



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

TUESDAY 19 APRIL 2011

**CRESWICK SENIOR CITIZENS
CRESWICK
5.30PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 19 APRIL 2011

**CRESWICK SENIOR CITIZENS
Creswick
Commencing 5.30PM**

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KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
11 MARCH 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.

2. **OPENING OF MEETING: The meeting opened at 5.30pm**

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

IN ATTENDANCE: Chief Executive Officer Kaylene Conrick, General Manager Corporate Services Evan King, A/O General Manager Community Development Kathleen Brannigan, General Manager Infrastructure Jeff Saker, A/O General Manager Sustainable Development Peter Reeve, Finance Manager Anthea Lyons.

STATEMENT OF COMMITMENT

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

3. APOLOGIES: Nil.

4. DECLARATION OF CONFLICTS OF INTEREST:

Councillor Sebastian Klein declared a conflict of interest in Item 9.2, discussion of Hepburn Wind's submission for the Rating Strategy due to his partner being an employee. Councillor Klein left the meeting at 7.31pm and returned at 7.33pm.

5. CONFIRMATION OF MINUTES:

OFFICER'S RECOMMENDATION

5.1.1 That the Minutes of the Ordinary Meeting held 15 March 2011 and the Minutes of the Special Meeting held 13 April 2011 be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1.1 That the Minutes of the Ordinary Meeting held 15 March 2011 be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Cr Janine Booth

Seconded: Cr Tim Hayes

Carried

6. NOTICES OF MOTION

6.1 SUPPORT FOR VIC PARK DAYLESFORD MULTI-PURPOSE FACILITY.

MOTION

That Council;

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

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

6.1.3. collaborate with the community based applicant body and the Vic Park Association in developing the funding application.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried

BACKGROUND

On 15th February 2011, Council resolved to endorse the proposed multi-purpose facility at Vic Park Daylesford as its current major priority recreational capital works project. Since then, members of the local community have determined to apply for RDAF funding through a not-for-profit incorporated association in order to deliver a major community based project of asset renewal. A detailed feasibility study has been produced and forwarded to Council and this document includes;

- proposed building design for the multi-purpose facility
- estimated total costings for construction
- estimated operational running costs and
- estimated revenue generated from identified user groups and identified activities for which the building will be used.
- identification of user groups and wide community support.

Costings have been carefully prepared on an actual real life model using income generated and costs incurred with a 10% loading on costs to ensure that they are not understated. A qualified architect has prepared concept plans for the building and Council has already funded a comprehensive quantity surveyor's report to verify construction costs of \$4.784 million. Figures provided in the feasibility study are credible, well sourced and professionally checked. Operating costs and projected revenue were all modelled on a similar multi-purpose facility in a neighbouring Shire and can also be easily verified.

RDAF accepts applications from local government bodies or not-for-profit organizations and funds proposals from \$500,000 to \$25 million per project. Although there is no need for an eligible applicant body to provide any funding contribution for proposals less than \$5 million, there is a substantial financial commitment by a private business sponsor to the tune of \$400,000 towards construction and a further \$200,000 safety net should operating costs exceed income generated in the first five years.

The multi-million dollar development at Vic Park Daylesford will cost Council nothing and be no burden whatsoever on the ratepayers. The ability of a not-for-profit community group to apply to RDAF for major capital funding and then to deliver the project effectively gives Council a "free kick" by making possible an additional asset renewal project alongside Council's priority major project in Clunes. This will leverage huge benefits for two of our main communities this year rather than for only one.

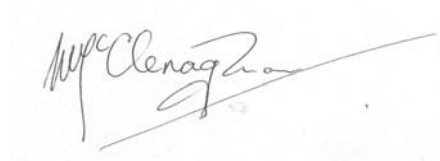
Daylesford and Hepburn Springs and surrounding areas have demonstrated large scale documented support for the multi-purpose facility at Vic Park and there have even been expressions of interest from Melbourne. The state Education Department and local schools are all very enthusiastic to be working partners in this project as are several local community and sporting clubs and other user groups. A full outline of local support is available by reading the Feasibility Study produced by the Vic Park Association. Hepburn Health Service has recently project managed a large multi-million dollar asset renewal project in Trentham and is also keen to be a working partner, offering project management as their contribution.

The proposal has the unquestionable support of the wider local community and its propensity to deliver huge benefits to local and regional sporting and non-sporting groups is immense. In total 21 local clubs and groups together with 32 businesses have indicated their intention to use the multi-purpose facility and contribute to revenue generated from such use. It is proposed that a surplus of revenue over expenditure will

allow the employment of a facility manager and contract cleaners, bringing added employment, order and professionalism to the facility's operation.

In order to obtain its support and approval for the Vic Park project, Council has been provided with all the necessary information, including detailed costings and quantity survey analysis. Local and regional state and federal political support has also been obtained. This motion is recommended to enable Council to support the creation of a magnificent multi-purpose community facility on land controlled by Council but at absolutely no cost to Council or burden on the ratepayers.

Councillor Name: Bill McClenaghan

A handwritten signature in black ink, appearing to read "McClenaghan", written over a light grey rectangular background.

Councillor Signature:

CEO Signature:

A handwritten signature in black ink, consisting of stylized initials, written over a light grey rectangular background.

AMENDED MOTION

That Council;

6.1.1. 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.

6.1.2. 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.

6.1.3. 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.

Moved: Cr. Bill McClenaghan

Seconded: Cr. Don Henderson

Carried

6.2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

BACKGROUND

CURRENT SITUATION

Local government is not recognised under the Australian Constitution, which mentions only two levels of government in Australia – the Commonwealth Government and the governments of the states. Local government has long sought inclusion in the Australian Constitution believing that the Constitution should more accurately reflect the system of government in Australia and how the Federation works.

THE NEED FOR CHANGE

July 2009 - The High Court case of *Pape v Commissioner of Taxation (2009)* brought into question the Commonwealth's legal ability to deal directly with local government because it is not included in the Constitution. The uncertainty and insecurity of funding (eg. the Roads to Recovery program) due to doubts about the ability of the Commonwealth to fund local government directly will not be resolved until local government's legal status changes.

LOCAL GOVERNMENT'S RESOURCES

Local Government spends an estimated \$28 billion annually of which about 40% comes from rates and about 30% from fees and charges. The Commonwealth provides about \$2.5 billion in funding to councils of which Roads to Recovery is \$350 million. The Roads to Recovery funding is very important to councils and local communities and is a very successful Commonwealth/local government partnership.

(Information courtesy of Monica Telesny – MAV 2010)

Councillor Name: ...Sebastian Klein

Councillor Signature:

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

CEO Signature:

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

MOTION

That Council:

6.2.1 Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Moved: Cr. Sebastian Klein
Seconded : Cr. McClenaghan
Carried

7. PRESENTATIONS

7.1 PRESENTATION OF REPORTS

Mayor's Report

Councillor Rod May, Birch Ward presented the following report:

Council Report April 2011

17th march toured flood affected areas with minister for Local Government Jeannette Powell and later lunched with her and other council colleagues.

22nd attended chaff meeting in Ballarat and discussed new Executive Officer position.

26th attended Daylesford and District Cricket Awards.

28th attended Municipal Association Victoria Strategic Planning meeting in Bendigo.

29th met with Home And Community Care workers.

29th attended Municipal Strategic Statement meeting in Creswick.

30th attended Hepburn Wind Annual General Meeting.

31st attended Hepburn Mineral Springs Committee meeting.

1st April presented Hepburn Primary School Awards.

4th April attended and spoke to Business and Tourism Association Annual General Meeting.

5th April attended Cornish Hill site visit.

5th April opened Youth Forum Focus Group.

5th April met with experts on heated pool options

6th April attended Bioenergy Dinner with David akin and Central Highlands Agri-Business Forum.

7th April opened Goldscapes landscapes of the Greswick goldfields.

8th April chaired Annual General Meeting of

Daylesford Museum.

14th April attended Creswick Flood Mitigation meeting.

15th April judged Youth Ambassador Awards for Agricultural Society.

16th April attended Centre for Alternative Technology presentation on carbon free Britain.

17th April attended Doug Lindsay site visit.

Met with Department of Primary Industry and Department of Planning and Community Development heads to hear from local community and other shires on the impact of floods.

Councillor Tim Hayes, Cameron Ward presented the following report:

Councillor report April 2011

Central Highlands Regional Library Corporation - since the last Council meeting the Corporation Board has met on two occasions to discuss the City of Ballarat Shared Services model. To date the Hepburn, Central Goldfields, Pyrenees and Southern Grampians Shires had indicated their preparedness to work with the City of Ballarat in the development of the model. Ararat Rural Council and Moorabool Shire are yet to make a decision.

The Board is awaiting legal advice in regarding to the equity issues concerning the Library Headquarters Building and the adjoining car park. Further information is also required in relation to the number and cost of any redundancies that may occur as a result of the City of Ballarat's withdrawal from the Corporation and the likely dissolution of the Corporation. The Board will be meeting in May to consider the legal advice. It is expected that following that meeting the Board will commence the dissolution process through the preparation of a Declaration of Solvency that will ultimately lead to a resolution that the Corporation dissolve and a liquidator be appointed.

Cr Hayes further advised that Hepburn Shire will be required to contribute an amount of \$13,000 in order to 'top up' the defined benefits scheme administered by Vision Superannuation.

Councillor Jon Barrell, Birch Ward presented the following report:

Council Report April 2011

1. Wombat Hill Botanical Gardens Advisory Committee

2. Daylesford Macedon Ranges Regional Tourism Board 12/04/2011

- i. Has finalized its Strategic Plan 2011-2013 and plans to meet with member Council's in the near future
- ii. Is currently launching a new Official Visitor Guide to the greater Daylesford Macedon Ranges region

3. ARC Advisory Committee

4. Daylesford Heated Indoor Swimming Pool Ad Hoc Meeting of Experts 05/04/2011

- a. Review of similar facilities Ashfield NSW , Kyneton, Castlemaine
- b. Scope Year of construction Cost of construction that year
Annual operating costs / subsidy
- c. Opportunities to undertake modifications @ Hepburn Bathhouse to improve the access for hydrotherapy
- d. Review of Birch Ward options for heated indoor pool & toddler pool
- e. Important issues to consider:
 - Size of any proposed heated indoor pool
 - Co-locations with other community facilities
 - Design & Energy
 - North facing
 - North side opening
 - Solar &/or BioFuels
 - Consultation with youth to ensure new facilities adequately meets their needs for a gathering place / hang out
 - Size of pool
 - Ambience of a closed or semi-closed structure
 - Open space
 - Location – proximity to CBD
 -

I understand that Ms Kathleen Brannigan will report more fully to Council regarding the meeting

Councillor Sebastian Klein, Coliban Ward presented the following report:

Councillor report April 2011

Agriculture Advisory Committee – Rating Strategy Consultation, grants for introducing dung beetles, Landcare Forum.

Rural Councils Summit in Wahgunyah run by a branch of the Municipal Association Victoria - Rural Councils Victoria, topics for presentation and discussion included matters such as: regional marketing and branding, creating global enterprises in rural towns, rural leadership, the future of agriculture, regional development, giving business the green light, economic outcomes for sustainable initiatives in the Towong shire, the story of the Winton Wetlands where a drought ravaged water storage is being restored to vibrant ecological health. Of particular interest to me were a site visit to a farm where bore water is used four times before being lost from the farm- firstly it is used in tanks for production of Murray Cod, secondly for production of gourmet oyster mushrooms indoors, it then runs through channels to irrigate extensive farm forestry shelter belts, and then onto to irrigation pans where lucerne is grown to feed lamb. This example of innovative farming that meets the challenges of the future was for me the most interesting part of the program. Also of interest was the ten star eco-housing development in Towong where each house is actually a net producer of energy, such standards are an inspiration and surely the way of the future, if only we could think of ways to make such ideas even more profitable and encourage people to take up opportunities like these.

Waste Resource Recovery Committee – began formulating a brief for the consultants to conduct the review.

MAV strategic planning meeting in Bendigo – where we helped set the tone for the coming year. Big issues were infrastructure, resilient communities, climate change and the infrastructure funding gap.

Environmental Sustainability Advisory Committee.

Ward Meeting.

Trentham and Advisory Committees MSS consultations.

Finally, I also attended a presentation by Peter Harper from the CAT in Wales painted a detailed and prosperous picture of how a Zero Carbon Britain could be achieved.

Councillor Janine Booth, Creswick Ward presented the following report:

The past month has been a busy month for Councillors with additional Budget briefings, numerous planning and strategy meetings as well as the usual briefings and Council Meetings.

Along with the Mayor, relevant officers and Community representatives I attended the Freight Strategy meeting. The Freight strategy consultants brief has been prepared by the Committee and advertised for expressions of interest. The successful consultant will then assist the Committee to prepare a draft strategy report for Councils consideration.

