 with a Council contribution of \$22, 571 (\$15,519 cash and \$7, 052 in-kind).

### **Establishment and recurrent costs**

Initial discussions with City of Ballarat, in their role as library service provider indicate that the minimum collection size would be 2,000 items. Additional fit out would also be required. Further information and advice about recurrent costs and service levels is being sought from City of Ballarat, as Hepburn's provider of library services.

There is an opportunity for Hepburn Shire Council to secure services for the Trentham library through negotiations with the City of Ballarat about Hepburn's remaining equity in the Ballarat Library and car park. The City of Ballarat have committed to the recognise the depreciated replacement costs of these improvements through the incremental increase in improvements to book stock and/or service enhancements over a three year period commencing 1 July 2012. The value to be recognised for Hepburn is \$98,189.



## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council Plan Commitment 46: *Providing citizens with the information and linkages they need to make community connections through our leisure programs, libraries and neighbourhood houses.*

## **FINANCIAL IMPLICATIONS**

Council has allocated \$50,000 in the 2011-12 budget for library services in Trentham and if the Living Libraries Infrastructure Fund application is successful will leverage an additional \$55,000. The balance of \$50,000 can be used for collection, IT set up and additional fit out. The recurrent costs of running a library in Trentham would need to be included in 2012-13 budget process.

## **RISK IMPLICATIONS**

Nil identified at this stage.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Hepburn Shire Review of Library Services (March 2011) found that libraries are highly valued by the community and there is an expectation that Council will continue to support and enhance the service. There is growing demand for library services and an expectation of an increased quality and level of service.

A recent study, *Dollars, Sense and Public Libraries*, demonstrated that investment in public libraries is of great economic benefit to any community. Public libraries provide access to a great variety of resources, including the internet, and contribute to the lifelong learning and recreational needs of the community.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

In 2010 a petition signed by over 700 people supporting the retention of library services in Trentham residents was presented to Council. The proposal has been publicized widely in town, on community noticeboards and in the *Trentham Trumpet* - the local community newsletter. Responses have been positive and a working party has been formed. The Trentham library project is supported by the Trentham Forum.

## **CONCLUSION**

The proposed outcome is a modern multi-use community library capable of servicing the diverse needs of the community of Trentham and district,

providing a much more flexible and accessible resource than the current mobile library.

### **OFFICER'S RECOMMENDATION**

That Council:

- 9.1.1. Notes this report.
- 9.1.2. Endorses further progression towards the establishment of a fixed library service in the Hepburn Health Service owned building in Albert Street, Trentham.

### **MOTION**

*That Council:*

- 9.1.1. *Notes this report.*
- 9.1.2. *Endorses further progression towards the establishment of a fixed library service in the Hepburn Health Service owned building in Albert Street, Trentham.*

**Moved:** Councillor Sebastian Klein  
**Seconded:** Councillor Bill McClenaghan  
**Carried.**

**ATTACHMENT 1 - PROPOSED TRENTHAM LIBRARY –  
SCOPE OF WORKS**

## **HEPBURN HEALTH BUILDING/PROPOSED TRENTHAM LIBRARY SCOPE OF WORKS**

### **EXTERNAL**

- Install bamboo screen south side of library car park
- Request council to create car park in front of library and to cnr Albert & Market Street
- Request council to create a footpath from front of library to corner of Market Street
- Appropriate signage at front of building and indicative signage at cnr Market Street & High Street and Cnr Market Street & Albert Street

### **INTERNAL**

#### **LOBBY/ENTRY**

- Form new opening in west wall & remove east wall back to south wall of Office 2
- Repaint all walls and ceiling
- plaster and paint brickwork
- replace carpet
- Install glass fronted notice board on south wall

#### **OFFICE/MEETING**

- Form new opening approx 2700mm wide and 2400mm high in south wall
- Cut and seal waste and water to basins, remove basins, make good floor and walls & replace carpet throughout.
- Repaint all walls and ceiling
- Install Gas Heater on east wall

#### **MAIN ROOM**

- Remove folding wall and jambs
- Fix doors to north wall in closed position [change lock]
- Spray paint ceiling
- plaster and paint all brick walls
- Replace existing light fittings with new 2x36w T5 fluorescent fittings [remove and do not replace central east and west lights]
- Remove door to Kitchen and set aside; fit mdf panel and board across frame

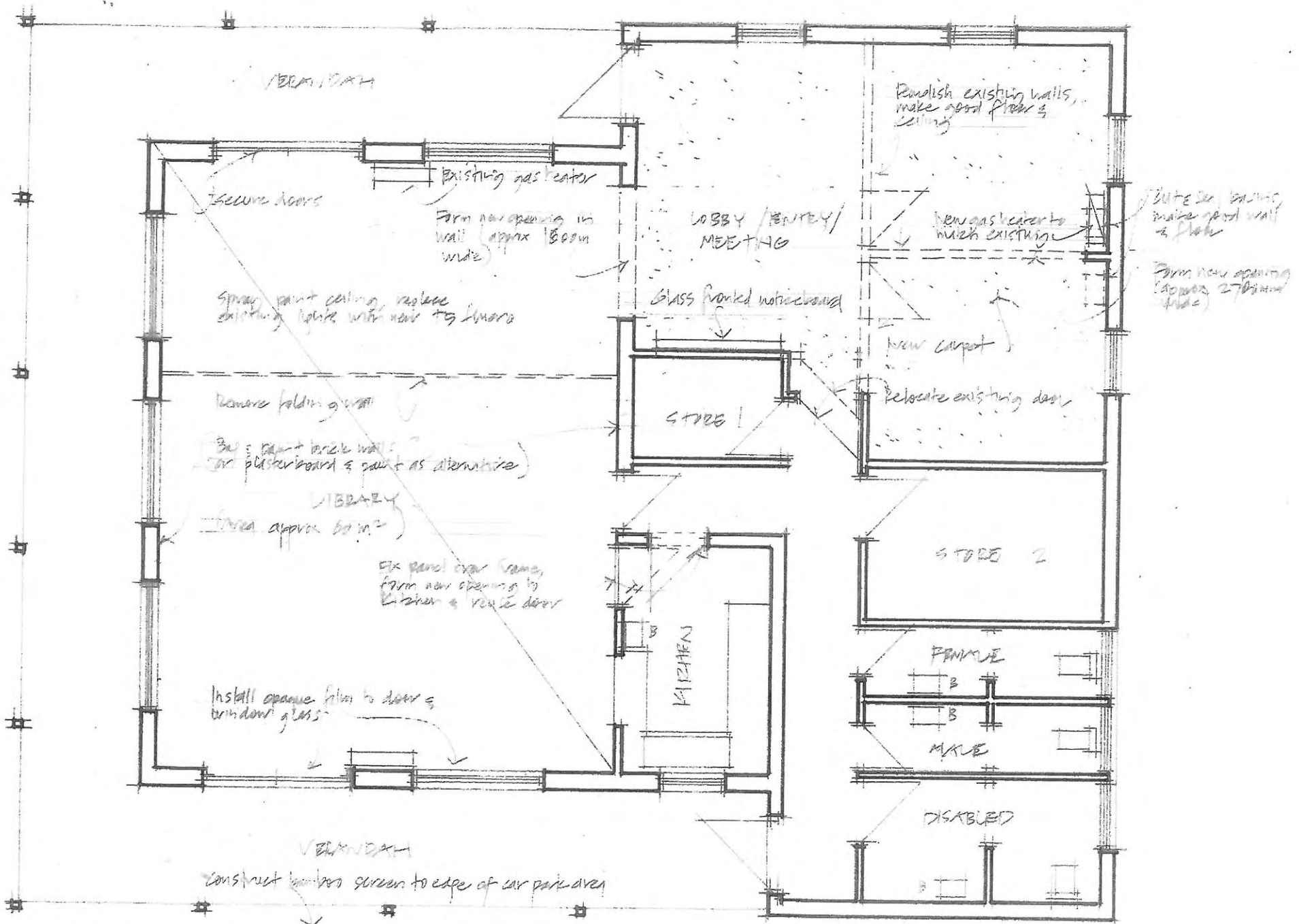
#### **KITCHEN**

- Form new opening in north wall and install new metal frame to match existing; relocate and fit existing door

#### **STORE 1, STORE 2, TOILETS, PASSAGE**

- Minimal works - clean floors and fittings as required

**ATTACHMENT 2 - PROPOSED TRENTHAM LIBRARY – REVISED PLAN**



## **9.2. COMMUNITY GRANTS PROGRAM ROUND ONE 2011-12 GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the General Manager Community Services, I Kathleen Brannigan, have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to recommend the allocation of Round One 2011-12 Community Grants.

### **BACKGROUND**

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

Round One 2011-12 Community Grants opened on 9 August 2011 and closed on 23 September 2011. The availability of Community Grants was advertised in *The Advocate* and on the Council webpage. The Community Grants Program was also promoted through e-mail distribution lists.

A total of twenty five (25) applications were received compared with 19 in Round Two 2010-11. Eight applications were received for projects in Trentham, seven Daylesford projects and four Creswick. Two applications were received for shire-wide projects and single applications for projects in Clunes, Mollonghip, Smeaton and Bullarto.

### **ISSUE / DISCUSSION**

At the first stage of the Trentham Community Grants pilot endorsed by Council at its Ordinary Meeting in March 2011 which allocated \$6,000 to the pilot, the eight applications received for projects in Trentham were referred to a sub-committee of the Trentham Forum for assessment.

The Trentham Assessment Report, including funding recommendations from the Trentham Forum are attached (refer Attachment 3). A formal evaluation of the Trentham Community Grants Pilot will be undertaken, however initial comments from the Trentham committee is that it was worthwhile and that the committee was able to bring some valuable 'local knowledge' to assessment of the various applications.

The other 17 applications were assessed by a representative of the Recreation Advisory Committee, a former member of the Culture and Arts Advisory Committee (nominations are currently being sought for this Committee), Acting Recreation and Events Coordinator and General

Manager, Community Services. The Assessment Report, including funding recommendations is attached (refer Attachment #).

Grant applications were assessed against the following criteria:

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

The recommended Community Grant allocation for Round 1 (2011-12) is \$19,620, including \$6,000 for Trentham projects. A summary of projects and recommendations is attached (refer Attachment 4).

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*We will create healthier, safer, more vibrant communities.*

## **FINANCIAL IMPLICATIONS**

Council has allocated \$40,000 in the 2011-12 budget for the Community Grants Program.

## **RISK IMPLICATIONS**

All applicants are required to identify how project risk and safety issues will be managed.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Community Grants support projects by volunteer community groups which strengthen community resilience and connection.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Round 1 2011-12 Community Grants were advertised in the Advocate, on Council's webpage and through community newsletters and email distribution lists.

## **CONCLUSION**

The recommended projects support the objectives of the Community Grant Guidelines.



## OFFICER'S RECOMMENDATION

That Council:

9.2.1. Awards the Trentham Community Grants 2011-2012, as recommended to:

Trentham Historical Society	\$750
Great Trentham Spudfest Committee	\$2,000
Trentham Playgroup	\$500
Trentham Sports Ground Reserve Committee of Management	\$2,000

9.2.2. Awards Trentham Community Grants 2011-2012 part funding, as recommended, to:

Trentham Reserves Committee of Management	\$250
Trentham Neighbourhood Centre	\$250
Trentham District Football & Netball Club	\$250

9.2.3. Awards the Community Grants for Round One 2011-2012, as recommended, to:

Molongghip Hall & Tennis Committee Inc	\$2,000
Rotary Club of Daylesford	\$2,000
Hepburn Health Service	\$1,200
The Boite	\$800
Smeaton Primary School	\$2,000
Daylesford Neighbourhood Centre	\$500
Sustainable Hepburn Association	\$2,000
Clunes Tourist & Development Association	\$2,000
Sweet Justice (Daylesford & District Community Women's Choir)	\$495
Creswick Museum	\$490
Friends of Creswick Park Lake Botanical Reserve	\$135

## MOTION

*That Council:*

9.2.1. *Awards the Trentham Community Grants 2011-2012, as recommended, to:*

<i>Trentham Historical Society</i>	<i>\$750</i>
<i>Great Trentham Spudfest Committee</i>	<i>\$2,000</i>
<i>Trentham Playgroup</i>	<i>\$500</i>
<i>Trentham Sports Ground Reserve Committee of Management</i>	<i>\$2,000</i>

9.2.2. *Awards Trentham Community Grants 2011-2012 part funding, as recommended, to:*

<i>Trentham Reserves Committee of Management</i>	<i>\$250</i>
<i>Trentham Neighbourhood Centre</i>	<i>\$250</i>
<i>Trentham District Football &amp; Netball Club</i>	<i>\$250</i>

9.2.3. *Awards the Community Grants for Round One 2011-2012, as recommended, to:*

<i>Mollonghip Hall &amp; Tennis Committee Inc</i>	<i>\$2,000</i>
<i>Rotary Club of Daylesford</i>	<i>\$2,000</i>
<i>Hepburn Health Service</i>	<i>\$1,200</i>
<i>The Boite</i>	<i>\$800</i>
<i>Smeaton Primary School</i>	<i>\$2,000</i>
<i>Daylesford Neighbourhood Centre</i>	<i>\$500</i>
<i>Sustainable Hepburn Association</i>	<i>\$2,000</i>
<i>Clunes Tourist &amp; Development Association</i>	<i>\$2,000</i>
<i>Sweet Justice (Daylesford &amp; District Community Women's Choir)</i>	<i>\$495</i>
<i>Creswick Museum</i>	<i>\$490</i>
<i>Friends of Creswick Park Lake Botanical Reserve</i>	<i>\$135</i>

**Moved:** Councillor Sebastian Klein  
**Seconded:** Councillor Jonathan Barrell  
**Carried.**

**ATTACHMENT 3 - COMMUNITY GRANTS 2011-2012 – TRENTHAM**

## Community Grants 2011-2012 – Trentham

<b>RECOMMENDED</b>						
<b>Applicant</b>	<b>Project Name</b>	<b>Grant Type</b>	<b>Project Description</b>	<b>Amount Requested</b>	<b>Score Av.</b>	<b>Comments</b>
<b>Trentham Historical Society</b>	Signage for Avenue of Honour	Community Strengthening	Signs to acknowledge WW1 soldier's memorial avenues in Cosmo and Bridge Roads.	\$750	90	<ul style="list-style-type: none"> <li>- Good project – will engage whole community</li> <li>- Well-presented application</li> <li>- Will require liaison with Council re placement of signs</li> </ul>
<b>Great Trentham Spudfest Committee</b>	Spudfest 2012	Community Events	Arts & culture performances and activities.	\$2,000	87	<ul style="list-style-type: none"> <li>- Very important event for both the community and tourism calendar – rated highly</li> <li>- Teenagers and children will be the target for activities to be supported by this grant</li> <li>- Highly competent and professional committee</li> <li>- Concern that in again supporting the Spudfest application from this grant source is limiting on other potential community applicants – strongly recommend that HSC and Spudfest negotiate a major events agreement prior to next year's application. Suggest these discussions need to occur before April 2012 so that any planning and information gathering can be incorporated into the 2012 program.</li> </ul>
<b>Trentham Playgroup</b>	Trentham Playgroup	Small Equipment	Purchase of 3 ride on toys	\$500	85	<ul style="list-style-type: none"> <li>- Good straightforward application – well presented</li> <li>- The Group offers a valuable social service to a growing sector of the community</li> </ul>
<b>Trentham Sportsground Reserve C'tee of Management</b>	Electricity Upgrade	Community Strengthening	Upgrade power supply, relocating switchboard – a contribution to Stage 1	\$2,000	84	<ul style="list-style-type: none"> <li>- Total project seen as having greatest benefit for the whole community</li> <li>- Key community facility</li> <li>- Users include sports groups; emergency services incl CFA, Air Ambulance; Riding for the Disabled; and general community</li> <li>- Note that this recommendation is for a contribution to Stage 1 and is made conditional on all other funds required being available (i.e. as a statement of support and for leverage): if full funding cannot be raised these funds should be reallocated to other projects.</li> <li>- Needs a full, staged budget – but limited scope for 'in kind' contribution</li> </ul>

<b>RECOMMENDED FOR PART FUNDING / FURTHER DEVELOPMENT</b>						
<b>Applicant</b>	<b>Project Name</b>	<b>Grant Type</b>	<b>Project Description</b>	<b>Amount Requested</b>	<b>Score Av.</b>	<b>Comments</b>
<b>Trentham Reserves C'tee of Management</b>	Historical signage	Community Strengthening	Placing signage at the three Reserves in Trentham to indicate their historical significance	\$2,000 Amount recommended: \$250	72	<ul style="list-style-type: none"> <li>- Minimal application</li> <li>- Should be integrated with other signage projects (incl for walking and cycling trails which are proposed to link these reserves)</li> <li>- Project Budget provides minimal information</li> <li>- Recommendation will assist concept development and integration with other signage projects around Trentham</li> </ul>
<b>Trentham Neighbourhood Centre</b>	The Inaugural Ellie Kemp Memorial Writer's Prize	Community Events	A named Memorial Writer's Prize as part of Words in Winter, 2012	\$1,400 Amount recommended: \$250	72	<ul style="list-style-type: none"> <li>- Great concept – would like to support</li> <li>- Has a starting contribution of \$700 to build on</li> <li>- Project needs considerable development – including focus, eligibility criteria etc and sustainability</li> <li>- Most reservation around financials – capital base insufficient to provide a return to fund the proposed prize pool</li> <li>- Proposed expenditure, particularly advertising and award night costs is not justified</li> <li>- Recommendation will hopefully assist TNC further develop the concept and its longer-term sustainability</li> </ul>
<b>Trentham District Football &amp; Netball Club</b>	Crockery/cutlery	Small Equipment	Purchase of cutlery and crockery instead of current plastic utensils and plates	\$500 Amount recommended: \$250	68	<ul style="list-style-type: none"> <li>- Reasonable request but application minimal</li> <li>- Club is growing and should be assisted to up-grade its activities – believed that the recommended funds will enable it to at least purchase some equipment</li> <li>- Reduction in waste and bird marauding of bins</li> </ul>
<b>TOTAL AMOUNT RECOMMENDED \$6,000</b>						
<b>NOT RECOMMENDED</b>						
<b>Applicant</b>	<b>Project Name</b>	<b>Grant Type</b>	<b>Project Description</b>	<b>Amount Requested</b>	<b>Score Av.</b>	<b>Comments</b>
<b>Trentham Kindergarten</b>	Excursion to the Melbourne Museum	Arts & Culture	Cost of bus and driver	\$638	61	<ul style="list-style-type: none"> <li>Recurrent/operational cost</li> <li>Lasting benefit not demonstrated</li> <li>Minimal or no contribution from parents</li> <li>Referred to another source of possible local funding</li> </ul>

**ATTACHMENT 4 - COMMUNITY GRANTS ROUND ONE 2011-2012**

## Community Grants Round One 2011-12

Organisation	Grant Type	Project Name	Project Description	Score	Recommended
<b>Recommended Projects</b>					
Mollonghip Hall & Tennis Committee Inc	Community Strengthening	Mollonghip Hall - polishing floors as part of Stage 2 refurbishment	Stage 2 of Mollonghip Hall refurbishment	91.25	\$2,000
Rotary Club of Daylesford	Community Strengthening	Interpretive Signage for the Avenue of Honour	Signs giving account of both men and women who went to war	89.5	\$2,000
Hepburn Health Service	Community Strengthening	Improving Social & Community Participation for Disadvantaged Residents of Hepburn Shire	To create awareness of social and financial disadvantage and provide information and resources	87	\$1,200
The Boite	Community Events	Boite Singers' Festival at Daylesford - Hip Hop Workshop for Youth 15-25 yrs	Hip Hop workshop to build skills using voice and song	81.5	\$800
Smeaton Primary School	Community Strengthening	Opening Doors to our Future	To create a artwork that represents the past, present and future of Smeaton.	79	\$2,000
Daylesford Neighbourhood Centre	Small Equipment	Improving a Community Asset	To Update kitchen facilities	76.75	\$500
Sustainable Hepburn Association	Community Strengthening	Hands On Sustainability Champions Training	Training program for 12 unemployed persons to develop work skills	74.25	\$2,000
Clunes Tourist & Development Association	Community Strengthening	Clunes Community Notice Board	To replace existing notice board and relocate to better position	72.75	\$2,000
Sweet Justice (Daylesford & District Community Womens Choir)	Small Equipment	Increasing participation in Sweet Justice	To ensure sustainable future for the choir	72.25	\$495
Creswick Museum	Small Equipment	Steel Cabinet to house and preserve "Creswick Advertisers "	To House the museums collection of Creswick Advertisers	71.25	\$490
Friends of Creswick Park Lake Botanical Reserve	Small Equipment	Restoration of Park Lake - Creswick Botanical Reserve	To provide fertiliser for plants	64	\$135
<b>Total Recommended</b>					<b>\$13,620</b>

## Community Grants Round One 2011-12

Not Recommended					
U3A Hepburn Shire Inc	Arts & Culture	Return of the Zelman Symphony Orchestra to Daylesford	To return the orchestra to repeat their successful concert of last year	61.25	
Creswick Museum	Arts & Culture	Reprinting Diary of Disaster Australasian mine tragedy (Creswick 1882)	To reprint Diary of Disaster	56.25	
U3A Hepburn Shire	Community Strengthening	U3A Hepburn Shire Inc Brochure	To produce a brochure outlining the activities within the community	54.25	
Bullarto Public Hall	community Events	Bullarto Vintage Tractor Pull	To raise funds for the restoration of the Bullarto community hall	50.5	
CreswickTrails.com	Community Strengthening	Hammon Park Feasibility study	To offer an alternative and continued use for Hammon Park	45.5	
Daylesford Highland Gathering Committee Inc	Community Events	Daylesford Highland Gathering	Daylesford Highland Gathering	32	



### **9.3. CHANGES TO THE DOMESTIC ANIMALS ACT 1994 – RESTRICTED BREED DOGS**

#### **COMPLIANCE COORDINATOR**

*In providing this advice to Council as the Compliance Coordinator, I Eric Wright, have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is to provide Council with information on recent changes to the Domestic Animals Act, in particular the section that addresses Restricted Breed dogs and the implications for Council.

