



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

TUESDAY 28 JUNE 2011

**DAYLESFORD SENIOR CITEZENS ROOM
VINCENT STREET
DAYLESFORD
5.30PM**

MINUTES

TUESDAY 28 JUNE 2011
Daylesford Senior Citizens Room
Vincent Street, Daylesford
Commencing 5.30PM

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KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER

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; Creswick Ward Councillor Janine Booth; Creswick Ward Councillor Don Henderson; 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 Sustainable Development Barry Green; Manager Assets & Engineering Services Richard Russell; Manager Finance Anthea Lyons; Manager Risk Grant Schuster

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:

Nil

5. CONFIRMATION OF MINUTES:

OFFICERS RECOMMENDATION

- 5.1 *That the Minutes of the Ordinary Meeting of Council held on 17 May 2011 and the Special Council Meetings 10 and 31 May 2011 be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

MOTION

- 5.1 *That the Minutes of the Ordinary Meeting of Council held on 17 May 2011 and the Special Council Meetings 10 and 31 May 2011 be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Councillor Janine Booth
Seconded: Councillor Sebastian Klein
Carried

6. NOTICES OF MOTION:

6.1 GROUNDWATER EXTRACTION LICENCES FOR NON-AGRICULTURAL USE.

Date: June 2011

File Ref:

Background

Whilst Council has determined to protect groundwater storages from depletion by removing water from local aquifers for bottling and other commercial and industrial uses, the purpose of the Shire's Farming Zones is to protect good agricultural land from other non-agricultural uses such as the extraction of groundwater not for agriculture.

The E.S.O.1 that covers all land in the Shire is to ensure that development is compatible with identified environmental values such as the protection of water resources, streams, reservoirs and groundwater. The environmental significance of water resources contained in aquifers under and around the Wheelers Hill at Musk is very high as this area forms the catchment divide for streams running North to Cairn Curran Reservoir in the Loddon catchment and local springs and streams that feed the Wombat Creek Reservoir which is the principle domestic water storage for Daylesford and Hepburn Springs.

This Notice of Motion seeks a Resolution of Council to object to the renewal of commercial water bore extraction licences on Wheelers Hill Musk for a further five years with a potential loss of 40 mega-litres of groundwater per year per bore. This water is pumped from the ground and trucked out of the district for commercial purposes and is totally lost to local farms, dams, domestic bores and domestic water storages. In addition the motion seeks to scope the issue within Hepburn Shire in order to collect data for strengthening statements within the Hepburn Planning Scheme and the Municipal Strategic Statement to better address the planning issues being encountered.

The matter is current, urgent and important as it is believed that licences are due for renewal for a further five years within a month's time.

Councillor Name: Bill McClenaghan

Councillor Signature:



CEO Signature:



MOTION

That Council

6.1.1 contact Goulburn Murray Water to ascertain the number and location of groundwater extraction licences in Hepburn Shire that are not used for irrigation and agriculture.

6.1.2 lodge an objection with Goulburn Murray Water to any renewal of commercial groundwater extraction licences from bores on the Wheelers Hill at Musk whereby the water is not used for irrigation and agriculture and removed from the area.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried

7. PRESENTATION OF REPORTS:

Mayor's Report

Councillor Rod May, Birch Ward

- Attended rotary fund raising breakfast with Bernard Teague. The vent raised close to 18,000 dollars for the fire brigade and included an interesting insight into the bushfire royal commission
- Attended arts advisory committee meeting. The committee expressed their desire for an arts officer
- Met with Katherine King MP and outlined the case for funding for wheelers bridge repair and other issues
- Hosted National Disaster relief committee who are viewing flood damage and works.
- Attended climate law and carbon trading briefing at Melb Uni law school
- Opened the Palais
- Attended National General Assembly of Local Governments in Canberra for two days.
- Hosted the Victorian Premier Ted Baillieu in Creswick for flood recovery thank you
- Attended Daylesford fire brigade 150TH birthday and spoke of changed assets and landscapes since inception.
- Attended MAV hosted roadside weeds and pests meeting and drew attention to the “naturalization” of many species and the importance of recognising the changing ecology as a result.

Councillor Reports

Councillor Jon Barrell, Birch Ward

1. **Wombat Hill Botanical Gardens Advisory Committee**
 - a. Whilst on leave recently I valued the opportunity to make private visits to Royal Botanic Gardens @ Peradinya near Kandy, Central Sri Lanka, & the Singapore Botanic Gardens
2. **Daylesford Macedon Ranges Regional Tourism Board 12/04/2011**
 - a. The Board is appointing a number of project working groups as follows:
 - i. **Council Reporting Regime**
 - ii. **Tourism Awards**
 - iii. **Advisory Groups**
 - iv. **Project and Grant Participation**
 - v. **Regional Tourism Associations**
 - vi. **Research**
 - vii. **Grants and Funding**

3. ARC Advisory Committee

- a. Like many I was bitterly disappointed by the decision of the ARC Manager to abruptly cease operation of the ARC Health Club at the end of this month, closing the gym facility to 90 odd financial members (I am one) and casual users from our community & beyond.
- b. I was also bitterly disappointed by the choice of photograph and headline by a local paper when reporting this matter.
- c. I know that our partners in the ARC, Daylesford Secondary College, share my disappointment.
- d. I advise Councillors that I am unaware of any threat to the ARC double stadium complex in Smith St Daylesford.
- e. I hope that the ARC Advisory Committee will meet in the near future to review further options for Council to seek to fully develop the potential of the magnificent community resource that is the ARC on Smith St – what I like to imagine as a vibrant Arts Recreation & Culture precinct.
- f. I believe Daylesford Secondary College also has a vision & I look forward to continuing to work with them