I have also attended a number of the Community meetings for the Review of the MSS. I attended the Smeaton and Daylesford strategic Planning sessions and acknowledge that the Consultants are receiving valuable feedback from our Communities on a broad range of planning considerations that will help shape the wording and strategic direction of our MSS as an important planning document.

As a Creswick Ward Councillor I attended the AGM of the Creswick Learning Centre and Neighbourhood House. The enthusiastic committee is in the process of rebuilding the profile of the Learning Centre and have recently engaged with the Community around its strategies and programs, developing a strategic Plan that will ensure the Centres ongoing relevance and support of the Creswick Community, as well as securing funding for various programs.

I have attended the first meeting of the new members of the Creswick Ward Community Committee, an advisory committee to Council that will provide advice and expertise on the implementation of the Creswick Community Plan, and associated strategic documents such as the Creswick Tourism Plan and the Creswick Marketing Plan.

New terms of reference were adopted by Council, and the new Committee is keen to begin the task of working on the numerous strategies within the Plans as the identified priorities of the Creswick Community. One of the Committees first tasks will be to meet with some of the various other groups involved within Creswick to ensure better communication, understanding and support of their various roles and projects.

As a Councillor I support the Community Planning process and see great advantage for the Creswick Community in having a strategic blueprint that provides insight into the Communities dreams and aspirations, as well as providing the strategic direction and support for the continued development of the District that can help build a stronger relationship between the Community and Council. I look forward to working with this Committee to continue on with the good work of previous CDC committee that have operated since 2003 when the first Plan was developed.

Lastly I would like to thank Mr Reeve and Officers for providing the opportunity today for all Councillors to have a guided tour of the development of the Multi purpose facilities at our Doug Lindsay Reserve. Today's opportunity to talk to the Architect, Builders and project Managers gave Councillors an insight into the professionalism, co-operation and teamwork from all parties that has seen the largest capital works project ever undertaken by Hepburn Shire Council to nearing completion.

Whilst in the short term there are still challenges and hurdles to overcome I look forward to the August completion date and another step in the realization of a dream and a partnership with for our sporting community that began 18 years ago with the Creswick Shire Council.

Councillor Don Henderson, Creswick Ward presented the following report:

Mr. Mayor.

I recently attended an exhibition along with yourself and many Creswick and district residents at The Gold Museum Ballarat. This exhibition was by Andrew Thomas and was a photographic depiction of the mullock heaps and other remnants of the golden days of Creswick's proud history. The exhibition is one that is absolutely breathtaking in my view although this may be coloured by my bias in thinking that Creswick is absolutely fabulous. We were told by the artist that this area was unique in the world in the way mining took place and it is great to see this being shown to the world. Truly a great tourist product if there ever was one. I also noted a public expression of willingness by the Gold Museum and Sovereign Hill to partnership with Creswick to enhance the gold experience in our region.

I would also urge all to attend the Creswick Woollen Mills to see more art that is being exhibited by local artists as part of the Lindsay Celebrations. This will open tomorrow.

I also attended the MSS meetings at Creswick and Smeaton. I was pleased at the input and ideas and the level of their participation..

The work of flood recovery continues with Clunes and Creswick residents working together to assist the various authorities to identify problem areas and assist with the finding of solutions to what is a very complex situation. Local knowledge is the key here as the group is made up of a mixture of people who were actually affected by flood and volunteers who were at the scene assisting.

I attended a recent meeting of the Creswick and District Residents Association and was pleased to be able to report back to our team who are doing drainage and other works

around the place that people were very appreciative of the professional work and response to service requests. It is great to see such positive vibes from the community.

Shortly Creswick residents will be launching into some work on the creek and Calembeen Park. This group will be made up of volunteers who will be properly trained and inducted and I have been assisting as has the Shire and DPCD who have assisted with funding of training. It is important that proper training and instruction be given. The hope is that this will become a feature of volunteer groups within our shire that allows community to safely take part. Recently a number of people attended the Creswick Timber Training Centre for a chainsaw course. I was surprised to learn that this facility is one of only a handful in Australia to deliver the broad range of training related to the timber industry .I believe that we should be promoting this enterprise and give notice that I will attempt to arrange a visit to this very vital and successful business.

Councillor Bill McClenaghan, Holcombe Ward

Council Report April 2011

Firstly. Let me say how impressed I have been on our visit to Creswick today where we have seen the multi purpose pavilion and the new oval at the Doug Lindsay Recreation Reserve coming together in fine form. What a great asset this will be for the local community; almost compensation for the trauma suffered in recent floods. Also, I note the new Flood Recovery shop front here in town where ongoing assistance can be given to community members. Lastly, there is “Recycle Central” being set up in the former Town Hall caretaker’s cottage that used to be a derelict and disused building prior to being leased to the Creswick Railway Workshops Inc. What a wonderful restoration job has been done converting the old building into an appealing opportunity shop where recycling and sustainability are central themes. This shows how great it is to allocate Council’s unused or surplus assets to the community for everyone’s benefit and a real win-win situation.

Like the Mayor and others, I attended an MAV Strategic Planning Forum where the chief issues facing local government were identified. Hepburn Shire is a member of the MAV South Central Region and the meeting I attended was in Geelong. Some issues identified were associated with small rural shire viability, the infrastructure funding gap, the potential for resource sharing and government funding to name but a few.

Recently, I received an information package from Mr. Noel Simmonds of Echuca who has been involved in a large scale volunteer disaster relief organization known as Blaze Aid which began recovery work after the Black Saturday bushfires in the Kilmore, Kinglake and Flowerdale areas. The main focus of their efforts was rebuilding farm

fences destroyed in the fires but since then, Blaze Aid has turned its hand also to flood recovery and rebuilding flattened and washed away farm fences in central and northern Victoria. Hepburn Shire owes Blaze Aid a great deal because their volunteers came here to help our farmers who suffered flood damage last year.

Despite what we have heard in the media, Mr Simmonds paints a different picture of the bushfire recovery efforts from his perspective as a volunteer worker and a go-get-it man. It would appear that amidst all of the efforts to get people's lives and businesses back together again, there is an ominous down side to what has occurred. Reading from the text of his report, Mr Simmonds states as follows;

"I was asked if I would mind helping out a group called Blaze Aid as I have previously been involved with other organizations for fund raising.....Using my knowledge of previous contacts and many of my personal contacts I proceeded with the request.....going around to every business in Echuca and Moama. I also attempted to get a bus to run volunteers down and back to Kilmore but could not obtain fuel from the major fuel companies. I then got the idea of approaching the courts for any person owing fines.....to go down and work the fines off. I contacted the Bendigo Office of Corrections. All those volunteers worked on the Bendigo and Redesdale fires doing 700 km of fencing. I also approached Centrelink for any person to work for the dole but unfortunately the amount of...paperwork and details was too large."

"There was a lot of incompetence with volunteers offering their services plus goods or anything they could help out. They all contacted the Bushfire Appeal Group and were refused or ignored and were never contacted again. I did arrange approximately 20 builders who went down to Kinglake. When they presented themselves.....they were refused any need to help out so they came back to Echuca. Here alone in Echuca and surrounding townships major donations made to the Bushfire Appeal Group were just ignored."

"Two of our big donations came from a phone call to a friend of mine – a farmer in Trentham. I was donated one tonne of potatoes. I then thought living in Echuca and going to Trentham would be another 200 km travelling. I then contacted the Hepburn Shire to see if they could help out and they were only too glad to help out..... "

"Another incident which I think was a very generous donation was from the Victorian Market. The market was thrown open to me to approach all the stallholders for food, vegetables and meat."

“One very sad incident was when we sent Frank to Flowerdale with a load of produce which they declined with the remark take it away and don’t bring anymore back. Let’s hope I don’t have to feed the government officials who said that.”

“I felt that so much could and should have been done to help these people but you only have to see and read the result of the Bushfire Inquiry to know what and why so much wasn’t”

Clearly, Mr Mayor, one of the high points of Mr Simmonds’ experiences in trying to assist Blaze Aid and the victims of the Black Saturday bushfires was the assistance given by Hepburn Shire through our friendly staff and our communications officer, Linda Newitt who was his contact here. This is something we can take and value and all be proud of our contribution.

Lastly, I am sad to report that our Citizen of the Year, Mrs Iris Jones of Clydesdale was recently taken ill and is recovering here in Creswick. May I extend to Iris on behalf of Council our very best wishes and hopes for a speedy recovery and homecoming.

OFFICER’S RECOMMENDATION

That Council:

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

MOTION

That Council:

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

Moved: Councillor Janine Booth

Seconded: Councillor Jon Barrell

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 procedures. 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:

All questions are transcribed exactly as submitted.

1. ***Submitted Zachary Casper, Daylesford:***

TO: The Mayor & CEO

I have heard reports that the Mayor, Cr. Rod May, the CEO, Ms. Kaylene Conrick, and perhaps other officials from Hepburn Shire Council went on a journey last December or January to New York City. Is this information correct? If so:

- A. Were all expenses covered from the HSC budget?
- B. What was the total cost to the ratepayers of this shire?
- C. Were just these two individuals involved, or were there others from the shire?
- D. What is the claimed benefit to the shire from this journey?

Response by Mayor Councillor Rod May

Zachary, thank you for your question. I have visited NYC in 2010 but in July and privately and at my entire private expense with no council involvement of any description.

Response by Chief Executive Officer Kaylene Conrick

There was no Council funded trip overseas in late 2010 or early 2011. In fact there hasn't been a Council overseas trip during this term of Council. I personally haven't taken a trip overseas.

2. Submitted by David Levens, President Glenlyon Progress Association

TO: CEO

It would appear that for a Council of our size we have a large senior management group. What is the rationale for having the number of General Managers we have (we believe currently 4 General Manager positions) and will Council undertake a review of the organizational and staffing structure with a view to reduce the significant staff cost of the Shire?

Response by Chief Executive Officer Ms Kaylene Conrick

The current Hepburn Shire Council organisational structure was established in early 2009 and it is probably worth going back to then as a reminder of how the structure came about. The four General Managers, second level, positions were created with no additional cost. The staff salary budget, in total, did not increase at all as result of restructuring in early 2009. In fact there was a collapse of a couple of levels at the time. The current structure was developed in response to the Council Plan directions developed by Council and was essentially reallocation of funds to establish positions considered important to achieve objectives identified in the Plan.

As I mentioned last month at the Council Meeting held in Trentham whenever a position becomes vacant it is reviewed to ensure that the position is still needed, that the position is best placed in the terms of reporting lines and internal working relationships and that the position is appropriately remunerated in accordance with the position description.

We currently have the position of General Manager Community Development vacant. The position is under review. We have a number of “hot spots” in the organisation so we are presently examining whether or not there is a better way to structure the organisation. Again, similar to 2009, any restructure is not expected to result in savings, rather it would be changing of positions to best meet achieve Council objectives.

The current review is taking a little longer than expected and this is due to the need to consult staff.

9. OFFICERS REPORT

9.1 RATING STRATEGY

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager of Finance, I have no interests to disclose in this report.

PURPOSE

At a Special Council Meeting on 1 March 2011, it was moved that Council seek submissions in respect of the Hepburn Shire Council Proposed Rating Strategy. The Rating Strategy now needs to be formally adopted.

BACKGROUND

The *Local Government Act 1989* (the Act) requires that the rating system provides a “reasonable degree of stability in the level of the rates burden”; therefore it is important that a rating strategy is set and this guides the budget, rather than changes being made on an annual basis.

ISSUE/DISCUSSION

A copy of the Rating Strategy is **Attachment 1**

The Rating Strategy contains principles on the following rating topics:

- Municipal Charge;
- Differential Rates
 - Farm land;

- Commercial, industrial & mixed use;
- Vacant Land;
- Recreational land;
- Trust for Nature land
- Special Rates & Charges;
 - Waste Management;
 - New project(s)
- Rebates &/or Incentives;
 - Pensioner rate concession;
 - Economic Development;
 - Environmental
- Special charges

Submissions

18 submissions have been received from individuals and/or groups on the Proposed Rating Strategy. Submissions covered a range of topics in the proposed strategy.

Submissions were heard on Wednesday 13 April 2011.

The full community engagement process has been outlined below.

Changes to the proposed strategy that was advertised in March 2011

Three changes have been made in the strategy for Council's consideration.

For vacant land township, Council proposed that the differential could be less than or greater than 100% of the general rate. However, the principle now reads "a higher differential of greater than 100% will be set for vacant land that is within township boundaries"

Principles to support differential rates for recreational land and Trust for Nature land have been included. These principles maintain the status quo in relation to

these two property types. The principle for each reads “a discounted differential of less than 100% will be available “

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Part 7 of the *Local Government Act 1989* refers to Financial Management and the Rating Strategy is guided by Part 8 of *the Local Government Act “Rates and Charges on Rateable Land”*.