#### **BACKGROUND**

In mid 2011, a dog attack resulted in the death of a child in Melbourne. Whilst this dog attack was not the first that resulted in a human death, the state was asked to instantly strengthen dog legislation.

On 30 August 2011, changes to the Domestic Animals Act 1994 were introduced. The key changes to the legislation are;

- Pitbull Terriers and cross bred Pitbull Terriers are now considered to be restricted breeds and a visual standard for identifying these dogs was gazetted on 31 August 2011.
- Any clarified restricted breed dog that remains unregistered with Council after 29 September 2011 can be seized and destroyed.
- Significant increases in penalties for attacks by dogs.
- A State Government “hotline” was set up on the 30 August 2011 that allows members of the community to report what they believe to be a restricted breed dog. All reports are recorded and forwarded to the relevant Council for action.

#### **ISSUE / DISCUSSION**

The Municipal Association of Victoria, Bureau of Animal Welfare, RSPCA and several independent organisations have raised concerns regarding the new legislation and its implications on Council’s. The main points of concern are;

- Authorised Officers ability to identify a cross bred Pitbull Terrier.
- Authorised Officers seizing dogs from properties based on breed possibility with difficulties in identification
- The recently gazetted restricted breed assessment guide has no reference to cross breed dogs.

- Cost implications for Councils to implement new legislation.
- The dumpage rate of dogs may increase due to the legislation change.

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Healthy, Safe and Vibrant Communities – Point 50.

#### The current status in Hepburn Shire:

Dog registration register checked for Pitbull or Pitbull X dogs	Restricted breeds found - Nil
Hotline reports to Council	3 reports received
Reports investigated	3 reports investigated
Restricted breed dogs found following investigation	Nil
Number of Pitbull or Pitbull x dogs involved in an attack over the last five years	<u>Nil</u>
Breeds of dog responsible for attacks over the last twelve months	Jack Russell – Great Dane – Blue Heeler – Beagle – German Shepherd

### FINANCIAL IMPLICATIONS

Yet to be fully determined - however hotline and investigated reports will up the workload.

### RISK IMPLICATIONS

- There may be potential grounds for litigation by owners of cross breed dogs that are seized as Pitbull crosses and are not these dog types.
- A potential rise in the numbers of Authorised Officers being assaulted.
- Rather than taking the risk of registering possible restricted breed dogs as another breed, Council's may be placed in a position of declaring all possible restricted breeds and allowing VCAT to make a determination once a declaration is challenged.
- Until a State wide robust process has been established, Council must ensure that their decisions are stringently processed, detailed and documented to limit liability

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

It is understood that pet ownership is considered very important and enhances owners health and well being as well as develop social inclusion, however the reduction of dangerous dogs in our community must be considered beneficial in the social environment.

It is important that Council administer this new legislation carefully and professionally as there is the possibility of creating a social divide between dog owners.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

This legislation has been widely disseminated through the media in the last month and has had a significant effect based on the enquiries received by Officers.

As with any new legislation, adjustments will be required and with recent concerns being raised by several organisations, the MAV are establishing a working party made up of Local Government Officers to look at arising issues.

## **CONCLUSION**

It is expected that this legislation will be massaged fairly regularly in the short to medium term and on this basis, officers will be updated with adjustments as they happen.

Hotline reports and the discovery of potential restricted breed dogs post operations will be actioned as a priority.

The regular viewing of the dog registration database will take place to identify restricted breeds.

Further resources in this area may need to be considered as the legislation is enhanced and the requirements on Council escalate.

## **OFFICER'S RECOMMENDATION**

9.3.1. That Council notes this report.

## **MOTION**

9.3.1. <i>That Council notes this report.</i>
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**Moved:** Councillor Neil Newitt

**Seconded:** Councillor Jonathan Barrell

**Carried.**

#### **9.4. COUNCIL SUBMISSION ON EMERGENCY MANAGEMENT GREEN PAPER –TOWARDS A MORE RESILIENT AND SAFER VICTORIA GENERAL MANAGER SUSTAINABLE DEVELOPMENT**

*In providing this advice to Council as the General Manager Sustainable Development, I Barry Green, have no interests to disclose in this report.*

##### **PURPOSE**

The State Government has released a Green Paper (Paper) for comment making suggestions for improvement to Emergency Management in the state. Comments are due by 14 November 2011; however the Department of Premier and Cabinet has advised Council it will accept Council's submission following its meeting on 15 November 2011.

##### **BACKGROUND**

The Paper includes 32 options for reform and provides:

- An overview of the current legislative and policy arrangements for crisis and emergency management in Victoria;
- A discussion of the international trends in emergency management;
- An analysis of the issues and challenges for Victoria's arrangements; and
- Immediate and longer term options for reform, noting that these are not the only options, nor are they mutually exclusive.

Green Papers are documents that may be provocative in nature as they are exploring options and designed to stimulate community discussion and invite public comments. They do not necessarily progress to Government Policy. The process of a Green Paper to a White Paper is a way of testing the waters before making policy.

The paper outlines that the State Government is committed to improving Victoria's emergency management arrangements by focussing on:

- Service delivery to Victorians across government and communities;
- Building community resilience
- Achieving a genuine 'all-hazards, all agencies' approach; and
- Enduring an sustainable change.

Emergency events are being experienced on a more frequent basis. It appears that with these major emergency events such as the February 2009 bushfires and the more recent flood events over the past 12 months there have been issues with the emergency management particularly at the higher levels of command and control operational areas and also interoperability

between services. Such issues have been highlighted in investigations into these events and Royal Commissions and include:

- The lack of timely warning to the public;
- Failure of command centres;
- Decisions either being made far too late or not at all; and
- Communications between service agencies with different equipment specifications and operating procedures.

These are matters of public record of the recent Bushfire Royal Commission and the more recent Comrie enquiry.

The Paper details 31 major emergency events dating back to 1934 ranging from predominately fire and floods and to heatwaves, chemical spills, train crashes, bridge collapse, shootings and infectious disease outbreaks. Even with such a large variety of major emergencies it appears that the emergency management system is not suitably refined to cope as after each major emergency there is further investigations or Royal Commissions.

The recent 2009 Victorian Bushfire Royal Commission interim recommendations created a new senior position of “Fire Services Commissioner”. The role of the Fire Services Commissioner is:

- To promote and lead reform in the fire services to improve operational performance and capacity for the three fire services (MFB, CFA, DSE);
- To operate as an integrated force to prepare for and manage major fires.

However in 2000 the State had previously created the statutory role of the “Emergency Services Commissioner”. The role of the Emergency Services Commissioner is:

- To set and monitor standards and review and advise the Minister on Emergency Management.

There appears to be some overlap of the two positions and the question is why do we need two positions when it is considered that the Emergency Services Commissioner could have undertaken the tasks now assigned to the Fire Services Commissioner.

The Paper has been written from an operational view point and does not deal with the Community Resilience in any substantive way. Emergencies have a lead time, event time and recovery time. The lead time between events can be as much as many years depending upon the event. The event is likely to be over in hours or days however the recovery is likely to take many years as this includes physical, mental and social recovery. In these instances community expectations often exceed the capacity of services to be able to defend or protect in extreme events.

Local Government and the Emergency Services Organisations have a significant educative role in building Community Resilience. Given the period between events is usually years there is considerable time to plan, educate and prepare however this can require the application of significant resources.

The Paper largely proposes the addition of new layers of bureaucracy however it is considered that what is required is greater simplification.

The Green Paper's focus on operational agencies misses the point of building community resilience and does not fully consider the role, capacity and expectation placed on Local Government.

In order to best consider this document officers from Hepburn Shire have been liaising with officers from Central Goldfields Shire, Greater Bendigo City Council, Macedon Ranges Shire, Mount Alexander Shire and Loddon Shire.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

The making of a submission is not a legislative requirement, however given Council's recent experiences with emergencies (fire and flood) and its commitment to good governance, a submission is warranted.

### **FINANCIAL IMPLICATIONS**

There are no financial implications of a making a submission.

### **RISK IMPLICATIONS**

There are no risk issues associated with making a submission.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

There are no environmental, social or economic implications of making a submission.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The paper is available for public comment and has been distributed by the Department of Premier and Cabinet.

### **CONCLUSION**

It is acknowledged that improvement is required in the area of emergency management and this has been evident in recent times within Hepburn Shire with fire and flood.

A draft submission to the Green Paper is attached for consideration by Council (refer Attachment 5). This submission provides additional detail and response to each of the options explored in the Green Paper.

It is considered that the document is vague and broad in nature, yet narrow and operationally focussed, lacks overarching strategy direction and does not adequately deal with the area of vulnerable communities. Furthermore it does not deal with a municipality's capacity to adequately deal with an emergency, the response, the recovery and the ongoing commitment required long after the event.

This narrow and operational focus is considered to contribute little to the development of community resilience.

#### **OFFICER'S RECOMMENDATION**

That Council;

- 9.4.1. Endorses the submission to the Green Paper on Emergency Management – *Towards a more resilient and Safer Victoria* contained in Attachment 5;
- 9.4.2. Forwards the submission to the Department of Premier and Cabinet.

## MOTION

*That Council:*

- 9.4.1. *Endorses the submission to the Green Paper on Emergency Management - Towards a more resilient and Safer Victoria contained in Attachment 5 with the inclusion of the following paragraph at the end of the "Background" section;*

*"Hepburn Shire recognises and welcomes moves by the state government to plan for more resilient and safer communities through this green paper but asks that the focus of policy is not just the kinds of natural disasters and emergencies we have become all too familiar with in recent times. By focusing on resilience, as defined in the scientific study of vulnerability and resilience, in its broader context the state government should provide for considerations of peak oil, climate change, weather instability, water security, food security and other less imminent threats. Such considerations would allow for the maximum benefit of any consequent policy or legislation and provide for healthier, safer more prosperous communities."*

- 9.4.2. *Forwards the submission to the Department of Premier and Cabinet.*

**Moved:** Councillor Sebastian Klein  
**Seconded:** Councillor Jonathan Barrell  
**Carried.**



**ATTACHMENT 5 - SUBMISSION ON EMERGENCY MANAGEMENT GREEN  
PAPER - TOWARDS A MORE RESILIENT AND SAFER VICTORIA**



**Submission on Emergency Management Green Paper**

**Towards a more resilient and safer Victoria**

## **INTRODUCTION**

This submission is prepared in response to the Victorian State Government Green Paper on Emergency Management – Towards a more resilient and safer Victoria.

The State Government has released the Green Paper for public consideration and has sought submissions on the document by 14 November 2011.

## **BACKGROUND**

Hepburn Shire has experienced four significant emergency events in the last 30 months with a bushfire in February 2009 and flooding in September and December 2010 and January 2011.

The fire at Musk had the potential to cause greater damage to surrounding properties and townships had it not been controlled whilst the floods significantly impacted the communities of Creswick and Clunes.

The impact of the flooding has been severe on both private and public infrastructure with long lasting effects on communities and Council operations.

Hepburn Shire has been identified as a very high risk municipality for fire and the more recent flood events have heightened the risk associated with flooding. These events have tested the effectiveness of emergency management and in order to provide the best possible service to its community Council is committed to improvement of all areas of emergency management.

Hepburn Shire recognises and welcomes moves by the state government to plan for more resilient and safer communities through this green paper but asks that the focus of policy is not just the kinds of natural disasters and emergencies we have become all too familiar with in recent times. By focusing on resilience, as defined in the scientific study of vulnerability and resilience, in its broader context the state government should provide for considerations of peak oil, climate change, weather instability, water security, food security and other less imminent threats. Such considerations would allow for the maximum benefit of any consequent policy or legislation and provide for healthier, safer more prosperous communities.

## **OPTIONS**

The paper has identified a range of issues and challenges as well as a range of options to consider. The following provides a list of the 32 options in four categories and a response:

### **Governance arrangements**

- 1. Assign responsibility for prevention/mitigation planning to a designated role – longer term.***

Agree in principle however more details are required to adequately assess how this may work in practice. A role that is dedicated to emergency management is considered desirable in the longer term.

- 2. Rationalise emergency management committees so that only three planning committees report to VEMC (or its successor) and give sub-committees clearer accountability and reporting lines – immediate term.**

Agree as the additional layers and committees create confusion and complexity.

- 3. Establish a single emergency services board to oversee all ESOs that reports to the Minister for Police and Emergency Services – longer term.**

Whilst the concept appears creditable as it provides a single board responsible for emergency services it is only considered to be appropriate if it is at the removal of all other emergency services boards. Less layers not more.

- 4. Establish an umbrella body for all ESOs – longer term.**

Disagree as the green paper has dismissed the idea of Ambulance Victoria being a part of any consolidated body so there cannot be a single umbrella body encompassing all ESOs. Similar to above it has the potential to create more layers and more bureaucracy.

- 5. Assign responsibility for relief and recovery to a specific Ministerial portfolio, separate to the Minister for Police and Emergency Services portfolio – immediate term.**

Disagree as this creates a further silo and layers when less is considered more appropriate.

#### **Statewide capacity to deal with large-scale events**

- 6. Eliminate specific coordination roles from Victoria's emergency management arrangements, making coordination the responsibility of the relevant control agency – longer term.**

Agree as it has the ability to simplify the emergency management arrangements. More detail is required specifically in relation to the coordination role of the Victoria Police.

- 7. Extend the remit of the Fire Services Commissioner to encompass response to all major natural hazards - medium term.**

Disagree, more information is required as to what this means for both the Essential Services Commissioner and the Emergency Services Commissioner roles as well as the appropriate skill set levels required to cover all hazards.

- 8. Include an operations function in an umbrella body led by a Chief Operations Officer, who would assume the role of State Controller for all major emergencies – longer term.**

More justification is required as to why this is an appropriate option.

- 9. Introduce a graded scale of emergency declaration – medium term.**

Agree, there needs to be graded scale and appropriate terminology for emergency declaration. A green paper is not required to support such an option.

- 10. Introduce common training and exercise programs for large-scale and complex emergency events across all emergency services and emergency management agencies, including local government – medium term.**

Totally agree, these training exercises need to be regular, relevant and appropriately supported and resourced by all agencies.

- 11. Develop a standard model for large-scale relief, recovery and reconstruction – medium term.**

Agree in principle but require more detail. An issue faced by municipalities post disaster events is the provision of financial certainty without the concern of wasting public funds. Additional processes need to be in place to provide immediate credit lines without the need for countless written applications.

### **Service delivery performance**

- 12. Review legislation and policy frameworks to ensure that the prescribed roles and responsibilities of Victorian Government agencies with emergency management roles reflect reality, capacity and expectations – medium term.**

Agree that there needs to be review but also implementation of improvements particularly in relation to the capacity of all agencies to manage emergencies.

- 13. Undertake a review of the current legislation to determine if consolidating all emergency management related legislation and ESOs under the one Act would reduce 'silos' and streamline arrangements – immediate term.**

Agree

- 14. Introduce a central procurement program to coordinate equipment and services purchases by ESOs across Victoria – medium term.**

Totally agree and acknowledge that this would be easier if the all the emergency service agencies were amalgamated under the one organisation.

**15. Where appropriate, co-locate ESOs in the same building – longer term.**

Totally agree, don't need a green paper to suggest this and several operational examples of how well this works are located throughout Victoria.

**16. Introduce mechanisms and templates to ensure a common operating picture across government – immediate term.**

Agree and this would be further facilitated with an amalgamated emergency agency.

**17. Allocate responsibility for the collation and dissemination within Government and emergency services organisations of a common operating picture to a single source – immediate term.**

Agree and this would be further facilitated with an amalgamated emergency agency.

**18. Establish common regional boundaries across Victoria for all emergency management agencies – immediate term.**

Agree that common agency boundaries would be appropriate however need to acknowledge that emergencies cross boundaries and are not bound by lines on maps. If all agencies are operating under the same operating procedures and practices this would allow ease of operation across boundaries.

**19. Replace the current Recovery Coordinator position in DHS with a Recovery Controller position to lead relief and recovery across all levels of government - medium term.**

Agree in principle but require exact clarification of the difference in role.

**20. Make relief and recovery the responsibility of a new umbrella body (see option 4) – longer term.**

Requires further clarification as it was assumed this is the role of DHS but not sure that a change of agency will improve outcomes.

**21. Establish a permanently-staffed dedicated relief and recovery unit within government – medium term**

Disagree as emergency situations are difficult to predict and a permanent relief and recovery work need to have flexibility to respond to the varying nature of events that occur.

**22. Review and update legislation and staffing models to make emergency management arrangements more in line with municipal councils' capacities – immediate term.**

Agree in principle however throughout recent fire and flood events Councils capacities have been supported by other municipalities. This sharing of services model could be enhanced with further resources and continual update training.

**23. Enact legislation for the Victorian Government to step in and support municipal councils where they do not have capacity to meet their emergency management responsibilities – medium term.**

Agree in principle but requires further clarification regarding the level of support to be provided and the criteria for intervention. Does the State Government have the capacity and expertise to step in?

**24. Undertake planning at the sub-regional level where municipal councils do not have the capacity to maintain appropriate emergency planning – medium term.**

Agree and need to consider other more regional planning processes such as the Integrated Fire Management Planning process. This approach would be facilitated by the amalgamation of emergency service agencies.

**25. Give greater statutory independence to the office of ESC through the establishment of its own legislation – medium term.**

Disagree as this role needs to be reviewed to ensure that it is effective. Why do we need more prescription and legislation? This is not adequately justified.

**26. Give the ESC authority to review municipal level planning – immediate term.**

Disagree, given the findings of recent inquiries this role needs to be evaluated to determine it is in fact effective.

**27. Establish a mechanism for reviewing emergency events that are not routine, but do not warrant independent or judicial inquiries – medium term.**

Agree, an existing agency such as the Auditor General's office should be considered assist with this.

**Government working with communities to build resilience**

**28. Align ESOs' priorities and funding with an assessment of risk, including consideration of potential consequences – longer term.**

Agree and could be best undertaken by an amalgamated emergency agency.

**29. Update terminology in legislation and governance arrangements with a greater focus on disaster resilience – longer term.**

Agree and the terminology used needs to be consistent and unambiguous across all associated legislation and governance.

**30. Adopt the NZ model of community information where the government delivers realistic messages about the limits of assistance available and the likely period of time that most individuals will need to be self-reliant during an emergency – medium term.**

Agree, don't be afraid to deliver the hard realistic message.

**31. Publish a Victorian risk register to encourage people to think about their vulnerabilities, consider the risks they face and whether they need to take steps to prepare themselves to deal with the potential consequences of an emergency – longer term.**

Agree however there is a greater need to develop ongoing education and engagement to ensure the delivery of all messages. Just publishing a document that the community will not understand will do more harm.

**32. Consider new ways of building community resilience that would see communities drive their own priorities and make connections with governments, businesses and the not-for-profit sector – longer term.**

Agree that communities need to consider new ways however these ways need to consider how best to educate and engage with a community does not wish to lead or drive but rather follow and be told. The community does need to take account and be responsible for their actions in dealing with emergency situations.

Council encourages the department to consider all aspects of the submissions received to ensure that all options are explored in full to deliver the best possible outcome and improvements in emergency management in Victoria.



## **9.5. GENERAL ELECTION 2012 TENDER PROCESS GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to seek Council's endorsement to appoint the Municipal Association of Victoria (MAV) as Councils agent to undertake a public tender for the provision of electoral services and authorise the Chief Executive Officer to finalise contract arrangements.

### **BACKGROUND**

In preparation for the 2012 general election, the MAV is considering a similar approach to that taken for the 2008 general election, i.e. the conduct of a public tender on behalf of member Councils in an effort to further reduce costs and gain improved electoral services that more properly reflects the requirements and wants of member Councils.

### **ISSUE / DISCUSSION**

The 2012 Local Government General Elections will be held on 27 October 2012. To ensure that the elections are effectively resourced, cost effective and compliant with both legislative requirements and the expectations of Councils and their ratepayers the (MAV) is conducting a tender for electoral services.

The MAV intends to conduct the public tender in Q1 of 2012, i.e. by no later than early March 2012 as this will provide the maximum time to evaluate the tender responses, complete post tender negotiations, and execute the contract by early June 2012.

Council's participation in the tender will ensure value for money and best value principles are followed in the process.

The Local Government Act 1989 (Vic) Section 186 imposes a requirement on Councils to source services with a value of \$100,000 (or such higher amount as may be fixed by Order in Council \$150,000) or more through a public tender. The cost of previous elections has been \$101,626 (2004) and \$76,948 (2008). Although the anticipated cost may well be below the \$150,000 threshold for tender the benefits of being a part of the tender make it a worthwhile process.

If a Council wishes to change its method of voting for an election from the method used at the previous election The Local Government Act 1989 (Vic)

section 41A requires that this decision be made at least 8 months before the Election Day.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council Plan fundamental commitment number one – “We will deliver good governance to the Hepburn Shire”, this fundamental commitment is demonstrated through the consideration of this report and the tender process.

### **FINANCIAL IMPLICATIONS**

The Cost of the 2012 election will need to be factored into the 2012-13 budget. Participation in the MAV tender process will ensure value for money

### **RISK IMPLICATIONS**

No risks to report.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

No environmental, social or economic implications to report.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Community and stakeholder engagement will be achieved through publication of the minutes of the Ordinary Meeting of Council on Council’s website.

### **CONCLUSION**

Appoint the Municipal Association of Victoria as Councils agent to undertake a public tender for the provision of electoral services and authorise the Chief Executive Officer to finalise contract arrangements.

### **OFFICER’S RECOMMENDATION**

That Council:

- 9.5.1. Appoints the Municipal Association of Victoria as the Council’s agent to undertake a public tender for the provision of electrical services for the 2012 election.
- 9.5.2. Authorises the Chief Executive Officer to sign and seal the Deed of Agreement with the Municipal Association of Victoria for the tendering for the provision of electoral services for the 2012 election.
- 9.5.3. Authorises the Chief Executive Officer to finalise contract arrangements with the preferred tender for the provision of electoral services for the 2012 election.

- 9.5.4. Authorises the Chief Executive Officer to finalise contract arrangements with the preferred tender for the provision of electoral services for the 2012 election.
- 9.5.5. Adopts the same voting method as that used in the 2008 general election for the 2012 general election.

## MOTION

*That Council:*

- 9.5.1. *Appoints the Municipal Association of Victoria as the Council's agent to undertake a public tender for the provision of electoral services for the 2012 election.*
- 9.5.2. *Authorises the Chief Executive Officer to sign and seal the Deed of Agreement with the Municipal Association of Victoria for the tendering for the provision of electoral services for the 2012 election.*
- 9.5.3. *Authorises the Chief Executive Officer to finalise contract arrangements with the preferred tender for the provision of electoral services for the 2012 election.*
- 9.5.4. *Acknowledges that by authorising the Chief Executive Officer to enter into this contract, it is committing to the allocation of funds for the procurement of electoral services in the 2012/2013 Council budget.*
- 9.5.5. *Adopts the same voting method as that used in the 2008 general election for the 2012 general election.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Jonathan Barrell  
**Carried.**

**9.6. SPECIAL COMMITTEES INSTRUMENTS OF DELEGATION - DRUMMOND HALL AND LEE MEDLYN HOME OF BOTTLES  
GENERAL MANAGER - CORPORATE SERVICES**

*In providing this advice to Council as the General Manager - Corporate Services, I Evan King, have no interests to disclose in this report.*

**PURPOSE**

This report presents the outcomes of the review of Instruments of Delegation for two Special Committees of Council, including the changes proposed in revised Instruments of Delegation.

**BACKGROUND**

Council is required to review the Instruments of Delegation for special committees within 12 months of a general election.

As previously communicated and reiterated in the August 2011 Action Plan from the Department of Planning and Community Development Inspectorate, the following two delegations had not been formally reviewed since the last general election:

1. Drummond Hall Committee of Management
2. The Lee Medlyn Home of Bottles Committee of Management

**ISSUE/DISCUSSION**

The Instruments of Delegation for both committees have been updated based on the template used for the Creswick Museum Special Committee.

Meetings have been held with both existing committees to discuss the delegations and seek feedback. As a result of the meeting with the Drummond Hall Committee, the responsibilities of committee members and Council have been more clearly articulated (e.g. requirements for maintaining a Council Contact Officer for the committee). This was applied to both instruments and will be applied to future delegations.

The following changes are proposed:

**Drummond Hall**

The Drummond Hall Instrument of Delegation has had minor updates, such as improving the clarity of responsibilities, but otherwise is relatively unchanged from the previous instrument.

- An additional expense that the committee pays each year was added for completeness.

- The process for appointing members is updated to be as per the amended Creswick Museum Instrument of Delegation - i.e. Council appoints members for a maximum term of three years.

### **Lee Medlyn Home of Bottles**

The Instrument of Delegation for the Lee Medlyn Home of Bottles has also had some minor changes.

- **Cleaning Public Toilet** - The previous Instrument of Delegation provided the Committee an annual payment of \$2,000 to clean and maintain the public toilets at the site. The committee advised that this is cleaned regularly once per week and additionally on an as-needs basis. The committee requested the possibility of an increase in this contribution to better cover costs and enable maintenance and up-keep works to be done.

As an alternative, Council could include the cleaning of this facility under our existing cleaning contract. From discussions with Council's Waste Management Engineer, our current Public Conveniences cleaning contractor conducts cleans for \$11 each clean. As such, the cost for getting that contractor to clean the toilets twice per week would be \$1,144, which would be an \$856 saving over current practices. This approach is consistent with the approach in place at other public conveniences in the Shire.

The committee were concerned that this may not achieve the same quality of cleaning. A compromise may be to include the cleaning in our cleaning contract, and continue to provide a contribution to the committee to cover ad hoc maintenance if issues arise between the regular cleans.

**Representatives on the Committee** - The previous Instrument of Delegation specified the members of the committee should include the Cameron Ward Councillor, a representative from the Clunes Tourism and Development Association (CTDA) and community representatives.

**Clunes Tourism and Development Association (CTDA) Representative** - The Committee reports that no representative from CTDA has been attending meetings. However, CTDA has recently informed the Committee that it would like to nominate a representative to attend future meetings. As such, it is proposed **to keep this** as a mandatory requirement for the committee.

**Cameron Ward Councillor Representation** - The draft delegation has the Cameron Ward Councillor listed as a member, based on comments from Committee members that they valued the Councillor's input in this role in the past. Of note, except for the Delegated Planning Committee, no other Special Committees have Councillor representation.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council Plan objective number 17 seeks to embrace community knowledge and expertise to help guide Council's decision making and implementation. The update of these Instruments of Delegation reaffirms Council's preference to have community representatives on Special Committees to manage these community facilities.

Under Section 86 of the Local Government Act 1989, Council is required to review all Instruments of Delegation to Special Committees within 12 months of a general election. These are the last two to be reviewed since the last election.

### **FINANCIAL IMPLICATIONS**

The revised Instrument of Delegation to the Lee Medlyn Home of Bottles Special Committee changes the arrangements for cleaning the toilets at the facility. The previous Instrument had Council contributing \$2,000 to the Committee each year. The proposed delegation has a forecast annual cost of **\$1,144 for the cleaning contractor, resulting in a saving of \$856 each year, dependent on whether ad hoc cleaning is required.**

### **RISK IMPLICATIONS**

Regularly reviewing and updating Instruments of Delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or Special Committees.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

No change to current arrangements.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Meetings have been held with both existing committees to discuss the delegations and seek feedback, which has been incorporated into the updated delegations.

## **CONCLUSION**

The adoption of these revised Instruments of Delegation as proposed will contribute to meeting Council's regulatory requirements for Special Committees and update the arrangements in place for managing these facilities.

## **OFFICER'S RECOMMENDATION**

That Council, in exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989* (the Act), resolves that:

### **Drummond Hall Special Committee**

- 9.6.1 From the date of this resolution, the special committee formerly known as Drummond Hall Committee of Management, be henceforth known as the Drummond Hall Special Committee.
- 9.6.2. The members of the Committee are unchanged.
- 9.6.3. The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 9.6.4. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (the Instrument).
- 9.6.5. The Instrument:
  - 9.6.5.1. comes into force immediately the common seal of Council is affixed to the Instrument; and
  - 9.6.5.2. remains in force until Council determines to vary or revoke it, or until 30 September 2013.
- 9.6.6. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 9.6.7. The Instrument be sealed.

### **The Lee Medlyn Home of Bottles**

- 9.6.8. From the date of this resolution, the special committee formerly known as Lee Medlyn Home of Bottles Committee of Management, be henceforth known as The Lee Medlyn Home of Bottles Special Committee.
- 9.6.9. The members of the Committee are unchanged.

- 9.6.10. The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 9.6.11. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (the Instrument), and specifically:
- 9.6.11.1. The Committee shall be comprised of at least seven (7) members, comprising:
- the Cameron Ward Councillor;
  - a nominated representative from the Clunes Tourism and Development Association; and
  - community representatives.
- 9.6.11.2. Council shall organise and pay for an external organisation to undertake cleaning and maintenance of the public toilets at the site
- 9.6.12. The Instrument:
- 9.6.12.1. comes into force immediately the common seal of Council is affixed to the Instrument; and
- 9.6.12.2. remains in force until Council determines to vary or revoke it, or until 30 September 2013.
- 9.6.13. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt
- 9.6.14. The Instrument shall be sealed.

## MOTION

*That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), resolves that:*

### ***Drummond Hall Special Committee***

- 9.6.1. *From the date of this resolution, the special committee formerly known as Drummond Hall Committee of Management, be henceforth known as the Drummond Hall Special Committee.*
- 9.6.2. *The members of the Committee are unchanged.*
- 9.6.3. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required*



*to submit a primary return or ordinary return.*

9.6.4. *There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (the Instrument).*

9.6.5. *The Instrument:*

9.6.5.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

9.6.5.2. *remains in force until Council determines to vary or revoke it, or until 30 September 2013.*

9.6.6. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

9.6.7. *The Instrument be sealed.*

***The Lee Medlyn Home of Bottles***

9.6.8. *From the date of this resolution, the special committee formerly known as Lee Medlyn Home of Bottles Committee of Management, be henceforth known as The Lee Medlyn Home of Bottles Special Committee.*

9.6.9. *The members of the Committee are unchanged.*

9.6.10. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

9.6.11. *There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (the Instrument), and specifically:*

9.6.11.1. *The Committee shall be comprised of at least seven (7) members, comprising:*

- *the Cameron Ward Councillor;*
- *a nominated representative from the Clunes Tourism and Development Association; and*
- *community representatives.*

9.6.11.2. *Council shall organise and pay for an external organisation to undertake cleaning and maintenance of the public toilets at the site twice per week.*

9.6.12. *The Instrument:*

9.6.12.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

9.6.12.2. *remains in force until Council determines to vary or revoke it, or until 30 September 2013.*

9.6.13. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

9.6.14. *The Instrument be sealed.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

**Carried.**

**ATTACHMENT 6 - DRUMMOND HALL SPECIAL COMMITTEE -  
INSTRUMENT OF DELEGATION**

**Hepburn Shire Council  
Instrument of Delegation  
Drummond Hall Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee (under section 86 of the *Local Government Act 1989*) established by resolution of Council passed on 17 June 1997 and known as the "Drummond Hall Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on 15 November 2011;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 30 September 2013; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL  
of the HEPBURN SHIRE COUNCIL  
was affixed in the presence of**

..... : **Mayor**

..... : **Interim Chief Executive Officer**

**This 22nd day of November 2011.**

## SCHEDULE

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the Drummond Hall, Lauriston Road, Drummond, including timber building, brick toilet block and tennis court (Council Property Number 200194; Volume 4588 Folio 593; Crown Allotment Part 8, Section 3 in the Parish of Burke) (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property;
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### **Membership of the Committee**

1. The Committee shall be comprised of at least five (5) members, comprising community representatives.
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Drummond Hall Special Committee

2. Drummond Hall Committee of Management

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Assist with the garden maintenance of this property and the removal of debris.
5. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
6. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
7. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
8. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
9. Arrange to publicly advertise meeting and other notices when requested by the Committee.
10. Insure the Stated Property against loss or damage.
11. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
12. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
13. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.

14. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

#### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Secretary
- Treasurer

#### **Duties of Chairperson**

The Chairperson shall:

1. Seek to operate the Committee in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings.
3. Chair the meetings of the Committee.

#### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee.
2. Have the custody of all documents belonging to the Committee.
3. Keep correct minutes of all proceedings and records of the Committee.
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution).
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

#### **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.

7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (7) and (8) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk a copy of such minutes within fourteen (14) days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.



5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contact/agreement/licence/lease is executed by Drummond Hall Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

*Committee member #1*

Signed \_\_\_\_\_

*Committee member #2*

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

#### **Maintenance and Other Outgoings**

The Committee shall:

1. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
2. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
3. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Cleaning
  - Six monthly fire equipment inspection and maintenance
4. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
5. Return the end of the year inspection to Council's Manager Risk by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

#### **END SCHEDULE**

**ATTACHMENT 7 - THE LEE MEDLYN HOME OF BOTTLES SPECIAL  
COMMITTEE - INSTRUMENT OF DELEGATION**

**Hepburn Shire Council  
Instrument of Delegation**

**Lee Medlyn Home of Bottles Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee (under section 86 of the *Local Government Act 1989*) established by resolution of Council passed on 19 September 1995 and known as the "Lee Medlyn Home of Bottles Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on 15 November 2011;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 30 September 2013; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL  
of the HEPBURN SHIRE COUNCIL  
was affixed in the presence of**

..... : **Mayor**

..... : **Interim Chief Executive Officer**

**This 22nd day of November 2011.**

## **SCHEDULE**

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the following property (**the Stated Property**):

1. the Lee Medlyn Home of Bottles (Former School Building, Factory and Toilet Block at 70 Bailey Street, Clunes; Council Property Number 13338; CA 1-5, Section 31, TCL); and the
2. the Lee Medlyn Home of Bottles Collection including, but not limited to, the following:
  - 2.1 Lee Medlyn Bottle Collection;
  - 2.2 Eberhard Factory (soft drink display); and
  - 2.3 other collectables and displays currently at the Home of Bottles, and as the committee obtains;

and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for visiting, hiring or using the Stated Property, for the sale of merchandise, and for legitimate research of the Lee Medlyn Home of Bottles Collection;
6. to set the times and days the Lee Medlyn Home of Bottles will be open to the public;
7. to set the times and days when the Committee will undertake research and/or assist persons research the Lee Medlyn Home of Bottles' Collection; and
8. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local Laws (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the Act, cannot be delegated.
3. Delegate any of its powers or functions.

### **Membership of the Committee**

1. The Committee shall be comprised of at least seven (7) members, comprising:
  - the Cameron Ward Councillor;
  - a nominated representative from the Clunes Tourism and Development Association; and
  - community representatives.

2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committee:

1. The Lee Medlyn Home of Bottles Special Committee
2. The Lee Medlyn Home of Bottles Committee of Management
3. The Clunes Historic Medlyn Complex Committee of Management
4. The Clunes Historic Medlyn Complex Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Legal and Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the Stated Property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Assist with the garden maintenance of this property and the removal of debris.
5. Organise and pay for an external organisation to undertake cleaning and maintenance of the public toilets at the site twice per week.

6. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
7. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
8. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
9. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
10. Arrange to publicly advertise meeting and other notices when requested by the Committee.
11. Insure the Stated Property against loss or damage.
12. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
13. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
14. Advise the Special Committee of changes to the Facility Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.

#### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Vice-President
- Secretary
- Treasurer

#### **Duties of Chairperson**

The Chairperson shall:

1. Seek to operate the Committee in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings.
3. Chair the meetings of the Committee.

#### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee.
2. Have the custody of all documents belonging to the Committee.
3. Keep correct minutes of all proceedings and records of the Committee.
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution).