A revision of the Rating Strategy is also consistent with the Council Plan Commitment of Good Governance.

FINANCIAL IMPLICATIONS

The rating system determines how Council will raise money from properties within the municipality. It does not influence the total amount of money to be raised, only the share of revenue contributed by each property.

Outcomes from the Rating Strategy revision will guide the annual budget setting process.

RISK IMPLICATIONS

There are no significant risk implications noted with this process.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Social and economic factors have been considered as part of the development of this Rating Strategy, including review of Hepburn Shire demographics. Issues such as “capacity to pay” have been considered in determining what share of the rate revenue each ratepayer will contribute.

A further environmental aspect has been included in the revised strategy, with the inclusion of an environmental rebate.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework level 3 engagement will be undertaken.

In October 2010, two community workshops were held on the principles of equity and fairness and on rating strategy proposals.

Council then decided to prepare a discussion paper that incorporated both the principles used in the workshops and the ideas coming from those workshops, as well as some other proposals flowing from a workshop held with the Councillors in December 2010.

This paper was sent to original October workshop participants who registered their attendance, and the Hepburn Agriculture Advisory Committee and Hepburn Heritage Advisory Committee for comment. All Community Planning Groups across the Shire were invited to individually workshop the discussion paper.

Council officers met with the following groups:

- Trentham Forum Group;
- Newlyn & Dean Community Planning Group;
- Hepburn Sustainability Advisory Committee; and
- Daylesford and Hepburn Springs Business and Tourism association.

The feedback from the discussion paper, as well as feedback from the October workshops has been used to form this Proposed Rating Strategy.

The Proposed Rating Strategy was publicly advertised in *The Courier* (Ballarat) and *The Advocate*, seeking submissions from interested parties in accordance with Section 223 of the *Local Government Act 1989*.

The Proposed Rating Strategy was available for inspection at the Hepburn Shire offices in Vincent St Daylesford, Duke Street Daylesford, Albert Street Creswick, at Branch Libraries at Creswick, Daylesford and Clunes, Trentham newsagent and on Council's website during the inspection period.

Any person was able to write a submission up until 5.00pm, on 1 April 2011, addressed to the Chief Executive Officer.

Council met on Wednesday, 13 April 2011 in order to consider submissions received and hear those who indicated prior to the meeting that they wished to be speak in support of their submission.

CONCLUSION

The Rating Strategy has been developed and made available for public comment and now requires Council approval.

OFFICER'S RECOMMENDATION

That Council:

9.1.1. *Approve the Rating Strategy.*

MOTION

That Council:

9.1.1. *Approve the Hepburn Shire Council Rating Strategy as circulated.*

Moved: Councillor Jonathan Barrell

Seconded: Councillor Janine Booth

Carried

9.2 PROPOSED BUDGET FOR THE FINANCIAL YEAR 2011-12 GENERAL MANAGER CORPORATE SERVICES

Councillor Sebastian Klein left the Meeting at 7.31pm due to a conflict of interest and returned at 7.33pm.

In providing this advice to Council as the Manager of Finance, I have no interests to disclose in this report.

PURPOSE

A report on the proposed 2010/11 budget has been tabled for Council's consideration.

BACKGROUND

Council is required to prepare and adopt a budget for the forthcoming financial year.

The recommendations below are the formal resolutions to be passed by Council to prepare the Proposed Budget, which will be on public display until Monday 23 May 2011.

The report contains the necessary statutory information required under the *Local Government Act 1989* and *Local Government Regulations 2004*.

ISSUE/DISCUSSION

A copy of the Proposed Budget 2011-12 is at **Attachment 2**

BUDGET PROCESS

Preparation of the 2011-12 Proposed Budget commenced in December and has involved a number of workshops involving officers and Councilors. Details of the Budget process are as follows:

Budget process	Timing
1. Officers prepare operating and capital budgets	Dec - 2010 to Jan - 2011
2. Council considers draft budgets at informal briefings	Feb - 2010 to April - 2011
3. Proposed budget submitted to Council for approval	19-April-2011
4. Budget available for public inspection and comment	21-April-2011
5. Public notice advising intention to adopt budget	23-April-2011 2-May-2011 to 20-May-2011
6. Community engagement process undertaken	2011
7. Submissions period closes (28 days)	23-May-2011
8. Submissions considered by Council	31-May-2011
9. Budget and submissions presented to Council for adoption	21-June-2011
10. Copy of adopted budget submitted to the Minister	by 31/08/2011

This Proposed Budget is guided by the Proposed 10 Year Financial Plan 2011 – 2021, hence the following objectives set in this plan have been considered:

- To continue to deliver an acceptable level of services to our communities considering environmental, social and economic impacts;
- To build a level of resilience into our financial position;
- To ensure that debt levels stay at an acceptable level;
- To maintain a responsible and sustainable asset management program.

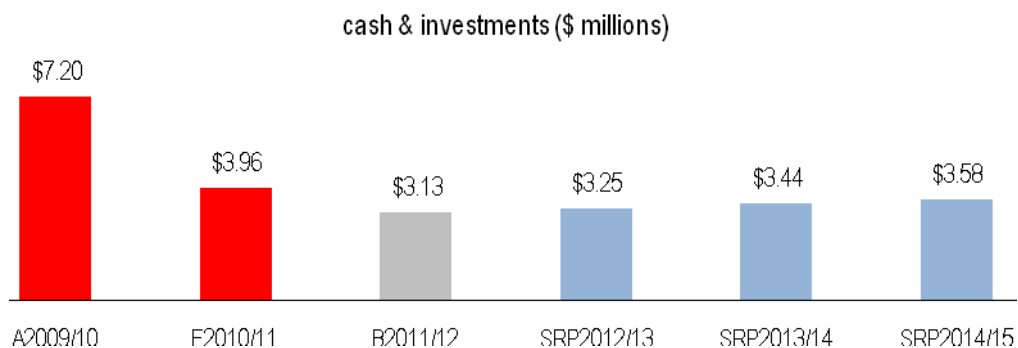
BUDGET SUMMARY

It is proposed that revenue from rates and the municipal charge increase by 7% for the 2011/12 year, raising total rate and municipal charge revenue of \$12.6 million, including \$150 thousand generated from supplementary rates. This rate increase is in line with

Council's Proposed 10 Year Financial Plan. (The rate increase for the 2010/11 year was 6.95%).

The budgeted operating result for the 2011-12 year is a surplus of \$1.58 million, which is a decrease of \$200 thousand from the 2010-11 financial year.

Cash and investments are expected to decrease by \$810 thousand during the year to \$3.13 million as at 30 June 2012. This correlates to a ratio of 1.02 current assets to meet current liabilities. The decrease is due to the carried forward component of the 2010-11 capital works program, offset by the deliberate retaining of \$280 thousand. Council plans to retain approximately \$170 thousand each year to increase cash on hand and ensure it is able to meet all current liabilities as and when they fall due. This will consequently increase the working capital ratio from 102%.



A = actual; F = forecast, B = Budget and SRP = Strategic Resource Plan

DIFFERENTIAL RATES

Differentials have been set in the Proposed Budget in accordance with the Rating Strategy.

It is proposed that the farm differential remains at a discounted 65% of the general rate and that the commercial, mixed use and industrial differential is decreased to 110% of the general rate (2010-11: 116%). This is an acknowledgement of the importance of both the rural sector and the commercial, mixed use and industrial sector to our local economy.

The Rate Differentials that will be applied are as follows:-

Rate type	How applied	2010/11	Proposed 2011/12	2010/11 differential	Proposed 2011/12 differential
General rate	Cents/\$ CIV	0.3835	0.4081	100%	100%
Farm rate	Cents/\$ CIV	0.2493	0.2653	65%	65%
Commercial rate	Cents/\$ CIV	0.4449	0.4489	116%	110%
Industry rate	Cents/\$ CIV	0.4449	0.4489	116%	110%
Mixed use rate	Cents/\$ CIV	0.4449	0.4489	116%	110%
Vacant land rate - township	Cents/\$ CIV	0.4794	0.5101	125%	125%
Vacant land rate - other	Cents/\$ CIV	0.3835	0.4081	100%	100%
Trust for nature rate	Cents/\$ CIV	0.1918	0.2041	50%	50%
Recreational rate	Cents/\$ CIV	0.1918	0.2041	50%	50%

CHARGES

The municipal charge, special charges and service charges are proposed as follows:

Rate type	2010/11	2011/12
Municipal Charge	\$22	\$41
Environmental Charge	\$11	\$11
Kerbside collection (Garbage)	\$96	\$98
Kerbside collection (Recycling)	\$66	\$86
Commercial garbage charge	\$199	\$217
Waste management charge	\$101	\$109

A change that has arisen from the Rating Strategy review is to set the municipal charge to recover some Council administration costs, as Council believes it is equitable that all

properties make a standard contribution to costs that do not vary dependant on property value.

Therefore the municipal charge is proposed at \$41 per assessment in 2011-12, an increase on the arbitrary \$22 in the 2010-11 Budget. The increase in revenue raised from this charge does not increase the total revenue pool, rather it decreases the amount required to be raised from general rates.

The environmental charge of \$11 will continue in 2011-12 raising \$109 thousand.

Initiatives that will be funded by environmental charge include:

- Contribution of \$24 thousand to the Shire's Landcare groups and funding of \$9 thousand in Natural Resource Management to assist landowners and communities with their sustainable management of our rural environment and natural resources.
- Sustainability workshops for the Community, funding to develop an "Eco-Leaders" group and an event for National Tree Day to generate increased awareness in our Community (\$6 thousand).
- Environmental Sensitive Design Training for our planners and the development of Fact Sheets to help residents make more informed decisions at the design and building phase (\$3.5 thousand)
- Emergency Management Officer to organise and implement emergency management services to reduce the risk posed by critical environmental incidents in a time of climate change, including the annual review of Neighbourhood Safer Places as required by State Government (\$49.5 thousand).

The kerbside collection charges and commercial garbage collection charge are a service charge and only those who receive the service pay. The waste management charge however, is a special charge. Council considers that it is equitable that all properties make a standard contribution reflecting the costs of the transfer stations and any other costs associated with keeping the Shire clean and tidy, including street cleaning and street litter bin collection (\$1.1 million).

These charges are set to recover the costs associated with the waste area of service, therefore as costs in this area increase so will these charges proportionately. The Environment Protection Authority Victoria's levy per tonne for landfill in 2011-12 will be \$20 per tonne, a 33% increase on the current 2010-11 levy. The costs associated with contractors and transportation are anticipated to increase 15%. Further, as the level of recycling increases so too do the associated sorting costs. Council estimates that an

additional \$80 thousand in such costs will be incurred in 2011-12. On average, charges will increase by 10%, with part of the increased costs being offset by growth in the rate base. The largest increase will be \$20 (30%) on the Kerbside collection (Recycling) charge.

CAPITAL WORKS PROGRAM

The total Capital Works program will be \$8.3 million. More than two thirds, or 73%, of these funds will be allocated to renewal to directly address the infrastructure gap and ensure assets are appropriately maintained for future generations. Around one third, or 32%, of these works will be funded through capital grants, asset sales and borrowing; the remainder will come from reserves, cash and operations.

Highlights of the Capital Works program are:

- Roads and Bridges (\$4.5 million) - including reseals, resheets, stabilisation, footpath improvement and bridge design and construction (\$85% Council funded);
- \$204 thousand Daylesford, Clunes and Trentham Swimming Pool upgrade (33% Council funded);
- \$200 thousand Smeaton Bowling Club upgrade (13% Council funded);
- Clunes Community Interpretive Centre, where by Council's contribution of \$300 thousand will be added to Government funding for this project. This project is dependent on this government funding.
- Completion of the Daylesford Streetscape Project of \$170 thousand (12% Council contribution).

ALLOWANCES

It is proposed that Council fix the allowance amounts for Councillors at \$18,557 (includes allowance of 9%) and the amount for the Mayor to be fixed at \$34,021 (includes allowance of 9%).

Council is required to place these proposed amounts on public exhibition in accordance with Section 223 of the Act.

STRATEGIC RESOURCE PLAN

Council is required to develop a Strategic Resource Plan in accordance with Section 126 of the *Local Government Act 1989* as part of the development of the Council Plan and in conjunction with the annual budget process. The Strategic Resource Plan is a document which specifies which financial and non-financial resources are required in order for Council to complete the objectives identified in the Council Plan for the next four years.

Council will use the Proposed Long Term Financial Plan (2011 – 2021) as the Strategic Resource Plan for 2011 – 2015. This plan is detailed in section 8 of the Proposed Budget.

The Proposed Long Term Financial Plan has been developed and will be placed on public exhibition with the Proposed Budget. Submissions will be invited in accordance with Section 223 of the *Local Government Act 1989*.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Local Government Act 1989 - Council has a statutory responsibility to prepare a budget and advertise it for public comment.

FINANCIAL IMPLICATIONS

Financial summary of the proposed budget is detailed above.

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

The striking of rates and charges will have a financial implication on each ratepayer.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council appreciate the varying demographics of our Shire and have sought to keep the increase of revenue to be raised from rates and the municipal charge to as low as possible, without comprising service.

Council recognises that if sufficient funds are not allocated to asset renewal then Council's investment in those assets will reduce, along with the capacity to deliver services to the community. Therefore, Council has included in its proposed budget an increase in infrastructure expenditure by \$250 thousand.

Council has reserved \$280 thousand in the proposed budget to be used to increase the cash balance and consequently increase Council's liquidity. This is part of a long term sustainability strategy to build a level of resilience into the Council's financial position.

As detailed above, the environmental charge of \$11 will continue in 2011-12 which is directly associated with Council's commitment to Environmental Sustainability.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework level 3 engagement will be undertaken.

The Proposed Budget will be publicly advertised in the local newspapers seeking submissions from interested parties in accordance with Section 223 of the Local Government Act 1989.

The Proposed Budget and prescribed information will be available from Thursday 21 April 2011 at Council's offices in Daylesford and Creswick, at all Hepburn Library branches, the newsagent in Trentham and from Council's website www.hepburnshire.com.au.

Any person may make a submission to the Council on any proposal contained in the budget. Submissions received by the Council before 5pm on Monday 23 May 2011 will be considered for impact on the budget.

Council again plans a wide ranging Budget consultation process with a series of information sessions to be held in each local ward enabling ratepayers to get an insight into the proposed Budget and ask questions of Councilors.

Details of the information sessions are as follows:

- *Monday 2 May 2011 – Daylesford Senior Citizens Room at 6 pm*
- *Thursday 5 May 2011 – Clunes Town Hall Supper Room at 6pm*
- *Monday 9 May 2011 – Trentham Mechanics Institute at 6pm*
- *Thursday 12 May 2011 – Creswick RSL at 6pm*
- *Monday 16 May 2011 – Glenlyon Hall at 6pm*
- *Thursday, 19 May 2011 – Moonee Valley Clocktower Centre, 750 Mount Alexander Rd, Moonee Ponds at 7pm*

CONCLUSION

The Proposed 2011-12 budget has been tabled for Council's consideration and key points have been detailed in the report above.

OFFICERS RECOMMENDATION

That having complied with the procedures enunciated within the Local Government Act 1989 and Local Government Regulations 2004 regarding the method of preparation and content of the budget for the 2011-12 financial year:

- 9.2.1 *The Hepburn Shire Council hereby determine that the Proposed Budget for the 2011-12 year as presented to this meeting be prepared.*
- 9.2.2 *That the following details are provided in relation to the 2011-12 Proposed Hepburn Shire Council budget, which commences on 1 July 2011.*
- *As at 30 June 2011 the total amount borrowed by Council will be \$3.5 million.*
 - *There will be new borrowings of \$1.2 million during the financial year.*
 - *The total amount of borrowings projected to be repaid during the year will be \$473 thousand.*

- *The total amount of borrowings at 30 June 2012 is projected to be \$4.2 million.*
- *The expected cost of servicing the borrowings during the financial year is \$271 thousand.*
- *It provides for six Councillor Allowances of \$18,557 each.*
- *It provides a Mayoral allowance of \$34,021.*

- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.*

- *Council proposes the following rate in the dollar for each type of rate to be levied for the period 1 July 2011 to 30 June 2012.*

Category	Rate Cents in \$
<i>Residential (General)</i>	<i>0.4081</i>
<i>Farmland</i>	<i>0.2653</i>
<i>Commercial</i>	<i>0.4489</i>
<i>Mixed Use</i>	<i>0.4489</i>
<i>Industrial</i>	<i>0.4489</i>
<i>Vacant Land- township</i>	<i>0.5101</i>
<i>Vacant Land – other</i>	<i>0.4081</i>
<i>Recreational</i>	<i>0.2041</i>
<i>Trust for Nature</i>	<i>0.2041</i>

- *Council proposes that a Municipal Charge be declared for the purpose of covering some of the administrative cost to Council. For the 2011-12 financial year the municipal charge is \$41 for each rateable land (or Part) in respect of which a municipal charge may be levied.*

- *Council proposes to levy a Waste Management Charge of \$109 for the period 1 July 2011 to 30 June 2012 on all properties. Owners of ‘farm rated’ properties will pay only one charge for farm rated properties.*

- *Council proposes to levy a Kerbside Collection (Garbage)*

Charge of \$98 on those properties receiving a service for the period 1 July 2011 to 30 June 2012.

- *Council proposes to levy a Commercial Kerbside Collection (Garbage) of \$217 on those commercial properties receiving a service for the period 1 July 2011 to 30 June 2012.*
- *Council proposes to levy a Kerbside Collection (Recycling) Charge of \$86 for each property receiving a service for the period 1 July 2011 to 30 June 2012.*
- *Council proposes that an Environmental Charge be declared for the purpose of covering the cost of new environmental initiatives to Council. For the 2011-12 financial year the environmental charge is \$11 for each rateable land (or Part) in respect of which a charge may be levied.*

MOTION

That having complied with the procedures enunciated within the Local Government Act 1989 and Local Government Regulations 2004 regarding the method of preparation and content of the budget for the 2011-12 financial year:

- 9.2.1 *The Hepburn Shire Council hereby determine that the Proposed Budget for the 2011-12 year as presented to this meeting be prepared.*
- 9.2.2 *That the following details are provided in relation to the 2011-12 Proposed Hepburn Shire Council budget, which commences on 1 July 2011.*
- *As at 30 June 2011 the total amount borrowed by Council will be \$3.5 million.*

- *There will be new borrowings of \$1.2 million during the financial year.*
- *The total amount of borrowings projected to be repaid during the year will be \$473 thousand.*
- *The total amount of borrowings at 30 June 2012 is projected to be \$4.2 million.*
- *The expected cost of servicing the borrowings during the financial year is \$271 thousand.*
- *It provides for six Councillor Allowances of \$18,557 each.*
- *It provides a Mayoral allowance of \$34,021.*

- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.*

- *Council proposes the following rate in the dollar for each type of rate to be levied for the period 1 July 2011 to 30 June 2012.*

Category	Rate Cents in \$
<i>Residential (General)</i>	<i>0.4081</i>
<i>Farmland</i>	<i>0.2653</i>
<i>Commercial</i>	<i>0.4489</i>
<i>Mixed Use</i>	<i>0.4489</i>
<i>Industrial</i>	<i>0.4489</i>
<i>Vacant Land- township</i>	<i>0.5101</i>
<i>Vacant Land – other</i>	<i>0.4081</i>
<i>Recreational</i>	<i>0.2041</i>
<i>Trust for Nature</i>	<i>0.2041</i>

- *Council proposes that a Municipal Charge be declared for the purpose of covering some of the administrative cost to Council. For the 2011-12 financial year the municipal charge is \$41 for each rateable land (or Part) in respect of which a municipal charge may be levied.*

- *Council proposes to levy a Waste Management Charge of \$109 for the period 1 July 2011 to 30 June 2012 on all*

properties. Owners of 'farm rated' properties will pay only one charge for farm rated properties.

- *Council proposes to levy a Kerbside Collection (Garbage) Charge of \$98 on those properties receiving a service for the period 1 July 2011 to 30 June 2012.*
- *Council proposes to levy a Commercial Kerbside Collection (Garbage) of \$217 on those commercial properties receiving a service for the period 1 July 2011 to 30 June 2012.*
- *Council proposes to levy a Kerbside Collection (Recycling) Charge of \$86 for each property receiving a service for the period 1 July 2011 to 30 June 2012.*
- *Council proposes that an Environmental Charge be declared for the purpose of covering the cost of new environmental initiatives to Council. For the 2011-12 financial year the environmental charge is \$11 for each rateable land (or Part) in respect of which a charge may be levied.*

Moved: Councillor Jonathan Barrell
Seconded: Councillor Janine Booth
Carried

9.3 PROPOSED 10 YEAR FINANCIAL PLAN GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager of Finance, I have no interests to disclose in this report.

PURPOSE

The latest version of Council's 10 Year Financial Plan was revised in June 2008. As part of sound financial management, this plan should be reviewed annually.

BACKGROUND

The key elements of Hepburn Shire's Strategic Planning Framework are our Council Plan, Financial Plan and the Annual Budget.

The Hepburn Shire Council's Long Term Financial Plan 2011-2021 has been developed as a means of ensuring Council's future financial sustainability. The financial model is a tool which analyses future financial trends over a ten-year period based on a range of assumptions. It will allow Council to assess its financial requirements balanced with its strategic objectives.

The Plan provides a longer term, prudent and sustainable financial framework within which Council will develop, consider and adopt its annual budgets.

ISSUE/DISCUSSION

A copy of the Proposed Plan is at **Attachment 3**

The major purpose and key objective of this plan is to ensure that Hepburn Shire Council remains financially sustainable in the long term. Other objectives are:

- To continue to deliver acceptable level of services to our communities considering environmental, social and economic impacts;
- To build a level of resilience into our financial position;
- To ensure that debt levels stay at an acceptable level;
- To maintain a responsible and sustainable asset management program.

To assist Council's decision making and to track progress against the above objectives, the following goals have been set:

- Maintain a balanced, or cash positive, annual 'cash' budget, including an annual budget surplus;
- Ensure that Debt Servicing Costs (Principal & Interest) as a % of Rates remains less than 7.5%;
- Work towards a working capital ratio (current assets / current liabilities) of greater than 150%;
- Significantly close our infrastructure gap.

Three key long term strategies are included in the Proposed Plan:

1. Financial Sustainability

To improve Council's working capital ratio, cash reserves will be increased each year for the life of the Plan by an average of \$170 thousand. While Council's current financial programming allows it to meet current cash commitments as they fall due, there are limited funds available to meet expenses associated with emergencies, such as fire and flood. This Plan recognises the need for Council to build a level of financial resilience. Increasing cash reserves will give Council the flexibility to be able to quickly react to emergency situations without jeopardising services to community or borrowing funds.

2. Infrastructure renewal

In accordance with the Council Plan 2009-2013, Council committed an additional \$250 thousand per year toward infrastructure renewal (roads, bridges, footpaths and buildings). Given the current estimated gap of \$12.8 million, from 2012-13 Council will allocate a total of \$500 thousand additional each year. This cumulative additional allocation is needed for the next 11 years to raise spending on infrastructure renewal from the current level of \$4.7 million until it reaches the required level of \$10 million per year to ensure community assets are appropriately maintained for future generations.

3. Borrowings

In developing this plan, borrowings were identified as an important funding source for capital works programs. In the past, Council has borrowed to finance large infrastructure projects, there have also been periods where no loans were borrowed resulting in phases of debt reduction.

Council proposes to borrow \$6 million over the next 10 years to fund 8 separate projects.

The Plan also includes two major assumptions:

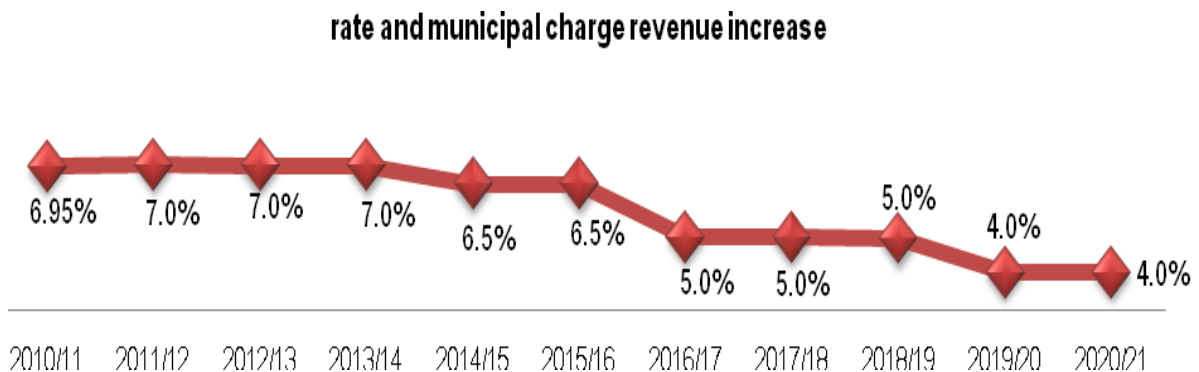
- A significant community project is anticipated to occur every five years in the Hepburn Shire. Therefore a \$3 million Community Project has been included in 2016-17. Council contribution will be \$300 thousand, the rest will be funded via Federal and State grants.
- A modern multipurpose civic facility is needed to provide centralised access to essential council, business and community services within the next 10 years. This facility would address critical issues relating to the disaggregation of Council services, significant and increasing maintenance and energy costs, and the risks of falls and other injuries in Council's three current customer service and civic function areas. The facility would provide an innovative business hub to support economic development across the Shire and modern meeting and function rooms to better cater for the needs of our diverse community, including the provision of disabled access. A sum of \$7.5 million has been included in the Plan for this facility, to be allocated at the end of the 2013-14 financial year. The funding model will eliminate the need for rate revenue rises to raise funds to pay for the project, with funds to be provided by a mix of \$4 million in asset sales and borrowings spread over an extended period of 20 years.