6. Forward a copy of the minutes (unconfirmed) of all meetings and a copy of the financial statements, tabled at the Annual Meeting, to Council's Manager Risk within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.
9. Prepare and maintain a roster for staffing the Lee Medlyn Home of Bottles, which aims to evenly distribute the effort amongst Committee members and other volunteers.

#### **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within fourteen (14) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Lee Medlyn Home of Bottles.

#### **Duties of Committee Members**

All Committee members shall:

1. Make themselves available to staff the Lee Medlyn Home of Bottles during opening hours for at least one day a month or equivalent, as agreed with the Secretary, while allowing for periods of absence for personal reasons.

#### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least fortyeight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised by Council to the public and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a

Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.

7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk a copy of such minutes within fourteen (14) days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contract/agreement/licence/lease is executed by the Lee Medlyn Home of Bottles Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

*Committee member #1*

Signed \_\_\_\_\_

*Committee member #2*

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

### **Maintenance and Outgoings**

The Committee shall:



1. Carry out all minor items of maintenance of the Stated Property and conservation of the Lee Medlyn Home of Bottles' Collection at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance and conservation refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance and conservation.
2. Report to Council on other required items of maintenance or conservation, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
3. The Committee will pay the following outgoings:
  - Electricity
  - Cleaning of the facility, excluding the public toilets
  - Wood for heating
4. Complete a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to council.
5. Return the end of the year inspection to Council's Manager Risk by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

#### **Lee Medlyn Home of Bottles and Collection**

The Committee shall:

1. Manage the Stated Property for the enjoyment and education of the public.
2. Encourage participation in the Stated Property and include educational activities involving the buildings and the Lee Medlyn Home of Bottles Collection.
3. Ensure the displays are open to the public for a minimum period of 18 hours each week of the year, except during periods of major maintenance or renovation works.
4. Assist persons conducting research during the times set by the Committee for assisting with research of the Lee Medlyn Home of Bottles' Collection, subject to receiving fees as set by the Committee for such assistance.
5. Maintain and conserve the Lee Medlyn Home of Bottles' Collection.
6. Manage the expansion and development of the Lee Medlyn Home of Bottles' Collection, while being mindful of the impact any expansion and development will have on the future maintenance and conservation requirements of the Lee Medlyn Home of Bottles' Collection.
7. Ensure all monies, grants or bequests specifically received for the preservation, security and upkeep of the collections are utilised for the purposes for which they were given.
8. Ensure the security of the collections is of a high standard to minimise the risk of loss.
9. Maintain a catalogue of all items within the Lee Medlyn Home of Bottles' Collection.
10. Keep a record of any items made available or loaned to the Lee Medlyn Home of Bottles' Collection.
11. Obtain a written receipt when receiving or returning items on loan or made available to the Lee Medlyn Home of Bottles' Collection.
12. Approve the moving of any item, collection or part of the Lee Medlyn Home of Bottles' Collection outside the Lee Medlyn Home of Bottles or for the purposes of display or loan to another organisation for them to display.
13. Maintain a record of items, collections or part of the Lee Medlyn Home of Bottles' Collection moved to another location, including items provided to another organisation.

14. Comply with all Statutes, Regulations and Laws and will follow any reasonable guidelines in relation to the Lee Medlyn Home of Bottles' Collection, as issued by relevant authorities such as Museums of Australia or the Public Records Office.
15. Assess any items donated or bequeathed to the Lee Medlyn Home of Bottles to determine whether they are considered suitable for the collection. Items considered suitable shall be accepted and added to the catalogue.
16. Obtain written Council approval prior to disposing of any item or part of the Lee Medlyn Home of Bottles' Collection.
17. Donated or bequeathed items considered unsuitable and items from the Lee Medlyn Home of Bottles' Collection approved for disposal shall be either:
  - moved to another Council location, if directed to do so by the Council;
  - offered to another similar organisation (e.g. not for profit museum or gallery);
  - returned to the donor; or
  - sold via public auction or tender without a reserve, with all proceeds paid into the Committee's bank account.

No items are to be sold or given to a Committee member or another person, unless through a public auction or tender.

#### **Use of Volunteers**

Council encourages the Committee to use the services of additional volunteers, while also recognising that there is valuable property involved and a need for people within the Lee Medlyn Home of Bottles to ensure that visitors receive a welcoming, interesting and pleasant experience that will promote the Lee Medlyn Home of Bottles and Hepburn Shire. As such, the Committee shall:

1. During times the Lee Medlyn Home of Bottles is open to the public, ensure that there is always a member of the Committee or a person authorised by the Committee present, as well as any additional volunteers rostered to staff the Lee Medlyn Home of Bottles.
2. Interview prospective volunteers to assess their suitability prior to them being taken on, including that they have people skills, friendly attitude to visitors and the ability to promote the Lee Medlyn Home of Bottles, the Region and Hepburn Shire with enthusiasm.
3. Approve all volunteers, in addition to Committee members, that are able to staff the Lee Medlyn Home of Bottles, after the proceeding clause (2) has been satisfactorily completed.
4. Keep an up-to-date list of volunteers, in addition to the Committee members, for the Lee Medlyn Home of Bottles.
5. Provide adequate training to volunteers as identified by the Committee from time to time.

#### **END SCHEDULE**

**9.7. REQUEST FOR RATE EXEMPTION – 79B RAGLAN STREET DAYLESFORD – DISABILITY HOUSING TRUST 101439R 202694- 5 & 6R GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

**PURPOSE**

This Report concerns a request to Council from Housing Choices Australia (HCA) to grant a rate exemption to Disability Housing Limited (DHL) as trustee of the Disability Housing Trust (DHT) for 3 disability housing units at 79B Raglan Street, Daylesford. HCA is made up of several housing organisations, including DHL & DHT.

**BACKGROUND**

The provision of the 3 disability housing units at 79B Raglan Street, Daylesford was a joint venture between Council and DHL. Council provided the land, valued by HCA at \$165,000, without cost, to DHL. The land Title is in the process of being transferred to DHL, although Council will retain an equity interest in the property, via a formula in the Project Partnering Agreement. The equity will only be realised if the property is sold.

The units are for persons with a disability who meet specified criteria for independent living. Council has a role in tenant selection, but final decision on tenancy rests with DHL.

**ISSUE/DISCUSSION**

HCA on behalf of DHT/DHL, pursuant to the Local Government Act (Act) S154 (2) (c), requests a rate exemption on the basis that the property will be used exclusively for 'charitable purposes'.

Under the Act S154 "...all land is rateable." except for specified exemptions, one of which is where in – S154 "(2) (c) any part of land, if that part is used exclusively for charitable purposes;"- it is exempt from rates.

The question therefore is, is the land or any part of it "used exclusively for charitable purposes"?

To answer this question, the Act further provides in S154 (4) - emphasis added:

*"(4) For the purposes of subsections (2)(c) and (2)(d), any part of the land is **not** used exclusively for charitable purposes if it is in any of the following categories—*

*(a) it is separately occupied and used for a purpose which is not exclusively charitable;*

***(b) a house or flat on the land—***

*(i) is used as a residence; and*

*(ii) is exclusively occupied by persons including a person who must live there to carry out certain duties of employment;”*

Because there are residences (units 1, 2 & 3) on the land which are or will be exclusively occupied it must be concluded that the land is not used exclusively for charitable purposes and therefore not exempt from rates.

S156 of the Act provides, *“The owner of land is liable to pay the rates and charges on that land.”* Rates and charges are assessed on each occupancy, i.e. in this case, 3 assessments as provided in S158A – rates and charges to be assessed on each occupancy. The owner – HCA/DHL – would therefore be rated for each unit and liable to pay the rates and charges.

It is clear that a rate exemption on the basis of charitable purposes would not be available.

Although HCA has not sought a rate rebate under S169 of the Act, it would only be a matter of time before it seeks one under these provisions. It is therefore worthwhile discussing these provisions now.

In S169 the Act provides that the Council **may** grant a rate rebate or concession on rates in various circumstances viz:

*“(1) A Council may grant a rebate or concession in relation to any rate or charge.....”* - for specified activities - mainly to do with development or preservation and restoration of buildings and for which there must be a stated community benefit; but specifically among these is a recently inserted provision 169 (1D) to the Act viz:

*“(1D) Without limiting subsection (1), a Council may grant a rebate or concession in relation to any rate or charge, to support the provision of affordable housing, to a registered agency.”*

If a rebate or concession was to be granted the Council needs to be aware of S169 (1A) *“A Council resolution granting a rebate or concession must specify the benefit to the community as a whole resulting from the rebate or concession.”*

Questions which may arise are:

1. To receive a rebate is DHL a registered agency – meaning one that is registered in accordance with the Housing Act 1983?

There is no listing of DHL or HCA as a registered housing association or housing provider. This would mean that no rebate could be provided.

However, within the Project Partnering Agreement it is provided that *“DHL will engage SHL or an Acceptable Housing Organisation to provide property and tenancy management”*. SHL means Supported Housing Limited which trades under HCA. For the purposes of the Housing Act 1983, SHL is a *‘registered agency’*. It would be considered a registered agency for the purposes of S169 (1D) – or at least HCA is likely to arrange its affairs to meet this requirement.

2. Is this *‘affordable housing’*?

*‘Affordable’* is not a word used in the Partnering Agreement between DHL and Council. However, users or intended occupiers of the units are defined as *‘eligible persons’* - meaning they must have a disability and be registered on the Disability Support Register. This may not necessarily mean that the residents of these units are in need of *‘affordable’* housing. The Housing Act 1983 uses the term *‘affordable housing’* in relation to providing same for *‘low income’* persons. There is no definition of either term.

The general thrust of S169 (1D) concerns *‘supporting the provision of’* affordable housing. Does this mean a rebate or concession might only be available during the development phase leading up to completion and occupancy?

At this stage these units have been provided and while there might have been allowance for rebate during the development stage, no rates have been levied pending finalisation of transfer of the property to HCA/DHL and supplementary valuations being completed.

However, when rates and charges are levied, legal advice suggests that a rebate may be ongoing i.e. not just linked to development.

3. Could the occupants of the units be eligible for the normal rate waiver under the State Concession Act 2004 – (pension concession)?

The persons occupying the units would not be eligible for the normal rate concession that is available, unless they are responsible for the rates and charges. As tenants they are not the rated owner/ratepayer of the property.

### **Other Public Housing Properties**

Subject to *‘old’* and continuing joint venture agreements Council provides a 50% rate rebate to DHS (formerly Housing Commission and Ministry of Housing) properties - e.g. Hospital Street, Daylesford, Semmens Court Creswick and Cambridge St Creswick units. These agreements by former Council’s should not be seen as precedent to grant a request from HCA.

Despite the comment on precedent, if a rebate was to be granted to the HCA development, consistency may suggest it not be more than 50%.

### **Other Councils**

In 2010 the East Gippsland Shire Council, City of Greater Bendigo, Indigo Shire Council, and Monash City Council (and possibly others) carried on a debate about rebates or rate exemptions by HCA – the charitable purpose claim. As far as can be ascertained each of these Councils refused the request from HCA, but it was suggested that an application under S169 (1D) may present a different outcome.

Information supplied from East Gippsland (EG), which received a request under S169 (1D) indicates that it opened up the broader question of what is affordable housing and what is Council's response to this issue.

EG considered that S169 (1D) only allows a rebate to the organisation and to do this it must be approved as part of the Council's budget process. EG canvassed 23 councils and only 2 provided any concession to the HCA type of organisation/development, one by rating and then donating the equivalent amount back and the other one was reviewing its position to continue with a concession. It is understood that the first council (making a donation) has ceased this practice.

Of concern to EG is a trend to transfer DHS housing stock to 'registered housing agencies'. EG argued if DHS was removed from providing housing for the low income sector, it is possible, should full rebates be granted, it would lose \$770,000 in rate revenue – a worse case scenario. Of course whether any council would provide a full rebate for affordable housing is questionable.

In HSC's case, with current DHS housing stock of 58 units, the rebate at 50% equates to \$12,600.

Similar to HSC, EG also offers eligible pensioner property owners an additional concession of a 5% rate rebate – averages \$40 per pensioner property at a total estimated cost of \$220,000. HSC - \$21 at estimated cost of \$32,500.

EG has to date not provided any rebate to HCA, nor does it provide any DHS properties with rebates or concessions.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council is required to deal equitably when it comes to rating. It also has to act according to the Act, the provisions of which are discussed above.

The Council Plan, while mentioning services to aged and disabled does not canvass subsidising of rates and charges for housing.

## **FINANCIAL IMPLICATIONS**

Council has provided

- the land valued at \$165,000 for this development at no cost to HCA/DHL; and
- all costs associated with the subdivision and transfer of Title to HCA/DHL

HCA/DHL will receive rent from its tenants.

Assessment of general rates on the 3 units will amount to \$2,592 annually. There are perhaps 2 ways to look at providing a rate rebate:

- Use as a base the general pensioner concession amount – a total of \$642 + \$63 = \$705; or
- 50% of general rate as per DHS properties = \$1,296.

Alternatively, the Council may fix some other way or amount.

In any case, the Council *“must specify the benefit to the community as a whole resulting from the rebate or concession.”*

It should be pointed out that HCA is a ‘conglomerate’ of various trusts and housing associations and overall is income tax exempt. While DHL is mentioned by HCA as the trustee, it is Supported Housing Limited which is mentioned as the registered agency for the purposes of the Housing Act 1983. From its 2009 Annual report SHL reports revenue of \$5.964m, an operating loss of \$609,669 and a net profit of \$9m. Total equity is \$110.7m.

DHL and DHT report Revenue \$861,336 and \$1,011,137 and net profits of \$57.7m and \$7.5m respectively.

Capital grants from DHS are the major contributor to profits.

## **RISK IMPLICATIONS**

Consider whether any decision will establish a precedent that may be applied to any future “affordable” housing developments.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The persons occupying the units may be eligible for the normal pension rebate and waiver however, in this instance they are not the rated owner.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

This is a matter exclusively between Council and an individual owner, however, Council must specify the benefit to the community as a whole, if a rebate is proposed to be granted.

## CONCLUSION

HCA/DHL is not eligible for a rate exemption or any rebate as a charitable institution as properties are used exclusively for residential occupation and purposes. Neither organisation is or appears to be a registered agency for the purposes of the Housing Act 1983, therefore a rebate is not available. If a rate rebate was available under S169 (1D) of the Act and accepting that this was to support the provision of affordable housing it is a matter for the Council to determine and for it to specify the benefit to the community as a whole.

## OFFICER'S RECOMMENDATION

- 9.7.1 Advises Housing Choices Australia that after consideration of its request for an exemption from rates and charges it was found to be not eligible to receive an exemption or a rebate under S154 (2) (c) of the *Local Government Act 1989*; and
- 9.7.2 Further advises Housing Choices Australia it is not able to provide a concession or rebate of rates and charges under S169 (1D) of the Act.

## MOTION

*That Council:*

- 9.7.1. *Advises Housing Choices Australia that after consideration of its request for an exemption from rates and charges it was found to be not eligible to receive an exemption or a rebate under S154 (2) (c) of the Local Government Act 1989; and*
- 9.7.2. *Further advises Housing Choices Australia it is not able to provide a concession or rebate of rates and charges under S169 (1D) of the Act.*

**Moved:** Councillor Janine Booth  
**Seconded:** Councillor Jonathan Barrell  
**Carried.**



**9.8. CHILLOUT MEMORANDUM OF UNDERSTANDING  
RECREATION AND EVENTS COORDINATOR**

*In providing this advice to Council as the Recreation and Events Coordinator, I Adam McSwain, have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider renewal of the Memorandum of Understanding between Hepburn Shire Council and ChillOut and Council’s annual funding allocation to the event.

**BACKGROUND**

At its August 2009 Council meeting, Council approved a Memorandum of Understanding (MOU) between Hepburn Shire Council and ChillOut for the 2010 and 2011 events. The MOU creates a working partnership between Hepburn Shire Council and ChillOut.

The MOU allocated an annual amount of \$30,000 Council funding for ChillOut to employ professional event management staff to manage the ChillOut event in conjunction with the ChillOut Committee.

**ISSUE / DISCUSSION**

Following the 2010 and 2011 events the MOU and funding provided by Council are up for renewal. A copy of the MOU is attached (refer Attachment 8).

A summary of the attendance figures, economic impact and financial status of the 2011 ChillOut event is provided below:

**Attendance Figures**

<b>Event/Year</b>	<b>2010</b>	<b>2011</b>
ChillOut	18,000(weather effected)	25,000

**Economic Impact**

Whilst it is difficult to quantify direct economic impact, ChillOut collate information each year through an extensive email questionnaire, in 2011 they received around 200 responses.

**Spending:** Of these responses 65 said they spent between \$101 - \$500 dollars, 81 spent between \$501 - \$1,000 dollars and 21 spent between \$1,001 and \$2,000.

**Accommodation:** The survey found that 114 respondents stayed between 2-3 nights and 33 people stayed between 4-5 nights. Of these people 88 stayed in accommodation in Hepburn/Daylesford, 32 outside Hepburn/Daylesford and 15 camping.

In addition ChillOut report that all accommodation within Daylesford/Hepburn is booked throughout the event weekend and all restaurants and cafes are booked out for dinner.

### **Council contribution and financial status**

In 2011 Council's financial contribution of \$30,000 was spent on administration and paid services which had a total cost of \$51,757. This allowed ChillOut to employ skilled local event managers to undertake the formal management of the event.

Receiving funding through Council also allows ChillOut to access funding through Tourism Victoria that would otherwise be unavailable. This funding through Tourism Victoria adds an additional \$20,000 funding for the event.

In addition to the funding received in 2011 ChillOut were also able to donate more than \$30,000 to charity

### **Event Expansion**

In both 2010 and 2011 ChillOut was able to expand the event across the Shire. In 2010 events were conducted in Creswick and in 2011 events were conducted in Trentham. For the 2012 event the Committee are currently looking at options to conduct events in Creswick, Trentham and Clunes.

### **Benefits of an MOU**

The introduction of the MOU and funding relationship between Council and ChillOut has had a number of benefits, it has:

- Established a good working relationship between Council and ChillOut.
- Provided clear direction on the role of Council and ChillOut when organising the event.
- Allows ChillOut an improved level of financial sustainability and to access funding through Tourism Victoria and other funding bodies.
- Helped to secure additional marketing benefits for the Shire
- Helped reduce volunteer burnout on the event committee by providing professional event support.
- Through securing professional event assistance ChillOut are now run more capably and better able to address current risk, health and safety standards.

- Provided Council with improved event reporting and through this increased understanding of the role ChillOut plays in Hepburn Shire.
- Provided the ChillOut Committee with more confidence in growing the size of the event, which in turn has tourism and economic development benefits for Hepburn Shire.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council Plan 2009-2013, Initiative 31: “Supporting various drawcard events like ChillOut and Booktown which draw large numbers of visitors to Hepburn Shire”.

### **FINANCIAL IMPLICATIONS**

ChillOut are seeking an MOU and \$30,000 annual funding that covers the 2012, 2013 and 2014 events.

\$30,000 is currently allocated in Council’s 2011-12 budget for ChillOut. ChillOut must use this funding to secure professional event management support to coordinate the event.

In addition Council provides over \$7,500 of In-Kind support which includes waste management, road closures, Victoria Park site establishment and use of Daylesford Town Hall.

ChillOut receive 80% (\$24,000) of the funding up front, a further 10% (\$3,000) upon Council receiving their traffic, risk and other pre-event plans and the final 10% (\$3,000) when they have fulfilled all obligations listed in the MOU.