Summary of Key Outcomes

- Each year of the plan there is anticipated to be an annual surplus, a net increase in cash and cash equivalents and an annual underlying surplus;

- At all times the Debt Servicing Costs (Principal & Interest) as a % of Rates remains less than 7.5%;
- The working capital ratio increases steadily over the ten years, reaching 150% by 2020;
- The infrastructure gap will start to decrease by 2019.
- Special projects will fluctuate given other Council priorities and hence the funds available for such projects each year.
- Upgrade and new assets each year are dependent on funding availability and are set at a total level to ensure an overall net increase of cash each year.

In order to meet the strategic objectives set out in this plan, rate and municipal charge revenue is forecast to increase as follows:



This results in an average increase in revenue from these sources of 5.7% over the 10 year period.

As part of the budget setting process each year, this Plan will be reviewed to ensure relevance to the current Shire circumstances and priorities.

Overall, this Long Term Financial Plan provides Council with a robust and sustainable financial outlook for the next 10 years. Council's continued commitment to provide efficient services, build up cash reserves and to fund the renewal and upgrading of its assets will result in positive long term viability for the community.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Good Governance – one of the five essential ingredients for Good Governance specified in the Council Plan is:

- (ii) Long term financial sustainability for the future.

Local Government Act 1989 - Council has a statutory responsibility to prepare a budget, this plan will assist in the Budget setting process each year.

FINANCIAL IMPLICATIONS

Financial summary of the proposed 10 year Plan is detailed above.

The striking of rates and charges will have a financial implication on each ratepayer.

The setting of annual budgets with reference to this plan will ensure financial sustainability into the future.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council appreciate the varying demographics of our Shire and have sought to keep the increase of revenue to be raised from rates and the municipal charge to as low as possible, without comprising service.

Council recognises that if sufficient funds are not allocated to asset renewal then Council's investment in those assets will reduce, along with the capacity to deliver services to the community. Therefore, Council has included in its proposed 10 Year Financial Plan a strategy to address the "infrastructure gap".

Council proposes to reserve on average \$180 thousand of funds each year to be used to increase the cash balance and consequently increase Council's liquidity. This is part of a long term sustainability strategy to build a level of resilience into the Council's financial position.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework level 3 engagement will be undertaken.

The Proposed 10 Year Financial Plan will be publicly advertised in the local newspapers seeking submissions from interested parties in accordance with Section 223 of the Local Government Act 1989.

The Proposed 10 Year Financial Plan will be available from Thursday 21 April 2011 at Council's offices in Daylesford and Creswick, at all Hepburn Library branches, the newsagent in Trentham and from Council's website www.hepburnshire.com.au.

Any person may make a submission to the Council on any proposal contained in the 10 Year Financial Plan. Submissions received by the Council before 5pm on Monday 23 May 2011 will be considered for impact on the plan.

In conjunction with the Proposed 2011-12 Budget, Council plans a wide ranging consultation process with a series of information sessions to be held in each local ward enable ratepayers to get an insight into the proposed 10 Year Financial Plan and ask questions of Councilors.

Details of the information sessions are as follows:

- *Monday 2 May 2011 – Daylesford Senior Citizens Room at 6 pm*
- *Thursday 5 May 2011 – Clunes Town Hall Supper Room at 6pm*
- *Monday 9 May 2011 – Trentham Mechanics Institute at 6pm*
- *Thursday 12 May 2011 – Creswick RSL at 6pm*
- *Monday 16 May 2011 – Glenlyon Hall at 6pm*
- *Thursday, 19 May 2011 – Moonee Valley Clocktower Centre, 750 Mount Alexander Rd, Moonee Ponds at 7pm*

CONCLUSION

The Proposed 10 Year Financial Plan has been tabled for Council's consideration and key points have been detailed in the report above.

OFFICER'S RECOMMENDATION

That Council:

9.3.1 Seek submissions in accordance with Section 223 of the Local Government Act 1989 in respect of Hepburn Shire Council Proposed 10 Year Financial Plan 2011 -2021.

MOTION

That Council:

Seek submissions in accordance with Section 223 of the Local Government Act 1989 in respect of Hepburn Shire Council Proposed 10 Year Financial Plan 2011 -2021.

Moved: Councillor Janine Booth
Seconded: Councillor Tim Hayes
Carried

9.4 MONTHLY FINANCIAL REPORT

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager of Finance, I have no interests to disclose in this report.

1 PURPOSE

The purpose is to report on the Council's financial performance for the 2010/11 financial year up to the 31 March 2011.

2 BACKGROUND

This report provides information on Council's operating performance for the period 1 July 2010 to 31 March 2011 based on the revised budget adopted at the mid-year budget review. Cash and investments, rates and sundry debtors are also reported graphically.

3 ISSUE/DISCUSSION

SEPTEMBER 2010 / JANUARY 2011 FLOODS

The damage bill to Council's infrastructure (particularly roads and bridges) has been revised and is now estimated to be \$26 million. Claims to Federal and State Government, together with insurance claims, have and will continue to be made. \$140,000 in grants have been received and \$2,582,069 reimbursement invoiced, with

\$2.1million received as at the end of March.

OPERATING SUMMARY:

The year to date operating result is \$5.4m surplus. The forecasted surplus for the year is \$1.78 million which is \$186,000 ahead of budget. The higher forecast comprises the following:

- \$106,000 grant not included in budget for Creswick Interpretive Centre.
- \$171,000 grant for Daylesford Community Park
- \$77,000 reduction in Leave Liability
- (\$258,000) Defined Benefits Superannuation which was not budgeted for as information has only recently become available.
- Some Projects forecasted to be less than budget.

BALANCE SHEET

CURRENT ASSETS:

Cash and investments at 31 March 2011 total \$ 6.7 million.

Refer to the Investment schedule (attached) for detail of investments and cash held and the graph of cash and cash equivalents for the 2009/10 financial year with comparisons to the first 9 months of this year.

Cash is higher than this time last year due to early payment of 4th quarter Grants Commission funds and delay of capital & projects due to floods.

Rate debtors at the end of March 2011 are \$4 million, compared to rate debtors at the same time last year of \$3.8 million. \$300,000 in debtors remains from 2009-10 and prior. Sundry debtors total \$1.3 million at the end of March compared to the same time last year of \$512,000. This high amount is due to the September Floods 2010 – claim 1 for \$465,000 not paid until early April and the Doug Lindsay – claim 2 for \$449,000 invoice raised at the end of March.

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

NON CURRENT ASSETS:

Property, plant and equipment is higher than March last year due to new works and revaluation of \$7.5million at 30 June 2010.

CAPITAL WORKS AND MAJOR PROJECTS:

Expenditure on the capital works program totals \$4.2 million to date out of the revised annual budget of \$11.5 million, however forecast expenditure to 30 June 2011 is \$10.6 million

Some capital works have been delayed due to floods.

Major projects expenditure to date is \$331,000 against a revised budget of \$1.2million, \$921,000 is forecast to be spent to 30 June 2011.

Detailed lists of both capital & major projects are attached to this report.

CURRENT LIABILITIES:

The major items are the creditors control account for payment of materials & services, current loan liability and employee and land rehabilitation provisions. Trade and other payables are higher than this time last year due to additional payments processed for flood damage.

Provisions are higher than the same time last year but are lower than 30 June 2010 due to Annual Leave Liability being reduced.

NON CURRENT LIABILITIES:

Loan liability and long service leave provision.

4 COUNCIL PLAN /LEGISLATIVE COMPLIANCE

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

5 FINANCIAL IMPLICATIONS

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

6 RISK IMPLICATIONS

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

7 ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

8 COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website.

9 CONCLUSION

The report on the financial performance of Council for the nine months to 31 March 2011 has been reported.

10 OFFICER'S RECOMMENDATION

That Council

9.4.1 receives the Monthly Financial Report for the nine months from 1 July 2010 to 31 March 2011.

MOTION

That Council

9.4.1 receives the Monthly Financial Report for the nine months from 1 July 2010 to 31 March 2011.

Moved: Councillor Tim Hayes
Seconded: Councillor McClenaghan
Carried

ATTACHMENT 4



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 5



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 6



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 7

ATTACHMENT 8



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 9



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 10



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 11



TUESDAY 19 APRIL 2011 – HEPBURN SHIRE COUNCIL – ORDINARY MEETING OF COUNCIL

ATTACHMENT 12

9.5 GENERAL REVALUATION 2012

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager of Finance, I have no interests to disclose in this report.

PURPOSE

The revaluation of properties every two years is a legal requirement.

BACKGROUND

Council must resolve to cause a general revaluation to be made of all rateable properties in the municipal district of the Hepburn Shire Council and notify interested rating authorities accordingly.

ISSUE/DISCUSSION

Council is required under Section 6 of the Valuation of Land Act 1960 to conduct a general revaluation of all rateable properties within the municipality every 2 years and advise other interest rating authorities within the meaning of the Act.

The following rating authorities have been identified as having an interest and will be notified of this Council resolution:

Valuer – General

State Revenue Office

Mt Alexander Shire Council

Central Goldfields Shire Council

Ballarat City Council

Moorabool Shire Council

Macedon Ranges Shire Council

Pyrenees Shire Council

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

This is in accordance with section 6 of the Valuation of Land Act 1960, as discussed above.

FINANCIAL IMPLICATIONS

Council must resolve to undertake a general revaluation in order to adopt rates and charges in future year.

The revaluations will be used to calculate rates for the 2012-13 and 2013-14 financial years and therefore will have a direct impact on ratepayers.

However it does not have an impact on the total value of rates and charges raised by Council.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website.

Information on the revaluation will be provided to ratepayers as part of the 2012-13 Budget process and prior to the striking of rates in August 2012.

CONCLUSION

Council must resolve to cause a general revaluation to be made of all rateable properties in the municipal district of the Hepburn Shire Council and notify interested rating authorities accordingly.

OFFICER'S RECOMMENDATION

That Council

- 9.1.2 *In accordance with section 6(1) of the Valuation of Land Act 1960, undertake a general revaluation of all rateable properties within the Hepburn Shire Council an the valuation be returned at the levels of value as at 1 January 2012*
- 9.2.3 *Notify the Valuer-General and other rating authorities within the meaning of Section 2 of the Valuation of Land.*

MOTION

That Council

- 9.5.1 *In accordance with section 6(1) of the Valuation of Land Act 1960, undertake a general revaluation of all rateable properties within the Hepburn Shire Council an the valuation be returned at the levels of value as at 1 January 2012*
- 9.5.2 *Notify the Valuer-General and other rating authorities within the meaning of Section 2 of the Valuation of Land.*

Moved: Councillor Tim Hayes
Seconded: Councillor Janine Booth
Carried

9.6 COMMUNITY PRICING – HEPBURN BATHHOUSE AND SPA

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

To amend the Community Services Agreement between Belgravia Health and Leisure Group and Council to recognise an overall \$1 increase in service charges for community access to the Hepburn Mineral Springs Reserve Bathhouse (Bathhouse).

BACKGROUND

The Bathhouse Lease with Belgravia Health and Leisure Group Pty Ltd (Belgravia) contains specific provisions for pricing related to the local community use and service standards.

A Community Services Agreement (Agreement) effective from 15 September 2008 was executed (concurrent with the Lease) to cover the above matters. The Agreement established prices as follows for:

- Local community access to the Relaxation Pool, Spa 1 and Relaxation Pool Change Rooms - (\$10 inclusive of GST)
- Hydrotherapy in the Relaxation Pool - \$15 (inclusive of GST) entry fee per participant, and
- a hire fee of the Relaxation Pool of \$18 (inclusive of GST) per hour (inclusive of the entry fee for the therapist).
- Aqua Classes in the Relaxation Pool - \$15 (inclusive of GST) per participant.
- Mums and Bubs Learn to Swim Classes - \$14 (inclusive of GST) per participating mum and bub couple.

NB, the fees for Hydrotherapy, Aqua Classes and Mums and Bubs Learn to Swim Classes allow participants to enjoy the Relaxation Pool, Relaxation Spa and Relaxation Pool Change rooms after the relevant class.

ISSUE/DISCUSSION

No increases in these charges have been agreed since the reopening of the Bathhouse from 15 September 2008. Belgravia has proposed a \$1 increase applicable to each of the listed services.

The Lease and Agreement provide the method for adopting any change or price increase. Belgravia and Council's nominated senior management are to meet and agree on any change to be made. Consequently the Agreement must be amended and witnessed by a document signed by both parties (Hepburn Shire Council and Belgravia) to the Agreement.

Council's Chief Executive Officer and the Bathhouse General Manager have agreed, as the nominated representatives, to the \$1 change which now requires to be witnessed by an amending document.

There is one aspect to this matter which should be drawn to the Council's attention and this relates to the timing of the pricing changes. According to the Lease and Agreement these matters should be agreed during the period prior to 16 September if they are to apply as envisaged by the Lease for the *"following year of the term"*.

Belgravia proposed in February 2011 that these increase apply from 1 April as it nominates this time as its *"tourism rate period running from 1 April – 31 March each year"*. There may have been some confusion relating to the timing of Community Pricing arising from discussions in 2009, however for the future, it will be pointed out to Belgravia that agreement for changes must be made earlier, although if they desire to apply the change from 1 April that is a matter for its business operations.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Recognising changes through proper procedure and written agreements meets Good Governance standards.

The process also ensures a nexus between Belgravia as Bathhouse operator and Council for tourism purposes.

Specifically having a Community Pricing regime allows the community to share in a range of health benefits the Bathhouse may offer at a reasonable price.

The changes are catered for within the Lease authorised by the Crown Land (Reserves) Act 1978 and the Agreement.

FINANCIAL IMPLICATIONS

Belgravia advises that its overall average pricing increases for the Bathhouse are 5.15%. Looked at on an individual community service basis the \$1 price change ranges from 5.5% to 10%, which after 2.5 years would seem reasonable.

Council benefits from pricing increases through the 10% turnover rent. It is difficult to accurately estimate additional income, but if the average increase is 5.15% for all pricing, then as much as \$14-15,000pa additional income might be expected. Present statistics do not separate community entry prices from general admissions so estimating the actual affect of the \$1 proposed change is not possible.

RISK IMPLICATIONS

There are no direct risk implications.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no environmental implications.

Socially or economically a \$1 increase after 2.5 years should not be significant. Refer to the Financial Implications which may be linked to economic return.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Application and publication of changed prices is a matter for Belgravia as operator of the Bathhouse.

CONCLUSION

The procedure agreed to within the terms of the Lease and Agreement having been followed, the Council is required to execute an amending Agreement for Community Pricing at the Bathhouse.

OFFICER'S RECOMMENDATION

That Council:

9.6.1 advise Belgravia Health and Leisure Group Pty Ltd that the timing for setting Community Pricing changes as set down in the Community Services Agreement and Lease must be adhered to in the future, although Council has no objection to the application of price changes for the annual period commencing 1 April; and

9.6.2 authorise the execution and Sealing of an amending Agreement which adopts the \$1 per service increase within the Community Pricing Agreement.

MOTION

That Council:

9.6.1 advise Belgravia Health and Leisure Group Pty Ltd that the timing for setting Community Pricing changes as set down in the Community Services Agreement and Lease must be adhered to in the future, although Council has no objection to the application of price changes for the annual period commencing 1 April; and

9.6.2 authorise the execution and Sealing of an amending Agreement which adopts the \$1 per service increase within the Community Pricing Agreement.

Moved: Councillor Sebastian Klein

Seconded: Councillor Henderson

Carried

9.7 PAVILION KIOSK CAFÉ – LEASE
GENERAL MANAGER CORPORATE SERVICES

Ref 200130R

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 proposes a replacement Lease for the current Pavilion Kiosk Café Lease to enable an additional use at the premises by the tenant Belgravia Health & Leisure Group Pty Ltd. As land manager Council should indicate if it will entertain an approval of the proposal put forward by Belgravia.

BACKGROUND

Belgravia Health & Leisure Group Pty Ltd (Belgravia) leases the Kiosk and Pavilion at Hepburn Mineral Springs Reserve with a term to 30 June 2013 with 2 x 5 year options.

Belgravia proposes to convert and use the former Kiosk area (currently used as a store) part of the premises to launder linen items from the Café business and to wash, dry and fold towels, robes and other reusable items from the Bathhouse and Spa.

Belgravia advises that it is not looking to operate any commercial laundry service but service both the Bathhouse and Pavilion linen resulting in improved quality of output.

ISSUE/DISCUSSION

Belgravia has submitted the following information for its laundering proposal:

- Around 350kg (dry) material is involved daily.
- 2 x 23kg capacity washing machines and 2 x 30kg capacity dryers and installation of a HWS unit are proposed.
- Only modification to the building would be a flue system similar to the one from the exhaust system in the kitchen.

- An upgrade of the electrical capacity and switchboard is also required.
- The washing machines/dryers would operate for the purpose of operating a Café and Spa operation on a daily basis.
- All costs by Belgravia.

Currently laundry is outsourced. Belgravia believes undertaking its own laundry function will:

- Improve quality
- Be more economic
- Provide better control
- Enable improved use of staff resources

The washing/drying facilities will be for the exclusive use of Belgravia with no intention to allow use by others. Operations would be limited to day time use.

Belgravia advises that a final decision on whether the proposal proceeds will depend on the cost of electrical upgrades and Council's approval to change the Lease.

The **Permitted use** allowed by the Lease is - *Kiosk, Licensed café, tearoom, restaurant, function facility, with outdoor area, (includes a commercial kitchen for preparation of meals refreshments for sale).*

If this was simply a matter of washing/drying items associated exclusively with the **Permitted use** it would not likely be an issue. As Bathhouse material is involved and would obviously provide the bulk of the material to be washed/dried it means a change to or extension of the **Permitted use** under the Lease.

The proposal was discussed with the Department of Sustainability and Environment (DSE) and DSE officers confirmed a change is necessary and advised – *"It would be stretching it to say it (laundrying proposal) could be a permitted use under the Pavilion lease. I therefore agree with comment that the proposal constitutes a change or extension to the permitted use of the Pavilion lease."*

The above means and as confirmed by DSE previously if the proposal is to be approved, a new Lease will be required.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Pavilion/Kiosk is a lease of part of a mineral spring's reserve, granted under Section 29A of the Crown Land (Reserves) Act 1978 (CLRA) which required Ministerial consent and Governor in Council approval. Specifically for the kiosk/café operation, S29A provides - *the operation of mineral water baths spa therapy centres kiosks or other amenities.*

While the use is clearly connected to the Bathhouse and Café operations and is an "other amenity", as allowed under the CLRA, as per previous advice from DSE these leases cannot be altered unless the original consent/approval process is repeated - a new lease.

Planning

Advice from Council's Planning Department is that a planning permit would not be required for washing machines associated with the current use of the land as a café. If the use was classified as a commercial laundry service, this is a separate use which is prohibited in the relevant zone applying to the land. As indicated above the use is exclusively for Belgravia's operations within the Reserve.

Heritage Victoria

As the Kiosk and Pavilion are part of the heritage listed Reserve, Belgravia was requested to contact Heritage Victoria about its proposal. The advice received concludes *"for the installation of two washing machines and two clothes dryers with two associated flues each of 230mm diameter located on the east roof slope - on condition that the works match the description provided, I have determined that no permit is required for the works."*

Recognising changes through proper procedure and written agreements meets Good Governance standards.

Both businesses are important to tourism activities. There is a recognised nexus between Belgravia and Council for tourism purposes and objectives within the Council Plan 2009 -2013.

FINANCIAL IMPLICATIONS

All costs associated with the proposal, including the preparation and execution of a new Lease will be at Belgravia's expense.

A reassessment of rent will be undertaken.

RISK IMPLICATIONS

There is a process within the Lease for the conduct of 'proposed works'. An indemnity from the Tenant to Council and the Crown is required to mitigate against risks. Risks are therefore managed by Belgravia.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

According to Council's Environmental Health Officers there must be a clear separation between the registered food premises and the laundering area and no food must be permitted to be stored or handled in the area.

Belgravia must contact Central Highlands Water (CHW) concerning any modification to trade waste disposal requirements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Belgravia will be required to confirm with Council's Planning Officers that a planning permit is not required. If a permit is required the question of public notification will be addressed at that time.

This Report adds to transparency and public knowledge of the proposal.

It is not necessary for a revision of the Lease to be subject to public notice.

CONCLUSION

If Council is prepared to agree to the proposal, it will be necessary to organize a surrender of the existing lease, put in place a new lease with exactly the same terms and conditions, and Term, but with an amended Permitted use and have this approved under the CLRA.

As part of a new lease, the question of rent associated with the changed use will be addressed.

Belgravia must be responsible for clarifying any planning issues, lodging appropriate plans and specifications including for electrical upgrades and arranging for any approvals from CHW.

All costs associated with the proposal to be the responsibility of Belgravia.

OFFICER'S RECOMMENDATION

That Council:

- 9.7.1 approve of the proposal to convert for laundering purposes, in the manner described in the above Report, part of the Kiosk at the Hepburn Mineral Springs Reserve;*
- 9.7.2 authorise the surrender of the existing Lease of the Pavilion Kiosk Café Lease;*
- 9.7.3 authorise the putting in place and execution of a new Lease with an amended 'Permitted Use' for the laundry proposal, the new Lease to retain the same terms and conditions as the existing Lease, including the remaining Term;*
- 9.7.4 seek the necessary approvals under the Crown Land (Reserves) Act 1978 for the new Lease; and*
- 9.7.5 direct that all costs of works and approvals for this project are to be met by Belgravia Health & Leisure Group Pty Ltd.*

MOTION

That Council:

- 9.7.1 approve of the proposal to convert for laundering purposes, in the manner described in the above Report, part of the Kiosk at the Hepburn Mineral Springs Reserve;*
- 9.7.2 authorise the surrender of the existing Lease of the Pavilion Kiosk Café Lease;*
- 9.7.3 authorise the putting in place and execution of a new Lease with an amended 'Permitted Use' for the laundry proposal, the new Lease to retain the same terms and conditions as the existing Lease, including the remaining Term;*
- 9.7.4 seek the necessary approvals under the Crown Land (Reserves) Act 1978 for the new Lease; and*
- 9.7.5 direct that all costs of works and approvals for this project are to be met by Belgravia Health & Leisure Group Pty Ltd.*

Moved: Councillor Jonathan Barrell
Seconded: Councillor Bill McClenaghan
Carried

9.8 PETITION – COMPLAINT – ROOSTER CROWING GENERAL LOCAL LAW NO 2, PART 7 – BIRDS

ACTING GENERAL MANAGER SUSTAINABLE DEVELOPMENT

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

PURPOSE

Council at its Ordinary Meeting held on 15 March 2011 received a petition from the property owners of 46 Coomoora School Road, Coomoora signed by 56 residents requesting Council reconsider its decision to remove an alleged nuisance rooster and allow the rooster to be returned to its home.

BACKGROUND

The petition was tabled at the March Ordinary Meeting of Council stating:

'Re: Responsible pet ownership (rooster crowing complaint)'

We, the undersigned, hereby affirm that we do not agree with Hepburn Shire Council's decision to remove an alledged nuisance rooster from the property of 46 Coomoora School Road, Coomoora, despite following all Council's proposals and regulations regarding the housing of livestock and the fact that many other roosters reside on neighbour properties.

The petitioners therefore request that Council reconsider their decision and allow the rooster to be returned to his home.'

Please refer to **Attachment 13** for a copy of the petition.

ISSUE/DISCUSSION

A complaint was received by Council's Environmental Health Department in 2009 from a nearby neighbour in relation to a rooster that was affecting their amenity by crowing at unreasonable times of the morning.

The matter was investigated with the outcome being that the rooster was to be removed under the nuisance provisions of the Environmental Health Act. The noise complaint was dealt with under the Health Act as at this time as Council's Local Law No.6 was in existence which allowed the keeping of 2 roosters in a built up area.

The rooster was removed by the owner however it was returned in mid 2010 where a further complaint was lodged with Council. Due to the sun setting of Council's General Local Law No. 6 in 2009, the new Local Law No 2 was made which commenced on 17 November 2009. The new Local Law No 2 prohibits the keeping of roosters in a residential zoned area (Refer **Attachment 14**).

Following the nearby neighbours second complaint, Council's Compliance Unit had discussions with the complainant and Mr Ivanovic (rooster owner). The result of the discussions was that Mr Ivanovic was required to remove the rooster permanently as the keeping of roosters in his area is prohibited. The rooster was subsequently removed by the owner.

In early 2011, the complainant advised that the rooster had been returned again to the property. The claim was investigated resulting in confirmation that the rooster had been returned to the site.