### **RISK IMPLICATIONS**

As part of the MOU, ChillOut are required to undertake all risk management planning.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The ChillOut event attracts in excess of 20,000 people annually to the Hepburn Shire and brings substantial economic benefit to the region.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council staff have had a number of meetings with ChillOut President Mike Brady to make minor changes to the MOU.

As with all events the ChillOut Committee take part in Council’s four meeting event planning process each year.

## CONCLUSION

ChillOut are seeking a three year extension of the MOU with Council and an annual funding allocation of \$30,000 from Council.

## OFFICER'S RECOMMENDATION

That Council:

- 9.8.1 Approves the Memorandum of Understanding between ChillOut and Council for the 2012, 2013 and 2014 events.
- 9.8.2 Authorises the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Council.
- 9.8.3 Notes that Officers are working to develop a consistent evaluation methodology for evaluating and reporting the community and economic benefits of events.

## MOTION

*That Council:*

- 9.8.1. *Approves the Memorandum of Understanding between ChillOut and Council with the years changed to stipulate the 2012, 2013 and 2014 events.*
- 9.8.2. *Authorises the Chief Executive Officer to sign that Memorandum of Understanding on behalf of the Council.*
- 9.8.3. *Notes that Officers are working to develop a consistent evaluation methodology for evaluating and reporting the community and economic benefits of events.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

## AMENDED MOTION

*That Council:*

- 9.8.1. *The Memorandum of Understanding will include an additional clause “5b. ChillOut agrees to pursue a model less financially dependent upon Council”.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Don Henderson

## MOTION

*That Council:*

- 9.8.1. *Approves the Memorandum of Understanding between ChillOut and Council with the years changed to stipulate the 2012, 2013 and 2014 events.*
- 9.8.2. *Authorises the Chief Executive Officer to sign that Memorandum of Understanding on behalf of the Council.*
- 9.8.3. *Notes that Officers are working to develop a consistent evaluation methodology for evaluating and reporting the community and economic benefits of events.*
- 9.8.4. *The Memorandum of Understanding will include an additional clause “5b. The Parties agree that ChillOut will pursue a model less financially dependent upon Council”.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

**Carried.**

**ATTACHMENT 8 – MEMORANDUM OF UNDERSTANDING BETWEEN  
HEPBURN SHIRE COUNCIL AND CHILLOUT**

# Memorandum of Understanding between

## Hepburn Shire Council and ChillOut Daylesford Inc

**Purpose:** The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and ChillOut, to ensure the future sustainability and growth of the ChillOut Festival in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between the Hepburn Shire and ChillOut Daylesford Inc.

**Term:** This MOU is for a 3 year period (2012, 2013 and 2014 Festivals) to be reviewed on an annual basis.

**Parties:** ChillOut – refers to ChillOut Daylesford Inc (ChillOut)  
Council – refers to Hepburn Shire Council

### 1. HEPBURN SHIRE SPONSORSHIP SUPPORT

The Council will provide an annual sponsorship sum of \$30,000 and up to \$7,870 of in-kind contribution towards the 2012, 2013 and 2014 ChillOut events, subject to the requirements and provisions of this Memorandum of Understanding (MOU).

ChillOut is an annual festival conducted in Daylesford. It was first staged in 1997 and has become the largest gay and lesbian festival in regional Australia. It attracts over 25,000 people and consists of Carnival Day (nearly 100 stallholders, music, and entertainment), a street parade and a wide range of umbrella events taking place within Daylesford and the Hepburn region.

The funding will be provided by the Council for ChillOut to contract or employ professional management expertise in the areas of event management and administration. The process to appoint the professional event management expertise must be in accordance with good governance standards, including transparent and professional recruitment and contract procedures. A proportion of the funding may also be used for marketing purposes, particularly to attract additional visitation to the event from visitors outside of the region.

Subject to the receipt of a tax invoice from ChillOut at least 14 days prior to the due date, Council will make the sponsorship payments for the 2012 event as follows:

- 1.1 Payment 1 – of \$24,000 (80%) (Plus GST) to be paid within 2 weeks of the signing of this MOU (*for 2012 event*).
- 1.2 Payment 2 – of \$3,000 (10%) (Plus GST) to be paid upon approval by Council of traffic, risk and other pre-event plans required within this MOU.
- 1.3 Payment 3: - of \$3,000 (10%) (Plus GST) when ChillOut has fulfilled all obligations contained in this MOU, including the provision of a post event report.

## **2. IN-KIND SUPPORT PROVIDED BY COUNCIL**

The Hepburn Shire Council will provide the following in-kind support and services (summarised maximum costings detailed in Appendix A) for the term of the MOU, subject to the outcome of annual evaluations and reviews.

### **2.1 WASTE MANAGEMENT**

- a. ChillOut will develop a Waste Management Plan in conjunction with Council, outlining the type and amount of wastes generated, waste management strategies and responsibilities.
- b. Council will provide up to 50 bins and as many bin caps as are available from Council for Carnival Day. The bins and bin caps will be delivered to Victoria Park, Daylesford on the Friday prior to the Carnival Day and collected on the Monday following the event by Council. Up to 20 bins will be provided at the Town Hall (final number to be determined in Waste Management Plan).

Additional recycling bins and bin caps for Carnival Day will be sourced from Central Highlands Waste Management Group (CHWMG) if they are available (the Council cannot guarantee they will be available). The cost of transporting any additional bin caps and bins from CHWMG to and from the venue will be met by ChillOut.

- c. ChillOut agrees to work with Council to conduct of a Waste Wise event at Victoria Park.
- d. Council will fund and supply eight rubbish skips for use during Carnival Day. ChillOut must ensure waste from the smaller bins is emptied into the skips throughout the event.
- e. ChillOut is responsible to ensure Victoria Park Daylesford and other event locations are left in a clean and tidy condition as per the Waste Management Plan. At Victoria Park all bins are to be located in agreed location for collection.
- f. A review of the Waste Management Plan will be conducted annually within 4 weeks of the conclusion of the Festival.

### **2.2 TRAFFIC, PARKING, SIGNAGE, PEDESTRIAN AND TRANSPORT MANAGEMENT PLANS**

- a. ChillOut is responsible for developing a Traffic Management Plan (TMP) incorporating parking, pedestrian management and the road closures required for the Street Parade conducted on the Sunday of the Festival.
- b. ChillOut must participate in event planning meetings including with Council and relevant emergency authorities to assist in reviewing and developing the plan. Planning must commence by the second week of November, with the Traffic Management Plan to be completed at least 3 weeks prior to the event.
- c. Road closure signs and equipment for the Street Parade will be provided by Council, including their delivery and collection in accordance with the time schedule as outlined in the TMP.
- d. Suitably qualified and experienced personnel (including Traffic Controllers where indicated in the TMP) to implement the Street Parade TMP must be provided by ChillOut. All event marshals and traffic controllers must be familiar with the TMP and implement it in accordance with the Plan and instructions from relevant authorities (including Victoria Police).



- e. ChillOut must develop a Parking and Pedestrian Plan for Carnival Day and the Street Parade. It is ChillOut's responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to ChillOut in the development of the Plans.
- f. Parade Marshals for the Street Parade must be provided by ChillOut and will be responsible for ensuring the appropriate management of pedestrians and vehicles on the Parade route (in conjunction with Victoria Police).
- g. Council will provide and deliver agreed signage (portable parking signs including disabled parking) for the Carnival Day Parking at Victoria Park. Directional and other signs required for the Parking Plan will be provided by ChillOut (or Council where available and negotiated in advance).
- h. Council will allocate the carpark area (known as Oval 2 at Victoria Park) on Carnival Day and provide barrier fencing marking out a pedestrian pathway from the carpark to the ticket gate. ChillOut will be responsible for ensuring the parking area is fully supervised with competent personnel.
- i. ChillOut will operate a shuttle bus service and is responsible to market, schedule and provide bus/buses and driver/drivers for this service. Bus routes and bus stop locations will be determined by ChillOut in consultation with Council as part of the TMP. Council will provide and install sign posts and ChillOut must provide the bus stop signage. Posts and signage to be installed and removed by Council.
- j. ChillOut will investigate expanding the shuttle bus service to outlying communities such as Creswick, Clunes and Trentham in 2010 and beyond.

### **2.3 VENUE AND VENUE INFRASTRUCTURE**

- a. Council will provide Victoria Park, Daylesford to ChillOut for the March Labour Day weekend (event weekend) for the purposes of conducting Carnival Day.

Council will provide the ChillOut President with one set of keys for all access gates to Victoria Park one week before the event. Access to Victoria Park must take into consideration the needs of other users at all times, and where necessary ChillOut must communicate with other users. ChillOut must ensure all opened gates are locked when departing the Park or when it is likely that other people may enter the Park.

- b. Council will provide a booking and a key for the Daylesford Town Hall and Senior Citizen's Centre for the Friday, Saturday and Sunday (and cleanup on Monday) of the event weekend at a time to be negotiated each year. Out of Hours access to the Hall will be detailed in the Hall Hire Agreement. The booking will be subject to a security deposit, the Terms and Conditions of Council's standard Hall Hire Agreement and the following conditions for the dance party event as previously agreed to by both parties:

- Event admittance via pre sold tickets only (No tickets purchased at door)
- ChillOut to provide adequate security by supplying crowd controllers at the hall entrance, at the back of the building and inside the venue
- ChillOut will liaise with local restaurants to offer coffee/light refreshments throughout the evening for departing patrons
- Patrons will not be admitted to the premises after 1.00 am
- External refrigeration to be shut down by 2.00 am
- The event will finish at 3.00 am or earlier
- ChillOut will engage a cleaning service to clean up after the event

- c. Council consents to ChillOut installing façade rainbow lighting on Daylesford Town Hall for the event weekend. Installation of the lighting will be provided by ChillOut and be undertaken by suitably qualified and experienced personnel at its cost.
- d. Council will work with ChillOut to ensure Victoria Park is presented in the best possible manner which is suitable for use during Carnival Day. Note: Watering will depend on water restrictions and the weather conditions. If Council deem a watering exemption is needed Council will make the appropriate application to allow adequate time for grounds watering (Council is unable to commit that the exemption will be granted). Implementation of the watering plan is ChillOut's responsibility.
- e. Council will not impose a charge on ChillOut for the use of the power supplies at Victoria Park over the event weekend. Chill Out must ensure the power supply is used safely and in accordance with electrical safety regulations and standards.
- f. Council will provide ChillOut with the use of the storage shed at Victoria Park for secure, dry storage of ChillOut-owned chattels.
- g. ChillOut will provide adequate toilet and wash room facilities (including accessible toilets) in accordance with the requirements of the relevant section of Council (Environmental Health and/or Building).

## **2.4 MARKETING AND COMMUNICATIONS**

- a. Council will provide promotion of ChillOut at the Daylesford Regional Visitor Information Centre and on [www.daylesford.com](http://www.daylesford.com) including one free display cube. This will be on-going as assessed by the Visitor Services Coordinator.
- b. Council will allocate ChillOut the events signage frames at key entry points to Daylesford (4 signs) and Creswick (1 sign) from February 1 to the end of ChillOut. ChillOut will supply, install and remove the signs during the approved period.
- c. Council will provide links to ChillOut's website on Council's website and will include ChillOut in event calendar listings.
- d. Where possible, Council will support the marketing activities of ChillOut.
- e. ChillOut agrees to provide recognition to Council via the following mechanism:
  - Recognition of the Hepburn Shire Council as a Major and/or Government Partner (or equivalent) in all information relating to ChillOut including its website, marketing material, media releases and communications. The usage of Council's logo must be in accordance with the directions provided by the Hepburn Shire.
  - Provide Councillors and Council officer's invitations to official ChillOut functions, events and launches. Council will receive up to 10 tickets free of charge to the ChillOut carnival day event on Sunday at Victoria Park, Daylesford. Tickets to be used for Councillors and Council officers involved in the implementation of ChillOut only.
  - Provision of a market stall at ChillOut Carnival (Council to pay cost of equipment hire only).
  - Half page advertisement in the Festival Guide, if a guide is produced (art work to be supplied by Council at its expense according to production deadlines and graphical standards).

### **3. OCCUPATIONAL HEALTH AND SAFETY, RISK AND COMPLIANCE**

- a. ChillOut must comply with all of Council and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. ChillOut must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. ChillOut must participate in Councils Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 3 weeks prior to the event. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. ChillOut must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

### **4. INDEMNITY AND INSURANCE**

- a. ChillOut must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of ChillOut.
- b. ChillOut must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$20 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in advance of the event date. Stallholders and contractors involved with the event should also have Public Liability Insurance.
- c. ChillOut agrees that if there is any loss or damage to Council land or property as a result of the event, ChillOut will immediately notify Council by making contact with the Events Officer (or other Council officer if Events Officer is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. ChillOut agrees to maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981 or another suitably status.

### **5. STRATEGIC AND BUSINESS PLANNING**

- a. ChillOut agrees to develop a Business Plan and an operational Event Management Plan to be reviewed and updated annually. The Business Plan will include the key objectives for the Festival and specific performance indicators. It must be provided to Council at least four months prior to the event date.
- b. The parties agree that ChillOut will pursue a model less financially dependent upon Council.

## **6. REVIEW AND EVALUATION**

- a. Council will assess the achievements against the outcomes within this MOU, and the key objectives contained in ChillOut's Business Plan with input from ChillOut.
- b. ChillOut will attend a post event evaluation meeting with Council and other authorities following the conduct of the event.
- c. ChillOut will provide a report to Council within 8 weeks of the conclusion of the event detailing the following information:
  - i. Attendance numbers for ChillOut Carnival Day and other events within the Festival program.
  - ii. Details of the origin and estimated length of stay of visitors to ChillOut.
  - iii. Estimates of the economic and tourism impact of the festival applying a jointly agreed methodology used to produce results.
  - iv. Impact assessment on the Hepburn community (positive and negative impacts).
  - v. Media and marketing obtained for the Hepburn Shire region as a result of the event.
  - vi. Detailed event budget, including estimates of direct spend and fundraising contribution to the local community.
  - vii. Details of specific event operational and other issues associated with the event including recommendations for improvements in future years.

## **7. DISPUTE RESOLUTION**

- a. In the event of a dispute arising out of a failure to meet any of the obligations required by this MOU, either party may give the other party written notice specifying the details of the dispute. Within 7 days, a representative of both parties will agree to meet to resolve the issue.
- b. If a dispute occurs within two weeks of the event date, both parties will agree to meet to resolve the issue within 2 working days of the notice.
- c. If the dispute is unable to be resolved, the matter will be referred to any form of alternative dispute resolution procedure on which the parties agree. Where a mediator is involved, the parties must agree to comply with the mediators instructions.
- d. The charges for the mediation will be paid equally by the parties.
- e. Council will not enter into a dispute resolution procedure for the following issues:
  1. The level of Council's financial and in-kind contribution
  2. The requirement for ChillOut to comply with Council's local laws, and other regulations and legislation relating to the conduct of the event.

## **8. TERMINATION OF MOU**

- a. If ChillOut is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship and in-kind support provided to the event.

- b. If Council or ChillOut is in breach of the terms of this MOU this MOU may be terminated in writing by the Chief Executive Officer of Council.

**MOU BETWEEN HEPBURN SHIRE COUNCIL AND CHILLOUT**

Signed for and on behalf of the **Hepburn Shire Council**:

\_\_\_\_\_

Signature of authorised officer

Title of authorised officer

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness signature

Witness name

Date

Signed for and on behalf of **ChillOut**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of authorised officer

Title of authorised officer

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness signature

Witness name

Date

**APPENDIX A: ESTIMATE OF HEPBURN SHIRE COUNCIL'S IN-KIND SUPPORT**

<b>Support provided</b>	<b>Details</b>	<b>Estimated Cost to Council</b>
Waste Management	Hire and transportation of 8 skips	\$1,600
	Supply, delivery, collection of rubbish bins and lids – Victoria Park and Town Hall	\$1,000
Bus Stops	Provision of sign poles and signage for temporary bus stops (NB: Corflute signs to be made for 2010 and re-used in 2011)	\$700
Road Closures	Provision of equipment and signage for Parade Road closure	\$400
Victoria Park – Site establishment	Ground preparation, provision of bunting for pedestrian plan, disabled access and signage	\$2,500
Town Hall	Use of Town Hall and Senior Citizen's Centre	\$630 (\$500 bond)
	Hire of screens for Dance Party	\$210 (Senior Citizens)
		\$130
Visitor Services	Provision of Visitor Information Centre Cube display	\$300
	<b>Total estimated in-kind support value</b>	<b>\$7,470</b>

## **Item deferred from Ordinary Meeting of Council held on 18 October 2011**

### **PROCEDURAL MOTION OF DEFERRAL**

*10.2.1. That Item 10.2. be deferred for Council to workshop the matter further.*

### **9.9. ADVICE FROM RECREATION ADVISORY COMMITTEE ACTION GENERAL MANAGER COMMUNITY SERVICES**

*This recommendation to Council is based on a resolution by the Recreation Advisory Committee from a meeting on 28 September 2011.*

#### **PURPOSE**

The purpose of this report is to provide to Council advice from the Recreation Advisory Committee (RAC) to submit the Clunes Recreation Facilities Feasibility Project application for the Putting Locals First Planning Funding Program.

#### **BACKGROUND**

In 2009/10 the Clunes Football Netball Club through Hepburn Shire Council submitted a funding application to Sport and Recreation Victoria. The application was for funding to undertake a feasibility study for the Victoria Park reserve. This application was strongly supported by Council's Recreation Advisory Committee and the Clunes community. Unfortunately this application was not successful.

Without this funding, the Clunes Football and Netball Club and Clunes community, decided to complete the first step themselves by undertaking a needs assessment of the various community/sporting groups in Clunes. They consulted sixteen organisations, looking for partnerships and the type of facilities community groups would require in the future. This process identified opportunities to create an integrated community facility with flexibility and future expansion in mind.

After completing this first step themselves the next stage is to again seek funding to undertake a feasibility study and business plan for the project. The Regional Development Victoria, Putting Locals First Program provides a suitable stream to fund project planning including feasibility studies that identify community needs, best locations and governance and management models. Regional staff from the Department of Planning and Community



Development has recommended this is the most appropriate funding program for this application.

### **ADVISORY COMMITTEE'S RECOMMENDATION**

- 9.9.1. The Recreation Advisory Committee recommends to Council that the Clunes Recreation Facilities Feasibility Project be endorsed by Council.
- 9.9.2. That Council allocates \$5,000 in fund toward the Clunes Recreation Facilities Feasibility Project in the 2011-12 budget.

### **MOTION**

*9.9.1. That Council defers a decision on the Clunes Recreation Facilities Feasibility Project until such time that Council has a recreation projects priority list and until such time as it is appropriate to consider in budgetary processes.*

**Moved:** Councillor Sebastian Klein  
**Seconded:** Councillor Bill McClenaghan  
**Carried.**

## **9.10. VICTORIA PARK, DAYLESFORD MULTI-PURPOSE COMMUNITY FACILITY**

### **GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the General Manager Community Services, I Kathleen Brannigan, have no interests to disclose in this report.*

### **PURPOSE**

This report provides information about the status of the Victoria Park Multi-Purpose Community Facility project and for Council to consider the request from Daylesford Football Netball Club inviting Hepburn Shire Council to become a member of the Vic Park Consortium.