A 1 penalty unit (\$119.00) infringement notice was issued to Mr Ivanovic for a breach of *General Local Law No 2, Part 7.1(c)* on 11 February 2011.

General Local Law No.2 has now been in place for approximately one and half years and was thoroughly examined prior to implementation. Policies, procedures and legislation should be regularly revisited to ensure that they continue to address their intended purpose.

This matter has drawn attention to a section of Council's Local Law that may not adequately address the needs of all property owners in the community. An amendment as recommended would potentially provide both amenity protection as well as allowing the keeping of roosters under certain conditions.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

General Local Law No 2 – Community Amenity and Municipal Places Part 7 – Birds – 17 November 2009

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

During the making of this Local Law, a risk management approach was taken. The principles were to identify a risk followed by an assessment of likelihood and consequence; this then established the need for intervention in the form of a Local Law.

In this particular case, the amenity and noise risk has been assessed as being moderate and with the enforcement of the current Local Law the risk was eliminated with no concern given to other matters such as land size, sustainability or standard animal keeping practices.

The recommendation of an amended Local Law would potentially appease both interested parties and importantly would reduce the risk level from moderate to minor.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

All practices, policies and procedures should reflect the needs of the community, particularly at a local level.

It is important that significant thought is given to regulation, particularly in smaller communities so that residents are not unduly affected by what is considered to be normal practice.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A full community engagement process took place in mid 2009 as a part of the process in development of the General Local Law No 2. No submissions were received in regard to the keeping of roosters.

The Local Government Act requires the advertisement of proposed Local Laws. This will provide an opportunity for community members to make written submissions if they feel effected by the proposal.

CONCLUSION

During the making of General Local Law No.2, Maddocks Lawyers advised that the prohibiting of roosters in residential zoned areas and the 3 meter setback for bird enclosures from adjoining boundary fencing (Parts 7.1 and 7.2 of General Local Law No 2) did not breach the provisions of making a Local Law. Advice was also received that these prohibitions were consistent with a majority of Victorian Municipal Local Laws.

The proposal for bird enclosures to be a minimum of fifty metres from an adjoining dwelling is based on discussions with acoustic engineers, Environment Protection Authority and operational experience.

The majority of Victorian Council Local Laws either prohibit roosters in residential zoned areas or allow them under a series of awkward and over encumbering conditions that are rarely adhered to once a permit has been granted.

This proposal would allow roosters but will clearly identify a prerequisite (Must be in a bird enclosure and must be a minimum of fifty metres from an adjoining dwelling). This will determine the ability to consider an application in the first instance rather than completely prohibiting rooster in residential zones regardless of the property size.

OFFICER'S RECOMMENDATION

That Council:

- 9.8.1 *Propose an amendment to Part 7.1 and 7.2 (Birds) of **General Local Law No 2 – Community Amenity and Municipal Places** as follows:***Numbers (Poultry)**

7.1(1) On residential zoned properties the following restrictions apply to the keeping of poultry:

- (a) poultry can only be kept in an appropriate enclosure;*
- (b) no more than ten head of poultry are to be kept;*
- (c) all roosters must be kept under the provision of clause 7.1(2)*
- (d) 1 rooster is permitted per property*

Siting of Bird Enclosures

7.1(2) Rooster enclosures must be a minimum of fifty metres from any adjoining dwelling

- 9.8.2 *Advertise the proposed amendment pursuant to Section 119(2) of the Local Government Act 1989.*
- 9.8.3 *Write and advise the Petitioners of the intended action to review the **General Local Law No 2 – Community Amenity and Municipal Places***

MOTION

That Council:

9.8.1 Propose an amendment to Part 7.1 and 7.2 (Birds) of **General Local Law No 2 – Community Amenity and Municipal Places** as follows:**Numbers (Poultry)**

7.1(1) *On residential zoned properties the following restrictions apply to the keeping of poultry:*

- (a) *poultry can only be kept in an appropriate enclosure;*
- (b) *no more than ten head of poultry are to be kept;*
- (c) *all roosters must be kept under the provision of clause 7.1(2)*
- (d) *1 rooster is permitted per property*

Siting of Bird Enclosures

7.1(2) *Rooster enclosures must be a minimum of fifty metres from any adjoining dwelling*

9.8.2 *Advertise the proposed amendment pursuant to Section 119(2) of the Local Government Act 1989.*

9.8.3 *Write and advise the Petitioners of the intended action to review the **General Local Law No 2 – Community Amenity and Municipal Places***

Moved: Councillor Jonathan Barrell

Seconded: Councillor Tim Hayes

Carried

ATTACHMENT 13

ATTACHMENT 14
Local Law

9.9 CRESWICK CIVIC HONOUR ROLL ACTING GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Acting General Manager Infrastructure, I Peter Reeve, have no interests to disclose in this report.

PURPOSE

To have Council consider a request from the Creswick and District Historical Society to erect an honour role on Council managed property.

BACKGROUND

A formal request has been made by the Creswick Historical Society to create an Honour Roll to commemorate the pioneers of Creswick and district.

An onsite meeting has been held between members of the organisation and Council Officers to determine the preferred location.

ISSUE/DISCUSSION

The persons whose names appear on the Honour Roll would be judged by the Creswick Historical Society according to the following criteria:

- Having lived for a considerable time in Creswick
- Their contribution to the culture, development, social fabric or welfare of the town.
- A contribution of unique or innovative ideas or initiatives to Creswick
- Sharing leadership, skill or knowledge or creating long term sustainable change.
- Degree of difficulties overcome.
- Other criteria may be considered if it is significant.

The proposed honour roll would take the form of a plaque measuring 2 metres x 1 metre and erected on two uprights as per the attached sketch (Attachment X).

The preferred location for the plaque stand is outside the Creswick Library, Council Office building in Albert Street, Creswick in the garden on the left hand side of the entrance.

This location would complement the existing plaque and sculpture that is located on the right hand side of the entrance.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Policy No 60 – Plaques and Memorials on Public Land and Buildings

This land is Crown Land with Council being the Committee of Management. Therefore, Council Policy No 60 which relates to the erection of plaques and memorials must be complied with.

The proposed honour roll and location are consistent with the requirements of this policy.

The area within which the honour roll is to be erected is in a heritage precinct and accordingly, if Council as the manager of this site consent to its erection, the proponent will be required to obtain a planning permit and comply with the necessary requirements of the Hepburn Planning Scheme.

FINANCIAL IMPLICATIONS

Nil as the proponents are fully funding the works.

RISK IMPLICATIONS

If the works proceed in accordance with the attached plans and in the preferred location, there will be minimal risk to the Council and public.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Projects such as this which are initiated by the community and give positive recognition of significant contributions by past members of the community instill a sense of pride and achievement in the community.

They are also an important educative tool which can be used by all because of their accessibility; a positive community building project.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project has been initiated by the community and if supported by the Council, it will be seen as a community and Council partnership.

CONCLUSION

This project is a 'well thought out' project which will benefit the community and enhance the area in which it is proposed to be erected.

OFFICER'S RECOMMENDATION

That Council:

- 9.9.1 *Approve the erection of the Creswick Civic Honour Roll proposed by the Creswick and District Historical Society subject to obtaining the necessary planning permit and consistent with the conditions of the planning permit.*
- 9.9.2 *Advise the Creswick and District Historical Society of this decision and thank them for initiating this worthwhile community project.*

MOTION

That Council:

- 9.9.1 Approve the erection of the Creswick Civic Honour Roll proposed by the Creswick and District Historical Society subject to obtaining the necessary planning permit and consistent with the conditions of the planning permit.*
- 9.9.2 Advise the Creswick and District Historical Society of this decision and thank them for initiating this worthwhile community project.*

Moved: Councillor Henderson

Seconded: Councillor Booth

Carried

ATTACHMENT 15

9.10 IMPROVED TELECOMMUNICATION FACILITIES IN HEPBURN SHIRE

ACTING GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Acting General Manager Sustainable Development, I Peter Reeve, I have no interests to disclose in this report.

PURPOSE

This report provides Council with information regarding the location of sites within Hepburn Shire proposed by Vodafone for the possible erection of transmission towers to provide an improved mobile telephone network for their customers.

ISSUE/DISCUSSION

One of the major issues facing residents/visitors to the Hepburn Shire is the large number of 'black spots' that occur within the Shire with regard to mobile telephone communication.

This theme has been identified by many members of the community as they have developed their community plans. It is also a regular source of comment/complaint by tourists in our region. In addition, the issue was raised often during the period following the major bushfires in 2009, and again raised by many during the Economic Development Strategic Plan interviews.

Council's Manager Economic Development and Tourism has been negotiating with all the various service providers and actively lobbying government departments for advice on how to improve this situation.

The common response from service providers is that there are insufficient customers in any given area to justify the cost of installation. However, one of the providers, Vodafone, has now responded with a proposal to improve their network coverage throughout the Shire.

They have identified a list of possible locations in the following townships and are seeking Council's response to these possible locations.

Their intention is to have at least one tower located in each of the towns.

Town	Option	Proposed Location
Creswick	Option A	Doug Lindsay Recreation Reserve
	Option B	Land near Reed Street backing onto Railway Station
Clunes	Option A	In Community Garden (Alliance Street)
	Option B	Pole at back CA 2012 (Alliance Street)
	Option C	The Agricultural Show Grandstand
	Option D	Proposed Reserve – Camp Street (near Lookout)
Daylesford	Option A	Existing (2 way radio) facility at the back of Council Offices car park (Duke Street)
Hepburn	Option A	Laurie Sullivan Reserve – swapout floodlight
	Option B	A new pole on site

Council’s agreement to allow the continuation of these negotiations is sought by officers in an effort to provide adequate mobile telephone coverage within the municipality.

This agreement will enable Council officers to further develop the proposals and report back to Council.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Council Plan 2009 – 2013: A More Prosperous Economy

- 40. Seeking to influence the timing of the high speed broadband roll-out and lobbying telecommunication companies to reduce mobile telephone black spots across the Hepburn Shire.

Hepburn Planning Scheme

The Planning Scheme is administered by Hepburn Shire and is based on State Government legislation.

Clause 52.19 – Telecommunications Facility sets out the requirements for planning permission to construct a building or construct or carry out works for a telecommunications facility. This does not apply to a 'low-impact' facility as described in the Telecommunications (Low-impact) Facilities Determination 1997. Exemption from a planning permit can only be determined when a design of the proposed telecommunications facility has been finalised.

FINANCIAL IMPLICATIONS

At this stage there are no financial implications for Council, however if any of the proposals eventuate, there may be fees payable to Council for the lease of the land used to erect telecommunication towers.

RISK IMPLICATIONS

With any development of transmission towers, there is a risk of objection from the community and particularly those members whose properties are located nearby.

As indicated in the Council Plan, officers need to lobby telecommunication companies to reduce mobile telephone black spots and when proposals are developed, we need to be positive in our response and continue to work with the providers.

In meetings with representatives of the Mobile Carriers Forum, Council has also been asked to consider specific reference to the needs of Mobile Carrier providers within the local planning scheme. This has been raised as part of the current Municipal Strategic Statement (MSS) review.

If we are unable to provide any assistance, we are very unlikely to have much success with these service providers.

The other risk is the continued lack of service within the Shire particularly in emergencies, together with the negative effect this has on our lifestyle and business attraction.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There could be a detrimental impact on the environment with the placement of the towers if special consideration is not given to their placement.

The increased social inclusion provided by improved communication and particularly in the case of emergencies cannot be underestimated.

Similarly, the positive effect on business within the Shire with improved communication would have positive economic impacts.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

With the development of the Community Plans the following communities have identified mobile telephone blackspots as an issue:

- Lyonville
- Trentham.

If Council agrees to allow officers to continue discussions and further develop the proposals, further reports would be provided to Council and the community.

CONCLUSION

Consistent with the Council Plan and the community's wishes, we need to further develop these opportunities in order to reduce/eliminate mobile telephone black spots across the Shire.

OFFICER'S RECOMMENDATION

That Council:

9.10.1 authorise officers to continue negotiations with Vodafone and further develop proposals in an effort to reduce mobile telephone black spots across Hepburn Shire.

9.10.2 receive a further report once the proposals have been further developed.

MOTION

That Council:

9.10.1 authorise officers to continue negotiations with Vodafone and further develop proposals in an effort to reduce mobile telephone black spots across all of the Hepburn Shire.

9.10.2 receive a further report once the proposals have been further developed

AMENDED MOTION

That Council:

9.10.1 authorise officers to continue negotiations with Vodafone and other telecommunicational providers and further develop proposals in an effort to reduce mobile telephone black spots across all of the Hepburn Shire.

9.10.2 receive a further report once the proposals have been further developed.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Jonathan Barrell

Moved

9.11 PRIVACY POLICY

A/O 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 outlines the process undertaken for developing the Draft Privacy Policy and presents these for adoption by Council.