### **BACKGROUND**

The Victoria Park Multi-Purpose Community Facility has been the subject of numerous reports to Council. At its March 2010 Ordinary Meeting, Council resolved to allocate funding for quantity surveyor estimates for the project. The Cost Plan prepared by Plancost provides an estimate of \$4,475,000 as the total cost for the project.

At its Ordinary meeting on 15 February, 2011 Council resolved to:

- Endorse the proposed multi-purpose facility at Vic Park, Daylesford as its current major priority recreational capital works project; and,
- Consider allocation of funding in the 2011/2012 budget for an independent analysis of the assumptions and validity of the operating income and expenditure models in the Victoria Park Association Feasibility Study.

Further to this, at its April 2011 meeting Council passed the following resolution:

*That Council:*

*Support a community based funding application to the Regional Development Australia Fund (RDAF) for the proposed Victoria Park Daylesford multi-purpose facility being Council's major current priority recreation project.*

*As manager of the Victoria Park crown land reserve give approval in principle for the proposed multi-purpose facility to be built on the nominated site within Victoria Park subject to all necessary planning and building approvals and agreement from the Department of Sustainability and Environment, being the land owner.*

*Collaborate with the community based applicant body and the Victoria Park Association in developing the funding application and in resolving to Council's satisfaction issues relating to the governance, the use and the ongoing financial sustainability of the project.*

In May 2011 an application was submitted to Round 1 of the Regional Development Australia Fund (RDAF) by the Daylesford Football Netball Club (DFNC) as the lead agency of a consortium comprising Daylesford Secondary College and the Daylesford Community Childcare Centre. DFNC was advised that the application was unsuccessful in September 2011.

### **ISSUE / DISCUSSION**

DFNC are intending to resubmit the Victoria Park Multi-Purpose Community Facility to Round 2 of the RDAF and have been advised that the application would be strengthened if Hepburn Shire Council was part of this project. DFNC has written to the CEO inviting Council to consider becoming part of the project, as a consortium member for the life of the application and construction phases only. DFNC propose that Council:

1. Become a member of the Victoria Park Multi-Purpose Community Facility, Vic Park Consortium, to oversee the funding application and construction phases of the project.
2. Consider a contribution of up to \$100,000 as a one-off financial contribution towards the project, to strengthen the success of the application.

### **Governance and Management Arrangements**

The DFNC state that *"It is envisaged that the facility will be community owned and operated, as per the funding application submitted in May 2011, and will only require Council's involvement during the application and constructions (sic) stages of the project"*.

The management structure and processes proposed for the facility by the DFNC are that the Vic Park Consortium, bound by a Memorandum of Understanding will, in summary:

- Prepare the RDAF application, to be submitted by the DFNC;
- Install DFNC as lead organisation responsible for construction and subsequent ownership of the facility;
- Oversee the construction of the facility, if funded;
- Finalise the management model for the facility, develop criteria for and install a Community Committee of Management to manage the facility.

Full details of the Proposed Management Structure and draft Memorandum of Understanding the provided by DFNC are attached (refer Attachment 9).

Council is the land manager of Victoria Park, Daylesford as Committee of Management under the Crown Land Reserve Act. At this stage Council has not made any decision in relation to changing current arrangements nor has any approach on this matter been made to the Department of Sustainability and Environment (DSE) by Council or DFNC.

### **Round 2 Regional Development Australia Fund Application Process**

RDAF Guidelines for Round 2 include the following changes:

1. A two-stage application process, including a short, paper-based Expression of Interest (EOI)
2. One EOI per applicant for a single project.
3. A maximum grant value of \$15 million.
4. Preference will be given to applications that demonstrate partnership funding on a dollar for dollar basis for grant requests of \$5 million and less, and on a 1:2 basis for grant requests of more than \$5 million.
5. At least 50 % of partnership funding must be cash.
6. Not-for-profit organisations must have a minimum annual income of \$1.5 million.
7. Projects located in capital cities must demonstrate how the proposed project will benefit the broader region, or other parts of regional Australia.

Implications for Victoria Park Multi-Purpose Community Facility project are that a matching contribution of at least \$2.3 million is required and that DFNC, as a not for profit organisation would not be eligible to apply.

The RDAF EOI process closes on Thursday 3 December 2011.

[http://www.regional.gov.au/regional/programs/files/RDAF\\_Round\\_Two\\_EOI.pdf](http://www.regional.gov.au/regional/programs/files/RDAF_Round_Two_EOI.pdf)

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

We will assist our residents improve the health, safety and vibrancy of our communities.

### **FINANCIAL IMPLICATIONS**

There is no provision in Council's 2011-12 budget for a contribution towards the Victoria Park Multi-Purpose Community Facility RDAF application. An amount of \$15,000 has been allocated for an independent analysis of the assumptions and validity of the operating income and expenditure models in the Victoria Park Association Feasibility Study.

## **RISK IMPLICATIONS**

The Hepburn Shire Council Building Condition Report identifies the current facility and change rooms at Victoria Park, Daylesford as being in poor condition.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Council's Recreation Advisory Committee (RAC) considered that there was a strong and demonstrated need for redevelopment /renewal of facilities at Victoria Park, Daylesford. The RAC noted that proposals for the development of Victoria Park contained in the Hepburn Shire Master Plan (Dalton Consulting Engineering, 2005) include development of change rooms and a function room on the Western side of Oval No.1.

Various studies including the Recreation Needs Strategy (Henshall and Associates, 2006) and Daylesford/Hepburn Springs Needs Analysis (Clark Phillips, 2005) have identified the need for improvements to facilities at Victoria Park.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Vic Park Association (now a sub-committee of DFNC) has consulted with a range of community groups in developing the Feasibility Study. Council has requested and received advice from its Recreation Advisory Committee about this project.

## **OFFICER'S RECOMMENDATION**

That Council:

- 9.10.1. Considers the Daylesford Football Netball Club's request for Hepburn Shire Council to become a member of the Victoria Park Multi-Purpose Community Facility, Vic Park Consortium, to oversee the funding application and construction phases of the project.
- 9.10.2. Considers the Daylesford Football Netball Club's request for a contribution from Hepburn Shire Council of up to \$100,000 as a one-off financial contribution towards the project

## MOTION

*That Council:*

- 9.10.1. *Becomes a member of the Victoria Park Multi-Purpose Community Facility 'Vic Park Consortium' to work with other consortium members in developing funding applications, planning and construction phases of the project.*
- 9.10.2. *Works towards the possibility of a Round 2 Regional Development Australia Fund (RDAF) funding application by 3 December 2011 if possible to do so within the time constraints.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Don Henderson

**Lost.**

## MOTION

*That Council:*

- 9.10.1. *Gratefully acknowledges the request from Daylesford Football Netball Club that Council becomes a member of the Victoria Park Multi-Purpose Community Facility 'Vic Park Consortium' and its request to Council for a one-off financial contribution towards the project.*
- 9.10.2. *Notes the Regional Development Australia Fund Round 2 guidelines especially regarding eligible applicants, eligible projects and partnership funding.*
- 9.10.3. *Will invite the Daylesford Football Netball Club to a meeting to determine the actions required to secure funding to construct the Victoria Park Multi-Purpose Community Facility.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Sebastian Klein

**Carried.**

**ATTACHMENT 9 - VICTORIA PARK MULTI-PURPOSE FACILITY  
PROPOSED MANAGEMENT STRUCTURE AND DRAFT MEMORANDUM  
OF UNDERSTANDING**





DAYLESFORD FOOTBALL NETBALL CLUB PO Box 31 Daylesford Vic 3460  
President: John Goulet 0418312733 Secretary: Kate Redwood 0400911686 Treasurer: Lyndall Jenkin 0409553399

Ms Kaylene Conrick  
Chief Executive Officer  
Hepburn Shire Council  
P O Box 21  
Daylesford 3460

24 October 2011

Dear Kaylene

Re: Victoria Park Multi-purpose Community Facility

Following a meeting held with Kathleen Brannigan, on Thursday 20 October 2011, we submit to Council the up to date details and status of the Victoria Park Multi-purpose Community Facility project. An application for funding was submitted to the Regional Development Australia Fund (RDAF) in May 2011 and advice was received in September that this application was unsuccessful.

In a follow-up phone conversation with RDAF we were advised that the application was ineligible due to inadequate financial statements for the Daylesford Football Netball Club (DFNC). (The furnishing of inadequate statements was due to an unforeseen event that prevented us from obtaining these documents.)

The DFNC was the lead agency for the application, as part of a consortium comprising the Daylesford Secondary College (DSC) and the Daylesford Community Child Care Centre (DCCCC). The DFNC organised a sub-committee, to oversee the project, and to develop the funding application. This sub-committee comprises the original members of the Vic Park Association.

The intention of the DFNC is to re-submit an application for the second round of RDAF funding, which opens in November, 2011, within the same format and structure as the round one application. Advice has been received that the application would be strengthened if Hepburn Shire Council was part of this project.

With this in mind this letter is aimed at inviting Council to consider becoming part of the project, as a consortium member, for the life of the application and construction phases only. The following overview of the project is provided, to enable Council to make an informed decision.

**HEPBURN SHIRE COUNCIL**

File No: ..... 100766 .....

Rec'd Date: 25 OCT 2011

Rec'd By: ..... *KB* .....

Action By: ..... *K. Brannigan* .....

Reg No: .....

*cc: K. Conrick*



2.

Hepburn Shire Council is being invited to consider the following involvement in the Victoria Park Multi-purpose Community Facility project:

1. To become a member of the Victoria Park Daylesford, Multi-purpose Community Facility, Vic Park Consortium, to oversee the funding application and construction phases of the project. (A copy of the draft Memorandum of Understanding is attached); and
2. To consider a contribution of up to \$100,000, as a one-off financial contribution towards the project, to strengthen the success of the application (Council would not be required to contribute any further financial support for this project, as the facility will be self-sufficient, once constructed).

An overview of the proposed management structure for the facility development and subsequent facility operation, is attached. It is envisaged that the facility will be community owned and operated, as per the funding application submitted in May 2011, and will only require Council's involvement during the application and constructions stages of the project.

The site location was endorsed by Council, at its April 2011 meeting, and the project has completed the following supporting documents and planning processes, to ensure a professional, thorough and considered approach to the entire project, is undertaken:

- Feasibility Study;
- Geotechnical Surveys;
- Architectural and Structural Design;
- Cost Plans;
- Project Management Plan that includes:
  - Communication Management;
  - Cost Plan Management;
  - Building Procurement Plan;
  - Project Scope Management Plan;
  - Quality Management Plan; and
  - Risk Management Plan.

Additional details of the project can be supplied to Council, should this be required.

It is with anticipation that we submit this information, for your consideration, and look forward to a timely response due to the timelines for round two of the RDAF.

Yours Sincerely



Faye McLeod  
DFNC Sub-committee member  
For and on behalf of the Daylesford Football Netball Club  
P O Box 342  
Daylesford 3460

Attachments:

Draft Memorandum of Understanding, Multi-purpose Community Facility, Vic Park Consortium  
Proposed Management Structure

## **Proposed Management Structure**

The following is an overview of the management structures and processes proposed for the facility:

### **1. Consortium**

The Vic Park Consortium, bound by a Memorandum of Understanding, will:

- bring together organisations that possess specific expertise required to prepare a funding application, under the *Regional Development Australia Fund*, for the Victoria Park Multi-Purpose Community Facility Project;
- obtain a commitment from each of the consortia organisations to provide assistance in their area of expertise;
- install the Daylesford Football Netball Club as Lead Organisation responsible for the construction and subsequent ownership of the facility;
- install the Daylesford Football Netball Club as Applicant responsible for submitting the funding application;
- oversee the construction of the facility, if funded;
- employ a Project Coordinator to ensure effective and timely communication between the Architect, Consortium and Community Groups at site meetings, during the construction phase of the project, the funding of which is embedded within the funding application;
- draft the Terms of Reference for appointing the Community Committee of Management;
- finalise the management model for the facility, ensuring the model is representative of all permanent user groups and minority groups;
- develop the criteria for the installation of the Community Committee of Management for the completed facility; and
- install a Community Committee of Management to manage the facility, six months prior to the completion of construction.

### **2. Victoria Park Community Committee of Management**

The Community Committee of Management, installed by the Vic Park Consortium, will:

- be installed six months prior to the completion of the facility;
- be responsible for the management of the day to day operations of the facility in its entirety;
- function with a hands off, self-sustaining management approach;
- operate under reporting structures and accountability processes;
- operate under a user pays system of fees & charges;
- set the fees & charges, annually;
- hire the facility on an hourly/day rate per room/space;
- employ staff associated with the operation of the facility, when required;
- maintain the facility in accordance with a life-cycle approach to asset management.

### **3. Facility Development Officer**

A Voluntary Facility Development Officer will begin work in the final year of construction, to develop and circulate promotional material such as brochures or leaflets that inform the community as to the facility's uses, fees & charges and available spaces with the aim of securing bookings for the facility prior to the opening date. This is to enable the facility to generate income from day one.

The role of the Volunteer Development Officer will be to develop the framework for the efficient operation of the multi-purpose community facility. The role will give support to the newly formed Committee of Management and ensure their processes and guiding documents are developed and adopted in a timely manner.

The Volunteer Development Officer will develop the framework for the efficient operation of the multi-purpose community facility.

The duties associated with the role are to:

- Assist the Committee of Management (COM) to develop a Constitution and Statement of Purpose;
- Develop a handbook that details the facility's purpose, uses and systems;
- Develop promotional material such as brochures or leaflets, that inform the community as to the facility's uses, fees & charges and available spaces;
- Take bookings, develop and maintain a timetable for use of the facility, when required;
- Undertake reception duties to assist the general public;
- Coordinate media releases;
- Attend COM meetings and take minutes;
- Draft monitoring and evaluation systems for the COM;
- Draft a Risk Management Strategy for the COM;
- Draft a Performance Review process for the COM;
- Draft a COM members Code of Conduct for adoption by the COM;
- Draft a grievance process for facility users and submit to the COM;
- Draft an Access, Inclusion and Equity policy and submit to the COM;
- Attend COM meetings to inform, report and receive advice and direction.

The role is seen as vital to the facility's 'setting up phase'. The Volunteer Development Officer will ensure the systems and functioning of the facility are streamlined and efficient. The role will give support to the newly formed Committee of Management and ensure their processes and guiding documents are developed and adopted in a timely manner.



**Victoria Park Daylesford  
Multi-Purpose Community Facility**

**Vic Park Consortium  
Memorandum of Understanding**

October 2011

**Victoria Park Daylesford  
Multi-Purpose Community Facility  
Memorandum of Understanding**

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1. **Rationale/Scope**
2. **Objectives**
3. **Partner Organisations**
4. **Roles & Responsibilities**
5. **Governance Structure and Reporting**
6. **Meetings**
7. **Communication, Information Sharing and Consultation Processes**
8. **Conflict Resolution**
9. **Resources**
10. **Authorisation**

**Victoria Park Daylesford  
Multi-Purpose Community Facility  
Vic Park Consortium**

**Memorandum of Understanding**

**1. Rationale/Scope**

The purpose of this partnership is to:

- bring together organisations that possess specific expertise required to prepare a funding application under the Regional Development Australia Fund for the Victoria Park Multi-Purpose Community Facility Project;
- oversee the construction of the facility, if funded;
- employ a Project Coordinator to ensure effective and timely communication between the Architect, Consortium and Community Groups at site meetings, during the construction phase of the project;
- decide on a management model for the facility; and
- install a Community Committee of Management to manage the facility six months prior to the completion of construction.

**2. Objectives**

To install the Daylesford Football Netball Club as Applicant responsible for submitting the funding application;

To install the Daylesford Football Netball Club as Lead Organisation responsible for the construction and subsequent ownership of the facility;

To obtain a commitment from each of the consortia organisations to provide assistance in their area of expertise;

To work towards the completion of all documentation associated with the funding application;

To employ a Project Coordinator when funding is received;

To draw up a management model for the facility;

To develop the criteria relating to the installation of the Committee of Management for the completed facility.

**3. Partner Organisations**

The Memorandum of Understanding is between:

Ms Tiffany Holt	Principal	Daylesford Secondary College
Ms Julie McLean	Manager	Daylesford Community Child Care Centre
Mr John Goulet	President	Daylesford Football Netball Club
Chief Executive Officer		Hepburn Shire Council

#### **4. Roles and Responsibilities**

The Consortium is accountable for:

- fostering collaboration;
- removing obstacles to the Consortium's successful delivery of a funding application;
- at all times maintaining the focus of the Consortium on the agreed scope, outcomes and benefits;
- monitoring and managing the factors outside the Consortium's control that are critical to its success.

The membership of the Consortium will commit to:

- attending all scheduled Consortium meetings;
- championing the Consortium within and outside of work areas;
- sharing all communications and information across all Consortium members;
- making timely decisions and take action to ensure the project is not delayed;
- notifying members of the Consortium as soon as practical, if any matter arises which may be deemed to affect the development of the Consortium;
- attending all meetings and if necessary nominate a proxy.

Members of the Consortium expect:

- that each member will be provided with complete, accurate and meaningful information in a timely manner;
- to be given reasonable time to make key decisions;
- to be alerted to potential risks and issues that could impact the project, as they arise;
- open and honest discussions, without resort to any misleading assertions.

The Daylesford Football Netball Club as the Lead Organisation is responsible for:

- Submitting the funding application;
- Employing and managing a Project Coordinator;
- Acting as Banker for the grant;
- Administration of accounts and payments;
- Overseeing the construction phase of the project;
- Reporting to the Consortium on all aspects of the construction progress;
- Owning the facility at completion of construction.

#### **5. Governance Structure and Reporting**

The Consortium will nominate a Chair.

Consortium Chair has the deciding vote.

One (1) vote per organisation.

Two (2) representatives from each organisation to be nominated to attend all meetings.

All reports to be prepared and circulated to each organisation.

## **6. Meetings**

All meetings will be chaired by the nominated organisation.

A meeting quorum will be five (5) members of the Consortium.

Decisions made by consensus. If no consensus, by formal vote, with the casting vote sitting with the Consortium chair.

Meeting agendas and minutes will be provided by DFNC, who will:

- prepare agendas and supporting papers;
- prepare meeting notes and information;
- circulate minutes to each consortia member.

Meetings will be held monthly for one (1) hour at a location to be determined.

## **7. Communication, Information Sharing and Consultation Processes**

All information to be emailed to each organisation or hand delivered where email is not operational.

Confidentiality is to be strictly adhered to.

## **8. Conflict Resolution**

All disputes between organisations, relating to the project will be discussed by the Consortium and resolved by a consensus decision or formal vote.

## **9. Resources**

The resources to be contributed by the members of the Consortium will align with the specific expertise associated with each organisation.

Daylesford Secondary College brings to the project:

- expertise in delivering education services to secondary students;
- an understanding of the infrastructure requirements to construct a fully functioning commercial kitchen within the proposed facility;
- expertise in working with youth.

Daylesford Community Child Care Centre brings to the project:

- expertise in delivering services to babies, young children and primary school age children;
- an understanding of the infrastructure requirements to construct a fully functioning child care area within the proposed facility.

Daylesford Football Netball Club brings to the project:

- experience in delivering sporting activities to the district youth and adults;
- an understanding of the sporting and recreation needs of the community;
- expertise in delivering services to community groups;
- experience in the employment of players.

Hepburn Shire Council brings to the project:

- expertise in local government planning processes.



**10. Authorisation**

All Partner Organisations committed to the Vic Park Consortium hereby declare that they do not accept responsibility for any cost associated with the project that falls outside of the project funding.

Should there be additional costs identified during the life of the Vic Park Consortium then funding would be sought from external sources, by the Daylesford Football Netball Club, to meet this funding requirement.

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Partnering Organisation: **Daylesford Secondary College (DSC)**

I \_\_\_\_\_ (name) \_\_\_\_\_ (title)  
of \_\_\_\_\_ (Organisation)

commit to being a member of the Vic Park Consortium for the purposes contained within the Memorandum of Understanding.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

---

Partnering Organisation: **Daylesford Community Child Care Centre (DCCCC)**

I \_\_\_\_\_ (name) \_\_\_\_\_ (title)  
of \_\_\_\_\_ (Organisation)

commit to being a member of the Vic Park Consortium for the purposes contained within the Memorandum of Understanding.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

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**10. Authorisation continued**

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**Partnering Organisation: Daylesford Football Netball Club (DFNC)**

I \_\_\_\_\_ (name) \_\_\_\_\_ (title)  
of \_\_\_\_\_ (Organisation)

commit to being a member of the Vic Park Consortium for the purposes contained within the Memorandum of Understanding.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

---

**Partnering Organisation: Hepburn Shire Council (HSC)**

I \_\_\_\_\_ (name) \_\_\_\_\_ (title)  
of \_\_\_\_\_ (Organisation)

commit to being a member of the Vic Park Consortium for the purposes contained within the Memorandum of Understanding.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

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**9.11. B-DOUBLE PERMIT APPLICATION – CLEARWATER LOGGING AND TRANSPORT – TELEGRAPH ROAD, BELLS REEF ROAD, CEMETERY ROAD, SAILORS FALLS  
GENERAL MANAGER INFRASTRUCTURE**

*In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell, have no interests to disclose in this report.*

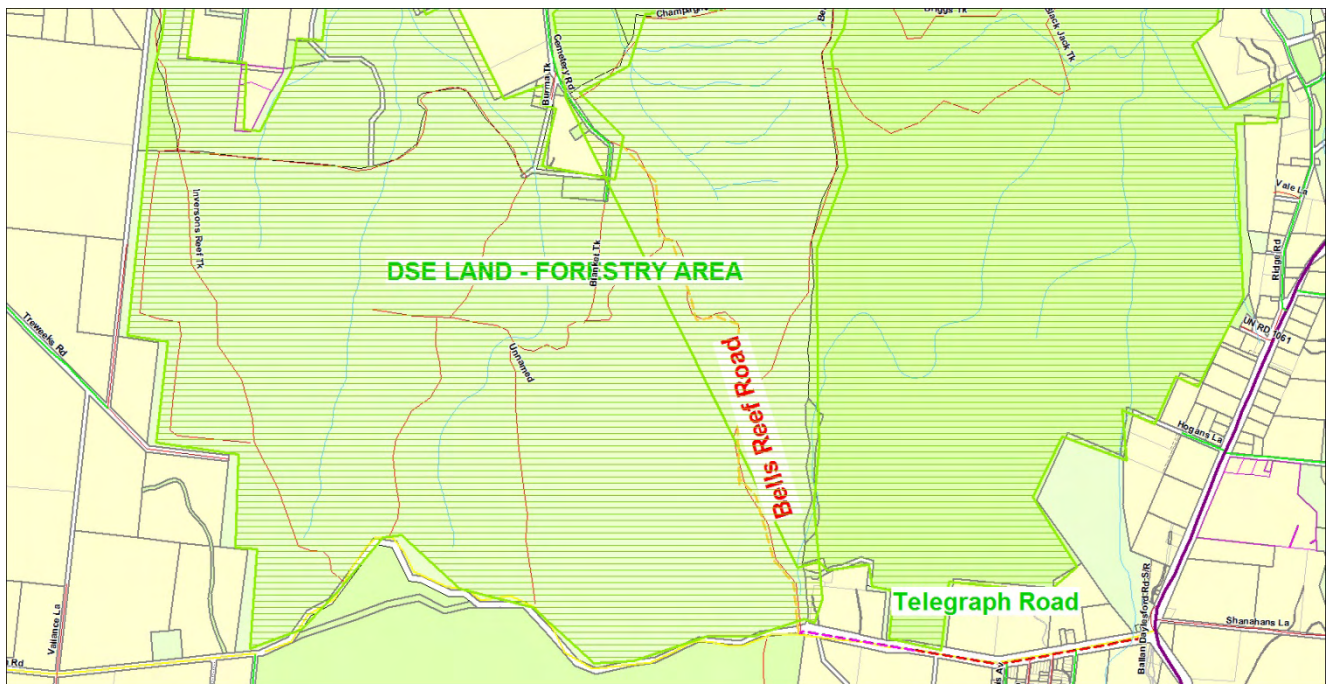
**PURPOSE**

To consider an application for a temporary 12 month permit for the use of B-Doubles on Telegraph Road, Sailors Falls for Clearwater Logging and Transport to transport timber from DSE Forestry Area to Geelong via the Daylesford- Ballan Road.

**BACKGROUND**

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

The timber plantations off Telegraph Road have been extensively harvested and this application by Clearwater Logging and Transport is to allow them to cart small amounts of timber logs for Hancocks Timber.



**ISSUE/DISCUSSION**

Clearwater Logging and Transport have applied for permission to use B-Doubles at higher mass limits (up to 68 tonnes) along the a 1.6km section of

Telegraph Road to transport timber from the plantation area to Geelong via Daylesford Ballan Road

The permit is for a 12 month period from 1 December 2011 to 1 December 2012. It is not for continuous ongoing use and the requirement for log transport during 2012 has yet to be decided by the plantation operator, Hancocks timber.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

One of the four fundamental commitments of the Hepburn Shire Council Plan 2009-2013 is that *"We will help improve economic prosperity"*. This request is considered under this commitment.

All trucks are required to operate under Victorian road rules.

### **FINANCIAL IMPLICATIONS**

Telegraph Road is sealed for 1.1 km and the remainder of the Telegraph Road is gravel, both sections are in good condition. They are both maintained by Hepburn Shire Council (HSC). Internal roads in the logging area are under the control of DSE.

Due to the minimal duration and traffic volumes expected on these roads due (3 trucks per day for short periods as described by Clearwater Logging and Transport), the additional traffic from the plantation should have minimal impact on the road. Clearwater Logging are allowed by State Law to use standard semi trailers to cart logs but by using B double the number of truck traffic movements is halved (information supplied by the Clearwater Logging). The use of higher mass limits should not be agreed to as any permit granted should be consistent with loads that the operator may legally carry using semi trailers standard registration under Victorian State Law complying to the General Mass Limits.

### **RISK IMPLICATIONS**

The sections of road concerned do not have bus routes and the road alignment is such that trucks would use this road with due regard for local traffic. Trucks and semi trailers can legally use this road and the use of B Doubles would halve the traffic volume from logging activities.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

It is economically beneficial to the logging company to be able to use this route. The load of a B double truck is similar in volume/mass to the loads of 2 semi trailers, there is thus considerable saving in fuel and reduction in emissions as a result.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As cartage of logs can legally be undertaken by semi trailers at General Mass Limits the community will be informed of the temporary permit, if approved, via Council's Advocate page.

## **CONCLUSION**

The permit is for temporary use and will not have ongoing implications for the community.

## **OFFICER'S RECOMMENDATION**

9.11.1. That council issues permit valid for 12 months from 1 December 2011 until 1 December 2012 to Clearwater Logging and Transport for the use of B-Doubles at General Mass Limits for 1.6 km of Telegraph Road from Bells Reef Road to Ballan Daylesford Road, Sailors Falls for transportation of timber during plantation harvesting

## **MOTION**

*9.11.1. That Council issues a permit valid for 12 months from 1 December 2011 until 1 December 2012 to Clearwater Logging and Transport for the use of B-Doubles at General Mass Limits for 1.6 km of Telegraph Road from Bells Reef Road to Ballan Daylesford Road, Sailors Falls for transportation of timber during plantation harvesting.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Don Henderson

**Carried.**

## **9.12. PLANS OF SUBDIVISION – TRANSFER OF ROADS GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

### **PURPOSE**

This Report requires a Council resolution to Seal 3 x Transfer of Land documents associated with requirements to transfer roads or parts thereof on Plans of Subdivision to Council.

### **BACKGROUND**

1. 15416R

A request from the Registrar of Titles to finalise the acquisition of land designated Road R-1 on Plan of Subdivision 443445N certified by the Council on 18 June 2002

2. 101293R

To finalise the acquisition of land designated Road R-1 on Plan of Subdivision 26745Y/D1

3. 103932R

To finalise the acquisition of land designated Road – R-1 on Plan of Subdivision 647615C

### **ISSUE/DISCUSSION**

1. The property concerned is at 10 Station Street, Trentham owned by Arch Wood Protection (Aust) Pty Ltd. When a subdivision of the property occurred in 2002, a road (2,236sqm) was established across the front of the property, with provision on the Plan of Subdivision for it to be acquired by agreement. This process was not completed and the Registrar of Titles has advised that the transaction should be finalised by a Transfer of Land subject to acquisition by agreement.
2. The property at 2/18 Tenth Street, (actually fronts Crippa Close) Hepburn Springs was affected by road, carparking and landscaping works in 2007/08 associated with the adjoining Pepper Springs Retreat. A small triangular shaped piece of land – 4sqm in area – protruded toward Crippa Close (which is Council responsibility) beyond the constructed straight fence line and was required as part of the above mentioned works. The 4sqm was not identified at the time of construction due to being outside the constructed fence line which was straight instead of following the



actual Title boundary. The land was originally affected by a drainage easement (the apparent reason for its shape), which will now be contained within Road R-1. The acquisition has been undertaken subject to agreement with the owners at a consideration of \$2,000 which has been paid along with survey costs.

3. The property concerned is at 56 Zig Zag Road, Drummond owned by M Yannarakis. It was established in 2010 when reconstruction of Zig Zag Road was to take place that a part of the road was constructed across the private property. To provide the best and most economic means of realignment an agreed purchase of the private land being 1.987ha was arranged. This was authorised by Council in a detailed report on 19 October 2010. The consideration of \$12,666 together with survey costs was paid as part of the road construction.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

The processes are being undertaken subject to the Subdivision Act 1988 and the Local Government Act 1989.

### **FINANCIAL IMPLICATIONS**

There is no consideration payable for Item 1, the Transfer being subject to agreement in relation to the original plan of subdivision. Consideration – effectively compensation – and survey costs have been paid for Items 2 and 3. Council is responsible for legal fees associated with the Transfers.

### **RISK IMPLICATIONS**

At this point, none known.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The Transfers will provide the land owners with adjusted and clear Title boundaries to match 'on ground' conditions.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The transfers are being done in accordance with Plans of Subdivision and in conjunction with the land owners.

### **CONCLUSION**

Council's final agreement by sealing of the Transfer of Land documents will lead to completion the two matters.

## **OFFICER'S RECOMMENDATION**

9.12.1. That Council seal the Transfer of Land documents to finalise the transfer of roads affecting properties at 10 Station Street, Trentham; 2/18 Tenth Street, Hepburn Springs and 56 Zig Zag Road as described in the above Report

## **MOTION**

*9.12.1. That Council seal the Transfer of Land documents to finalise the transfer of roads affecting properties at 10 Station Street, Trentham; 2/18 Tenth Street, Hepburn Springs and 56 Zig Zag Road as described in the above Report.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Janine Booth

**Carried.**



**9.13. ASSEMBLIES OF COUNCILLORS – OCTOBER 2011**  
**GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

**PURPOSE**

This report summarises Assemblies of Councillors for October 2011.

**BACKGROUND**

*The Local Government Act 1989 defines Assembly of Councillors as*

*...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -*

*(a) the subject of a decision of the Council; or*

*(b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –*

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation;

<b>Assemblies of Councillors</b>		
<b>Date</b>	<b>Location</b>	<b>Committee Name</b>
4 October 2011	Council Chamber, Daylesford	2011-2012 Recurrent Budget Review
6 October 2011	Council Chamber, Daylesford	Hepburn Mineral Springs Reserve Advisory Committee
11 October 2011	Mayor's Room, Daylesford	Councillor / CEO Session
11 October 2011	Council Chamber, Daylesford	Councillor Briefing
11 October 2011	Council Chamber, Daylesford	Daylesford Streetscape Revitalisation Project
18 October 2011	Trentham Neighbourhood Centre	Pre-Council Meeting
25 October 2011	Duke Street Meeting Room, Daylesford	Wombat Hill Botanic Gardens Advisory Committee
25 October 2011	Council Chamber, Daylesford	Governance Training

## **ISSUE/DISCUSSION**

1. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be reported at an Ordinary meeting of the Council.
2. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Local Government Act 1989, Section 80A*

## **FINANCIAL IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

There are implications with regards to council's compliance with the Local government Act 1989 (as amended) if written records of councillor Assemblies are not reported to Council

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The inclusion of the attached record of Councillor Assembly in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

## **CONCLUSION**

Information provided for noting.

## **OFFICER'S RECOMMENDATION**

- 9.13.1. That the information be received.

**MOTION**

9.13.1. *That the information be received.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Neil Newitt

**Carried.**

**ATTACHMENT 10 - RECORDS OF ASSEMBLIES OF COUNCILLORS  
OCTOBER 2011**





**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:**

**Hepburn Mineral Springs Reserve Advisory Committee**

**Date:**

**Thursday, 6 October 2011**

**Time:**

**7.00 pm**

- Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr Janine Booth    | <input type="checkbox"/> Cr Jon Barrell        |
| <input type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May |
| <input type="checkbox"/> Cr Sebastian Klein | <input type="checkbox"/> Cr Bill McClenaghan   |
| <input type="checkbox"/> Cr Neil Newitt     |  |

**Members of Council Staff present:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input checked="" type="checkbox"/> GM Infrastructure, Jeff Saker |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input type="checkbox"/> GM Sustainable Development, Barry Green  |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input checked="" type="checkbox"/> Other, please specify:        |

*JAMES LOWE, PARTS CO-ORD  
SUE HOWARD, PROJECT ENGINEER*

**Conflict of Interest Disclosures:**


Councillor Name	Time Left and Returned
NIL.	

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |  |
|--|--|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input checked="" type="checkbox"/> GM Infrastructure Jeff Saker |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify:                  |

**Signature:** 

*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*

**HEPBURN MINERAL SPRINGS RESERVE  
ADVISORY COMMITTEE**

<b>Date:</b>	<b>Thursday, 6 October 2011</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>Council Chamber Daylesford Town Hall, 76 Vincent Street, Daylesford</b>

**Members:** Cr Rod May (Chair), Jenny Beacham, Lisa Gervasoni, Bill Guest,  
Peter Horsburgh, John Webster

**Council Officers:** Jeff Saker, James Lowe, John Collins

***AGENDA – Meeting No 14***

1. **Welcome and Apologies**
2. **Adoption of Minutes of Meeting – 4 August 2011**
3. **Expiry of Terms of Office – Hepburn Mineral Springs Reserve Advisory Committee and Calling for Nominations**
4. **Report from Council about all works at Reserve – Update on funds spent from budgets for last 2 years.**
5. **Update on Approved Projects**
  - Retaining Wall Opposite Bathhouse
  - Soundshell
  - Repair to Stonework at Locarno Spring
  - Condition Report – Pavilion
  - Asphalt paths and repair work
  - Channel repair and landscaping
  - Report – Caretaker's Cottage
6. **Style Guide – Preparation of a style guide to prepare for work on signage, garden furniture and fencing.**
7. **Other Business**
8. **Items for Next Agenda**

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:** Councillor /CEO Session

**Date:** 11 October 2011

**Time:** 11.30 am - 12.45 pm .

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) *Mayor's Room*

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell      |
| <input checked="" type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May          |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Neil Newitt     |   |

**Members of Council Staff present:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> CEO Kaylene Conrick            | <input type="checkbox"/> GM Infrastructure, Jeff Saker           |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify:                  |

**Conflict of Interest Disclosures:**

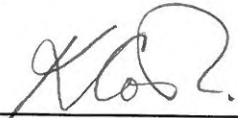
Councillor Name	Time Left and Returned
Cr Bill McClenaghan (Spa Country Railway)	12.20 left returned 12.28pm

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> CEO Kaylene Conrick            | <input type="checkbox"/> GM Infrastructure Jeff Saker            |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify:                  |

**Signature:** 

*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*



## Kaylene Conrick

---

**Subject:** FW: AGENDA ITEMS FOR COUNCILLOR/CEO Time tomorrow

---

**From:** Rod May [mailto:capck@vic.chariot.net.au]  
**Sent:** 10 October, 2011 4:03 PM  
**To:** Kaylene Conrick  
**Cc:** Councillors  
**Subject:** AGENDA ITEMS FOR COUNCILLOR/CEO Time tomorrow

1. Councillor bulletin questions?
2. Committee reporting practice (note in briefing)
3. Accommodation update
4. Historic society desire to be on Streetscape committee and desire of other parties to be involved
5. Clunes Cemetery trust follow up .
6. Mayoral Ball
7. Any other correspondence to councillors?
8. Planning issues
9. Tree issues

Also included Emergency Management (Risk), Asset Management, Vincent Street Revitalisation Project, Creswick Forest Fiesta funding and Spa Country Railway RDA funding application/ bushfire memorial funding opportunity.