BACKGROUND

The Hepburn Shire Privacy Policy (number 30) is due for review.

ISSUE/DISCUSSION

Hepburn Shire Council believes that the responsible handling of personal and health information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Accordingly, Council is committed to full compliance with its obligations under the Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act). In particular, Council will comply with the Information Privacy Principles and the Health Privacy Principles contained in these Acts.

The Privacy Policy details Council's commitment to Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act).

The Privacy Policy has been updated for new contact details and Privacy Officer details. All other areas of the policy remain as the previous practice.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Privacy Policy details Council's responsibility under the Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act).

FINANCIAL IMPLICATIONS

No Financial Implications to note

RISK IMPLICATIONS

Ensuring that officers are aware of the requirements of the Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act) will minimise risk implications associated with collecting and storing personal information.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The adoption and communication of the Privacy Policy provides the community with reassurance that all personal information collected by Council will only be used for its intended purpose.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website and once adopted will be available on the Council's website.

CONCLUSION

The Hepburn Shire Council Privacy Policy has been updated.

OFFICER'S RECOMMENDATION

That Council:

9.11.1 adopt the Privacy Policy; and

9.11.2 make the Privacy Policy available for public inspection on the Council's website

MOTION

That Council:

9.11.1 adopt the Privacy Policy; and

9.11.2 make the Privacy Policy available for public inspection on the Council's website

Moved: Councillor Janine Booth

Seconded: Councillor Henderson

Carried

ATTACHMENT 16

POLICY NUMBER 30

PRIVACY POLICY

DATE AMENDED: APRIL 2011

DATE OF NEXT REVIEW: APRIL 2014

DATE ADOPTED:

RESPONSIBLE OFFICER: General Manager Corporate Services

**REFERENCES: Information Privacy Act 2000 (Vic)
Health Records Act 2001 (Vic)**

Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

Signed

KAYLENE CONRICK
Chief Executive Officer

Introduction

To state Council's commitment to the 10 Information Privacy Principles as listed in the Information Privacy Act 2000 (Vic) and the Health Privacy Principles contained in the Health Records Act 2001 (Vic) and to clearly state that Council will only collect required information and Council will use information only for the purposes for which it was collected and Council will safeguard any personal information held.

Any enquiries regarding this policy should be directed to Council's General Manager Corporate Services.

Scope

[Information Privacy Act 2000 \(Vic\) & Health Records Act 2001 \(Vic\).](#)

The Information Privacy Act 2000 (Vic) is legislation that requires state and local Government agencies to protect the rights of the individual by complying with standardised guidelines in the collection and maintenance of information. The protections provided by the Act are based on 10 Information Privacy Principles.

Purpose

Hepburn Shire Council believes that the responsible handling of personal and health information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Accordingly, Council is committed to full compliance with its obligations under the Information Privacy Act 2000 (Vic) (Privacy Act) and the Health Records Act 2001 (Vic) (Health Act). In particular, Council will comply with the Information Privacy Principles and the Health Privacy Principles contained in these Acts. This Privacy Policy explains some of these Principles and how they will apply.

Definitions

[What is Personal and Health Information?](#)

This Policy applies to both personal and health information held by Council.

Personal Information is information about an individual. This information or opinion, whether true or not, can be recorded in any form and will allow the identification of that individual.

For example, Council holds personal information about its ratepayers (e.g. names and addresses) in order to carry out its functions (e.g. planning, valuation and property services). It may also request personal information in order to provide education, welfare and other community services (e.g. aged-care services). In some instances, personal information may be contained on a public register (register of building permits, food premises and animal registration details).

Health Information is broadly defined to include information or an opinion about the physical, mental or psychological health of an individual, a disability, an individual's expressed wishes for future provision of health services or any health service provided to an individual, or other information collected to provide or in providing a health service.

For example, Council may request health information in order to provide community service needs. (e.g. Aged Care Service)

Some personal information may also be "sensitive information" as defined in the Privacy Act. Sensitive information includes information like an individual's racial or ethnic origin, religious beliefs, membership of groups or criminal record (relates only to staff members or volunteers in sensitive areas)

Policy

What information will Council collect?

Council will only collect personal and health information that is necessary for its functions and activities and will do so in lawful and fair manner.

In regards to personal and health information, Council will only collect sensitive information where consent has been given or otherwise as permitted by law.

Under normal circumstances Council must collect personal information about an individual only from that individual. However, if Council collects personal information about an individual from someone else, Council must take all reasonable steps to ensure that individual is informed of his or her rights relating to the information collected.

Individuals will have the option of not identifying themselves when supplying information or entering into transactions with Council wherever it is lawful and practicable.

How will the information be used?

Council will only use or disclose personal and health information for the purpose for which it was collected. Council Staff will treat personal and health information confidentially. If Council needs to share information for any other purpose than for which it was collected, agreement will be sought before doing so (unless otherwise required by law).

Council will take reasonable steps to ensure that all personal and health information collected, used or disclosed is accurate, complete and up to date.

How will information remain secure?

Council will maintain secure systems for storing personal and health information. Council will also maintain operational policies and procedures to protect personal and health information from misuse and loss and from unauthorized modification or disclosure. Council will destroy or de-identify personal and health information if it is no longer needed for any purpose or as required by law.

What rights do individuals have to access or correct information?

Individuals have a right to seek access to their personal and health information and make corrections. Access and correction will be handled under the Victorian Freedom of Information Act. Some limits may apply where particular circumstances prevent Council from releasing information. If any limits apply this will be explained.

If personal and health information is inaccurate, incomplete, misleading or out of date, the individual may request Council to correct this information. Personal and health information cannot be removed from records, but a correcting statement may be added.

Requests for access and/or correction of personal and health information, should be made to Council's Privacy Officer telephone: 5321 6450.

What if Council services are serviced by third party contractors?

Council does outsource some of its functions to third party contractors. All third party contractors will be required to comply with the Acts in all respects.

How are complaints handled?

Complaints in relation to privacy and confidentiality will be handled by Council's Privacy Officer telephone: 5321 6450. Complaints will be investigated and a written response will be provided as soon as possible (but no later than 45 days). If an individual is not satisfied with the way in which Council handles information or deals with a complaint, a formal complaint can be made to the relevant Commissioner.

Privacy Victoria

Complaints and Information
Telephone: (61 3) 8619 8719
Toll Free: 1300 666 444
Fax No.: (61 3) 8619 8700

E-mail: enquiries@privacy.vic.gov.au

or write to:

Victorian Privacy Commissioner
Level 11
10-16 Queen Street
Melbourne. 3000
Victoria, Australia

Health Services Commissioner

Complaints and Information
Telephone: (61 3) 8601 5200
Toll Free: 1800 136 066
Fax No.: (61 3) 8601 5219

E-mail: hsc@health.vic.gov.au

or write to:

Health Services Commissioner
30th Floor
570 Bourke Street
Melbourne. 3000
Victoria, Australia

[Further Information](#)

Any enquiries about this Privacy Policy, should be directed to Council's Privacy Officer telephone 5321 6407.

Implementation

Adopted policies are placed on the internet for public access.

Review

The Privacy policy is due to be reviewed by March 2014 or sooner if required by legislation. The officer responsible for the review of this policy is the General Manager Corporate Services.

9.12 RETIREMENT OF OPERATIONAL POLICIES

A/O 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 proposes the retirement of five Council policies as these policies are deemed to be Operational policies.

BACKGROUND

Recently the Hepburn Shire Council developed a Policy Framework to enable staff to understand what a policy is to Hepburn Shire Council and where policies fit into our document structure. The Framework assists officers to improve how we develop, implement and manage policies and how they link with our Council Plan objectives. The development of the Policy Framework was the first step in Council's policy review. The review process consists of the following stages:

- Stage 1 – Development of the Policy Framework
- Stage 2 – Review of Council Policies including the identification and retirement of Operational Policies
- Stage 3 – Review of Operational Policies
- Stage 4 – Identification and development of policies that do not currently exist including both Council and Operational.

ISSUE/DISCUSSION

A policy is a statement of principles that define what we will do and why. It is the role of a policy to:

- translate our values into the way we operate;
- achieve compliance with our responsibilities and statutory obligations;
- guide us towards the achievement of our Council and other strategic plans; and
- improve our management of risk.

Policies can be broken into two main categories –

- Operational Policies (O)
- Council Policies (C)

An Operational policy relates to the internal business of the organisation. Operational policies are written within the internal service areas such as Human Resources, OH&S, Risk, Finance, Governance, Communications, and Information Technology.

A Council policy relates to our external customers and/or community. Council policies also include planning policies.

Council Policies are written mostly by other areas of the organisation, but internal service areas also write service policies.

Documents such as charters also generally fit into the definition of Policy.

It is not the role of a policy to duplicate legislation, but a policy can complement it. Usually when legislation or local laws are required to become more descriptive, procedures, frameworks or guidelines are used but policies can also be used.

The review of the current Council policies identified five Council Policies that need to be retired as Council Policies and re issued as Operational Policies. These five policies have been identified as Operational Policies as they relate to the internal operations of Council. The five identified policies are as follows:

- Policy No 3 – Motor Vehicle Policy
- Policy No 8 – Human Resources Policy
- Policy No 27 – Best Value Policy
- Policy No 33 – Equal Opportunity Policy
- Policy No 41 – Internet & Email Usage Policy

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Council Plan makes four fundamental commitments:

1. We will deliver good governance to the Hepburn Shire
2. We will help improve economic prosperity

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

4. We will guide our Shire towards environmental sustainability

The review and update of Council's policies is imperative in the achievement of delivering good governance.

FINANCIAL IMPLICATIONS

The policy review will be conducted by officers therefore there will be no financial implications.

RISK IMPLICATIONS

Ensuring that all Council and Operational Policies are up to date and reviewed on a systematic basis for changes in legislation and best practice will minimise the risk to Council.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The review, regular update and communication of Council Policies provides the community with reassurance that good governance and best practice is used in all Council operations.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework, level 1 engagement has been undertaken. This information will be made available to the public via the minutes published on the Council's website and once adopted will be available on the Council's website.

CONCLUSION

The five identified Council Policies that relate to operations matters of Council business should be retired and reissued as Operational Policies

OFFICER'S RECOMMENDATION

That Council:

9.12.1 endorse the retirement of the following Council Policies

Policy No 3 – Motor Vehicle Policy

Policy No 8 – Human Resources Policy

Policy No 27 – Best Value Policy

Policy No 33 – Equal Opportunity Policy

Policy No 41 – Internet & Email Usage Policy

and;

9.12.2 remove the identified Council Policies from the Internet

MOTION

That Council:

9.12.1 endorse the retirement of the following Council Policies

Policy No 3 – Motor Vehicle Policy

Policy No 8 – Human Resources Policy

Policy No 27 – Best Value Policy

Policy No 33 – Equal Opportunity Policy

Policy No 41 – Internet & Email Usage Policy

and;

9.12.2 remove the identified Council Policies from the Internet

AMENDED MOTION

That Council:

9.12.1 endorse the reclassification of the following Council Policies as operational policies.

Policy No 3 – Motor Vehicle Policy

Policy No 8 – Human Resources Policy

Policy No 27 – Best Value Policy

Policy No 41 – Internet & Email Usage Policy

and;

9.12.2 remove the identified Policies from the Internet

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried

10. SECTION 86 AND ADVISORY COMMITTEE MEETINGS

10.1 COUNCIL SECTION 86 AND ADVISORY COMMITTEES

GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the **General Manager Corporate Services***

I have no interests to disclose in this report.

PURPOSE

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

BACKGROUND

Each committee is issued an instrument of delegation outlining their function and assigned responsibility, under the agreement of this delegation the committees are required to maintain minutes of meetings held and provide a copy of each minute to the Council for review.

Section 86 and Advisory Committees are required to submit their minutes and other reports.

ISSUE/DISCUSSION

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

- Minutes from Lee Medlyn Home of Bottles 2 February 2011 FOL/10/180
- Letter resignation from Doug Lindsay Reserve 10 March 2011 FOL/10/184
- Minutes from Creswick Museum for the 7 March 2011 FOL/11/177
- Minutes from Drummond Hall Committee Minutes 25 February FOL/11/183
- Minutes from Creswick InfoLink for the September 2010 FOL/11/187
- Minutes from Creswick Ward Community Committee March 2011 FOL/10/3618

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 noted.

OFFICER'S RECOMMENDATION

That Council:

- 10.1.1 *note the minutes of the Committees listed above which have been distributed under separate cover*

MOTION

That Council:

10.1.1 note the minutes of the Committees listed above which have been distributed under separate cover

Moved: Councillor Booth

Seconded: Councillor Jonathan Barrell

Carried

14. CLOSE OF MEETING

The meeting closed at 9.10pm