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the Local Government Act 1989

**Title of Meeting:** *October Briefing Agenda*

**Date:** *11/10/11*

**Time:** *1-45*

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell      |
| <input checked="" type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May          |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Neil Newitt     |   |

**Members of Council Staff present:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> CEO Kaylene Conrick                       | <input checked="" type="checkbox"/> GM Infrastructure, Jeff Saker  |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> GM Sustainable Development, Barry Green  |
| <input checked="" type="checkbox"/> GM Community Services, Kathleen Brannigan | <input checked="" type="checkbox"/> Other, please specify:<br><i>SIMON EVANS      JOHN COLLINS</i><br><i>ADAM McSEANIN</i><br><i>RICHARD PELAN</i> |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned
<i>Cr McClenaghan item 3</i> <small>INDIRECT INTEREST</small>	<i>2-50 - 3-02</i>
<i>Cr Newitt item 2</i> <small>INDIRECT INTEREST</small>	<i>2-30 - 2-50</i>
<i>Cr Henderson item 1 (Cold Bathing)</i> <small>DIRECT INTEREST</small>	<i>2-17 - 2-19</i>

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |  |
|--|--|
| <input type="checkbox"/> CEO Kaylene Conrick                         | <input type="checkbox"/> GM Infrastructure Jeff Saker            |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan   | <input type="checkbox"/> Other, please specify:                  |

**Signature:** *Evan King*

*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*

**Councillor Briefing Agenda**  
**Tuesday 11 October 2011**



<b>Tuesday 11 October 2011</b> <b>1:45 pm</b>		<b>Council Chambers</b> <b>Daylesford Town Hall</b>
<b>Chair</b>	Mayor	Cr Rod May
<b>Attendees</b>	Councillors	Jon Barrell, Neil Newitt, Sebastian Klein Janine Booth, Don Henderson, Bill McClenaghan
	Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Infrastructure, General Manager Sustainable Development, General Manager Community Services, and other officers as required
<b>Apologies</b>		

	Time		Title	Action Officer	Page
1.	1:45 pm	Verbal Presentation	<b>Flood Recovery Update</b>	Chief Executive Officer & Flood Recovery Manager	<b>Page 3</b>
2.	2:00 pm	Report	<b>Status of Events and Memoranda of Understanding – Update</b>	General Manager Community Services & Recreation and Events Coordinator	<b>Page 4</b>
3.	2:15 pm	Report	<b>Crossing Borders – Tracks and Trails</b>	General Manager Community Services	<b>Page 8</b>
4.	2:30 pm	Verbal Presentation	<b>Hepburn Neighbourhood Safer Place (NSP)</b>	General Manager Sustainable Development & Compliance Coordinator	<b>Page 10</b>
5.	2:45 pm	Report	<b>Councillor Representation on Committees and Other Bodies</b>	General Manager Corporate Services	<b>Page 11</b>
			Attachment 1		<b>Page 13</b>
6.	3:00 pm	Report	<b>Sale of Land – Former Depot Site – 59 Main Road, Hepburn</b>	General Manager Corporate Services	<b>Page 15</b>
			Attachment 2		<b>Page 20</b>
			Attachment 3		<b>Page 24</b>

**Councillor Briefing Agenda**  
**Tuesday 11 October 2011**



7.	3:15 pm	Report	<b>Request to Amend Local Law No 1 – Meeting Procedures and Common Seal</b>  Attachment 4	Chief Executive Officer	Page 25  Page 27
8.	3:30 pm	Report	<b>Community Housing – Future Directions</b>  Attachment 5	General Manager Community Services	Page 29  Page 32
9.	4:00 pm	Report	<b>Sustainability Community Grants</b>  Attachment 6 Attachment 7	General Manger Sustainable Development	Page 35  Page 39 Page 43
10.	4:15 pm	Verbal Presentation	<b>Planning Update</b>	General Manager Sustainable Development	Page 47
8.	4:30 pm	<b>CLOSE OF MEETING</b>			



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor DON HENDERSON hereby disclose  
a conflict of interest in the following matter: FLOOD RECOVERY  
GOLD BATTERY

This matter is being considered at a ~~meeting of Council/Special Committee~~ or Assembly of Councillors  
ASSEMBLY OF COUNCILLORS  
(insert name of any Special Committee)  
on 11/10/2011

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A) OR
- indirect interest because of conflicting duty (section 78B) OR
- indirect interest because of receipt of gift(s) (section 78C) OR
- indirect interest through civil proceedings (section 78D) OR

[NB all references to sections are references to sections in the Local Government Act 1989].

The nature of the interest is as follows:

PRESIDENT CRASWICK RAILWAY WORKSHOPS  
ABS.

Print Name: DON HENDERSON  
Signed: [Signature]  
Date: 11/10/2011



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor NEIL NEWITT hereby disclose  
a conflict of interest in the following matter: ITEM 2 - EVENTS MEMORANDA  
OF UNDERSTANDING

This matter is being considered at a meeting of Council/ Special Committee or Assembly of Councillors  
CREATIVE CLONES  
(insert name of any Special Committee)  
on .....

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A) OR
- indirect interest because of conflicting duty (section 78B) OR
- indirect interest because of receipt of gift(s) (section 78C) OR
- indirect interest through civil proceedings (section 78D) OR

[NB all references to sections are references to sections in the *Local Government Act 1989*].

The nature of the interest is as follows:

MY WIFE IS MEDIA OFFICER FOR CREATIVE CLONES

Print Name: NEIL NEWITT  
Signed: [Signature]  
Date: 11/10/11



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor BILL MCCLENAUGHAN hereby disclose  
a conflict of interest in the following matter: AGENDA ITEM (BRIEFING SESSION)  
TRAILS & TRAILS

This matter is being considered at a ~~meeting of Council / Special Committee~~ or Assembly of Councillors  
COUNCILLOR BRIEFING SESSION  
(insert name of any Special Committee)  
on TUES 11 OCT 11

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A)
- indirect interest because of conflicting duty (section 78B)
- indirect interest because of receipt of gift(s) (section 78C)
- indirect interest through civil proceedings (section 78D)

[NB all references to sections are references to sections in the Local Government Act 1989].

The nature of the interest is as follows:

I AM A DIRECTOR OF THE CENTRAL  
HIGHLANDS TOURIST RAILWAY THAT IS  
IMPACTED BY THIS AGENDA ITEM

Print Name:

Signed:

Date:

[Signature]  
10/10/2011

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:**

**Daylesford Streetscape Revitalisation Project Steering Committee**

**Date:**

**Tuesday, 11 October 2011**

**Time:** ~~8:30 am~~

**4.30 pm – 5.30 pm**

**Venue:**

- Council Chamber Daylesford
- Senior Citizens Centre Daylesford
- Other (specify)

**Councillors present:**

- Cr Janine Booth
- Cr Don Henderson
- Cr Sebastian Klein
- Cr Neil Newitt
- Cr Jon Barrell
- Cr Rod May
- Cr Bill McClenaghan

**Members of Council Staff present:**

- CEO Kaylene Conrick
- GM Corporate Services, Evan King
- GM Community Services, Kathleen Brannigan
- GM Infrastructure, Jeff Saker
- GM Sustainable Development, Barry Green
- Other, please specify:  
*John Collins 3*

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned
<i>NIL</i>	

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- CEO Kaylene Conrick
- GM Corporate Services, Evan King
- GM Community Services, Kathleen Brannigan
- GM Infrastructure Jeff Saker
- GM Sustainable Development, Barry Green
- Other, please specify:

**Signature:**

*[Handwritten Signature]* *11/10/11*

**Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.**



**DAYLESFORD STEETScape REVITALISATION PROJECT  
STEERING COMMITTEE**

<b>Date:</b>	<b>Tuesday, 11 October 2011</b>
<b>Time:</b>	<b>4.30 pm</b>
<b>Venue:</b>	<b>Council Chamber Daylesford Town Hall, 76 Vincent Street, Daylesford</b>

**Attendees:** Cr Rod May, Cr Jon Barrell

**Council Officers:** Kathleen Brannigan, Jeff Saker, John Collins

***AGENDA – Meeting No 2***

- 1. Welcome and Apologies**
- 2. Membership of Community Reference Group and Local Design Committee**
- 3. Update on Village Well and Consultation**
- 4. General Business**
- 5. Items for Next Agenda**
- 6. Date of Next Meeting**

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:**

**Delegated Planning Committee**

**Date:**

**Tuesday, 11 October 2011**

**Time:**

**5.00 pm**

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell      |
| <input checked="" type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May          |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Neil Newitt     |   |

**Members of Council Staff present:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input type="checkbox"/> GM Infrastructure, Jeff Saker                      |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input checked="" type="checkbox"/> Other, please specify:                  |

*MANAGEMENT PLANNING SUSTAINABLE DEVELOPMENT*

**Conflict of Interest Disclosures:**

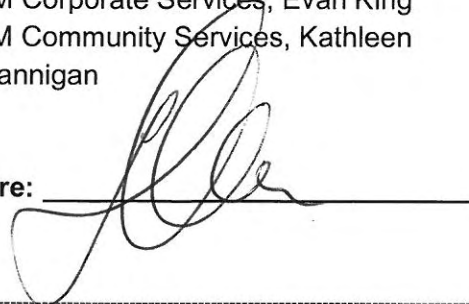
Councillor Name	Time Left and Returned
<i>NIL</i>	

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input type="checkbox"/> GM Infrastructure Jeff Saker                       |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify:                             |

**Signature:** 

**Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.**

# **AGENDA**

**TUESDAY 11 OCTOBER 2011  
SENIOR CITIZENS ROOMS  
VINCENT STREET, DAYLESFORD  
Commencing 5pm**

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2. OPENING OF MEETING .....	1
3. APOLOGIES.....	1
4. DECLARATION OF CONFLICTS OF INTEREST .....	2
5. CONFIRMATION OF MINUTES .....	5
<b>5.1 CONFIRMATION OF MINUTES – 13 SEPTEMBER 2011.....</b>	<b>5</b>
6. PLANNING PERMITS ACTIVITY REPORTING	
<b>6.1 SEPTEMBER 2011 .....</b>	<b>6</b>
7. PLANNING APPLICATIONS FOR REVIEW .....	10
<i>Nil</i>	
8. CLOSE OF MEETING .....	11

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:** PRE COUNCIL MEETING

**Date:** 18/10/11

**Time:** 3:00pm

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) TREATHAM NEIGHBOURHOOD CENTRE

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell      |
| <input checked="" type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May          |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Neil Newitt     |   |

**Members of Council Staff present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> CEO Kaylene Conrick                       | <input checked="" type="checkbox"/> GM Infrastructure, Jeff Saker |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King          | <input type="checkbox"/> GM Sustainable Development, Barry Green  |
| <input checked="" type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify:                   |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned
CR McClenaghan 9:4 CROSSING BORDERS TRACKS + TRAILS	4-26 - 4-27
CR HENDERSON 9:7 HERITAGE ADVISORY COMMITTEE	4-27 - 4-37

**Matters Considered:** COUNCIL AGENDA

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |  |
|--|--|
| <input type="checkbox"/> CEO Kaylene Conrick                         | <input type="checkbox"/> GM Infrastructure Jeff Saker            |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan   | <input type="checkbox"/> Other, please specify:                  |

**Signature:** Evan King

*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor DOY HEN HENDERSON hereby disclose  
a conflict of interest in the following matter: .....

This matter is being considered at a meeting of Council/~~Special Committee~~ or Assembly of Councillors

Assembly of Council  
(Insert name of any Special Committee)  
on 18/10/2011

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A) OR
- indirect interest because of conflicting duty (section 78B) OR
- indirect interest because of receipt of gift(s) (section 78C) OR
- indirect interest through civil proceedings (section 78D) OR

[NB all references to sections are references to sections in the Local Government Act 1989].

The nature of the interest is as follows:

My BROTHER IS AN APPLICANT.

Print Name: CRDON HENDERSON  
Signed: [Signature]  
Date: 18/10/2011



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor BILL McCLENAGHAN hereby disclose  
a conflict of interest in the following matter: AGENDA ITEM 9.4  
CROSSING BORDER TRACKS AND TRAILS  
PROJECT

This matter is being considered at a meeting of Council/ and W. ~~Special Committee~~ or Assembly of Councillors (BRIEFING)

on Tuesday 18 OCT 2011  
9

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A)
- indirect interest because of conflicting duty (section 78B)
- indirect interest because of receipt of gift(s) (section 78C)
- indirect interest through civil proceedings (section 78D)

[NB all references to sections are references to sections in the Local Government Act 1989].

The nature of the interest is as follows:

I AM A DIRECTOR OF THE CENTRAL  
HIGHLAND TOURIST RAILWAY THAT  
OCCUPIES LAND PROPOSED FOR A  
DAYLEFORD ↔ WOODEND RAIL TRAIL

Print Name: BILL McCLENAGHAN  
Signed: [Signature]  
Date: 18 OCT 11



**Hepburn Shire Council**  
**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor DOW HENDERSON hereby disclose  
a conflict of interest in the following matter: HERITAGE ADVISORY  
COMMITTEE

This matter is being considered at a meeting of Council/ Special Committee or Assembly of Councillors

COUNCIL MEETING

(insert name of any Special Committee)

on 18/10/2011

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest  (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A)  OR
- indirect interest because of conflicting duty (section 78B)  OR
- indirect interest because of receipt of gift(s) (section 78C)  OR
- indirect interest through civil proceedings (section 78D)  OR

[NB all references to sections are references to sections in the *Local Government Act 1989*].

The nature of the interest is as follows:

BROTHER IS ONE OF THE  
PERSONS SEEKING SELECTION

Print Name: DOW HENDERSON

Signed: [Signature]

Date: 18/10/2011

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the *Local Government Act 1989*

**Title of Meeting:**        **Wombat Hill Botanic Gardens Advisory Com**  
**Date:**                      **Tuesday 25 October 2011**  
**Time:**                      **10:00 am**

**Venue:**     Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) Duke Street Meeting Room

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell |
| <input type="checkbox"/> Cr Don Henderson   | <input type="checkbox"/> Cr Rod May                |
| <input type="checkbox"/> Cr Sebastian Klein | <input type="checkbox"/> Cr Bill McClenaghan       |
| <input type="checkbox"/> Cr Neil Newitt     |  |

**Members of Council Staff present:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input type="checkbox"/> GM Sustainable Development, Barry Green  |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> Other, please specify: Richard Russell, Manager Assets and Engineering Services |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan |   |
| <input type="checkbox"/> GM Infrastructure, Jeff Saker             |   |

**Conflict of Interest Disclosures:**

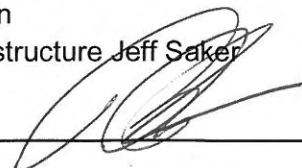
Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |   |
|--|---|
| <input type="checkbox"/> CEO Kaylene Conrick                       | <input type="checkbox"/> GM Sustainable Development, Barry Green  |
| <input type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> Other, please specify: Richard Russell, Manager Assets and Engineering Services |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan |   |
| <input type="checkbox"/> GM Infrastructure Jeff Saker              |   |

**Signature:** \_\_\_\_\_  


*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*



## WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE

### Meeting No. 30

<b>Date:</b>	Tuesday, 25 October 2011
<b>Time:</b>	10.00 am – 11.45 am
<b>Venue:</b>	Duke Street Meeting Room Cnr Duke and Albert Streets, Daylesford

**Members:** Cr Jon Barrell (Chair), Gael Shannon, Susan Clabburn,  
Lisa Gevasoni, Robert Hewat, Kythe Mackenzie David Marshall

**Invited Guests:** Allan Wolf-Tasker and Larissa Wolf-Tasker, Stuart Rattle,  
Andrew Lowth - *to be confirmed*

**In Attendance:** Peter Reeve – Acting General Manager Infrastructure  
James Lowe – Parks and Gardens Co-ordinator

## AGENDA

- 1. Welcome and Apologies – Cr Jon Barrell**  
Apology: Susan Clabburn, Jeff Saker
- 2. Update on Garden Café – Wombat Hill House**  
Allan and Larissa Wolf-Tasker
- 3. Potential Fundraising Opportunities and Projects**  
Stuart Rattle
- 4. Adoption of Meeting Minutes**  
Minutes of Meeting No 29 – Tuesday, 17 May 2011
- 5. Matters Arising From Minutes**
- 6. Parks and Gardens Report – James Lowe**

## **WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE**

- 7. Procedure – Removal and Disposal of Damaged Trees from Council Land – James Lowe**
- 8. Signage Policy**
- 9. Donations and Plaques Policy**
- 10. Outdoor Furniture Policy**
- 11. Collections Policy**
- 12. Friends of Wombat Hill Botanic Gardens Report – Gael Shannon**
- 13. General Business**
- 14. Items for Next Agenda**
- 15. Proposed Meeting Dates for 2012**
- 16. Next Meeting**

**RECORD OF ASSEMBLY OF COUNCILLORS**

This record is required under Section 80A of the Local Government Act 1989

**Title of Meeting:** Governance Training Session

**Date:** 25/10/11

**Time:** 12-00 noon

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify)

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Janine Booth    | <input checked="" type="checkbox"/> Cr Jon Barrell      |
| <input checked="" type="checkbox"/> Cr Don Henderson   | <input checked="" type="checkbox"/> Cr Rod May          |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Neil Newitt     |   |

**Members of Council Staff present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> CEO Kaylene Conrick                       | <input type="checkbox"/> GM Infrastructure, Jeff Saker                                  |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King          | <input checked="" type="checkbox"/> GM Sustainable Development, Barry Green             |
| <input checked="" type="checkbox"/> GM Community Services, Kathleen Brannigan | <input checked="" type="checkbox"/> Other, please specify:<br>MART DANCUK<br>MARK HATES |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:** - GOVERNANCE TRAINING

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

- |  |  |
|--|--|
| <input type="checkbox"/> CEO Kaylene Conrick                         | <input type="checkbox"/> GM Infrastructure Jeff Saker            |
| <input checked="" type="checkbox"/> GM Corporate Services, Evan King | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan   | <input type="checkbox"/> Other, please specify:                  |

**Signature:** Evan King

*Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.*

## **10. COUNCIL SPECIAL COMMITTEES (SECTION 86)**

### **10.1. MINUTES OF SPECIAL COMMITTEES**

#### **GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

#### **PURPOSE**

Special (Section 86) Committee minutes are tabled for noting.

#### **BACKGROUND**

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

#### **ISSUE/DISCUSSION**

Please see listed below the minutes and other reports of Special and Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from the Creswick Museum Special Committee – General Meeting 05/09/2011
- Minutes from the Creswick Museum Special Committee - General Meeting – 03/10/2011
- Minutes from the Lee Medlyn Home of Bottles Special Committee – General Meeting – 07/09/2011

These minutes have been provided to Councillors under a separate cover.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

#### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Nil

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes and reports have been provided for noting.

## **OFFICER'S RECOMMENDATION**

10.1.1. That Council notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.

## **MOTION**

*10.1.1. That Council notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Sebastian Klein

**Carried.**

## **11. COUNCIL ADVISORY COMMITTEES**

### **11.1. MINUTES OF ADVISORY COMMITTEES**

#### **GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

#### **PURPOSE**

Advisory Committee minutes are tabled for noting.

#### **BACKGROUND**

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

#### **ISSUE/DISCUSSION**

Please see listed below the minutes and other reports Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from the Recreation Advisory Committee – 28/09/2011
- Minutes from the Recreation Advisory Committee – 31/08/2011.

These minutes have been provided to Councillors under a separate cover.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

#### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Nil

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes and reports have been provided for noting.

## **OFFICER'S RECOMMENDATION**

11.1.1. That Council notes the minutes of Advisory Committees listed above which have been distributed under separate cover.

## **MOTION**

*11.1.1. That Council notes the minutes of Advisory Committees listed above which have been distributed under separate cover.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

**Carried.**

## 12. CONFIDENTIAL ITEMS

### 12.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

#### RECOMMENDATION

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

12.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

#### MOTION

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

- *89(2)(d) Contractual matters;  
Appointment of Interim Chief Executive Officer, and*

12.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Carried.**

**The Meeting closed to Members of the Public at 8:09 pm.**

**All Council staff left the meeting except for General Manager Corporate Services, Mr Evan King and Executive Governance Officer, Ms Mary Dancuk.**

**Mr Peter Reeve left the meeting due to a direct conflict of interest at 8:09 pm and returned to the meeting at 8:14 pm.**



### 13. RE-OPENING OF MEETING TO PUBLIC

#### RECOMMENDATION

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

#### MOTION

13.1.1. *That Council, having considered the confidential items, re-opens the Meeting to members of the public and advises the public on matters resolved.*

**Moved:** Councillor Bill McClenaghan  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

#### **The Meeting re-opened to the Public at 8:39 pm.**

In accordance with Council's resolution, the following information is provided to the public on the matter resolved by Council during the confidential section of the Meeting.

**12.2. *Appointment of Interim Chief Executive Officer***

12.2.1. *That Council signs and seals the Contract of Employment for Peter Reeve as Interim Chief Executive Officer.*

**12.3. *Appointment of Consultant for the Recruitment of a Chief Executive Officer***

12.3.1. *That Council appoint FMConsult to undertake the recruitment and selection process of a Chief Executive Officer.*

---

### 14. CLOSE OF MEETING

**The Meeting closed at 8:39 pm.**

---