Councillor Sebastian Klein, Coliban Ward

In May Trentham held the most successful Spudfest yet. The town entertained thousands throughout the beautiful weather on the Saturday and many braved the torrential rain and power outage on the Sunday. Events such as the spudtastic dinner and the opening night gala brought visitors from all over Victoria

The Wombat Forestcare Biodiversity Festival was also held on the Saturday to coincide not just with Spudfest but also International Biodiversity Day. The theme this year was forests and of course we here in Hepburn shire are well placed to celebrate the day with our beautiful Wombat Forest and also the considerable passion and knowledge of Wombat Forestcare and numerous other groups interested in the values of our environment.

Two weeks later, I had the once in a lifetime opportunity to be one of three judges at the inaugural Lyonville bakeoff. While initially excited by the gig, I and the other judges found our enthusiasm waning after having judged the juniours section, the slices, small cakes, and having tried 20 of the 23 cakes in the large cake section. However we rallied and managed not just to award the best cake to Robyn Cary from Trentham but to take part in what was quite a lucrative fundraiser for the Lyonville Hall. Congratulations to all those at the Hall who made this such a colourful and memorable event.

I also attended an 'agency forum' at the Town hall – convened by our environment team to engage community views in forming the upcoming Environmental Sustainability Strategy. Many thanks to all those people who contributed and to our many staff who made time in their schedules to participate. Themes such as biodiversity, bioenergy, energy efficiency and better community communication and involvement featured heavily.

Finally the National General Assembly of LG in Canberra was an enlightening experience as Local Government Reps from as far afield as Roper River and the Derwent River met to consider the themes and challenges of local government in the coming years. Highlights included a strong presentation from the PM Julia Gillard and a symposium topic on community and organisation risk in the context of climate change. The session on ‘selling local government’ in preparation for the upcoming referendum on constitutional recognition was entertaining as well as informative and valuable in getting LGAs on the same page in regards to the yards ahead to ensure that LG achieves its rightful place in the constitution. Of particular interest was the questions raised in the Pape high-court challenge to direct funding of LG from Federal government. The need to reinforce direct funding in the form of Roads to Recovery and Infrastructure programs among others was underlined.

Councillor Janine Booth, Creswick Ward

No Report Delivered

Councillor Don Henderson, Creswick Ward

No Report Delivered

Councillor Bill McClenaghan, Holcombe Ward

On Friday 20th May, I attended a flood recovery event at the Creswick Town Hall called “Thanks to the Community” and had the honour of being Master of Ceremonies. The evening featured local bands, singers and dancing but the highlight was a lovely personal message from Prime Minister Julia Gillard offering thanks and encouragement to the Creswick and Clunes communities after their ordeal in recent floods. Many local businesses, some flood affected, generously donated prizes and DPCD provided funding for the event that was organized by Creswick Railway Workshops Inc. Everyone thoroughly enjoyed the evening and resolved to have another similar event to continue community healing and recovery.

Over the past month, I have undertaken lots of informal consultation with the community about the proposed Budget and Ten Year Financial Plan.

- On Saturday 21st May, I attended the Wood Duck Community Fireguard meeting at Weatsheaf where the Budget was the main topic outside the bushfire season.
 - On Friday 27th May, I attended the Drummond Hall Committee meeting and discussed postponed plans for the tennis court refurbishment. Wet weather has delayed works on the court and the contractor has concerns about getting equipment bogged but we are hopeful that fine and dry weather later this year will be the opportunity to get things done.
 - Many formal and informal consultations have occurred at a Ward meeting on 20th June and at the Glenlyon Progress Association meeting on 27th June.
-

The Municipal Association of Victoria held its first State Council for the year in Melbourne on 26th May and many motions from the 78 member Councils were put and debated. One motion, to effectively black ban a brand of locally made paper was defeated after a strong case was mounted against it by Councils involved in Timbertowns Victoria. Raised by an outer Metropolitan Council, the motion relied on false information that suggested that old growth forests were being harvested for this paper and that the habitat of the Leadbeater's possum was being threatened. The motion was defeated as the information supplied by proponents was shown to be false. Had the motion succeeded, Councils were to be encouraged not to buy paper made at Maryvale. This would threaten about 950 jobs and about the same number of contractors and their employees in the town of Maryvale and the surrounding district, leading to the decline of communities as unemployed workers and their families would be forced to move away if their local industry and hence their local economy were to collapse.

Trees are a renewable resource and the forestry industry plants many new trees each year to reduce carbon and keep the forests alive. There must be an ability for sustainable forest industries to continue as a source of paper, building materials, fuel, jobs and rural livelihood.

Yesterday, the Highlands Regional Waste Management group met in Beaufort and it is pleasing to report that the draft Budget has been adopted that will make no calls on member Councils like Hepburn. Unfortunately the State Government has increased the landfill levy by 45%, making all waste management functions more expensive. Our Shire's garbage goes to the Smythesdale Regional Landfill where it attracts the higher of two tipping rates because this landfill is run by the City of Ballarat and considered an "urban" landfill despite being right out the bush. Interestingly, rubbish from the western suburbs of Melbourne goes to the Maddingley open cut landfill near Bacchus Marsh where it attracts the cheaper "rural" landfill levy. Over five times more rubbish goes to Maddingley than to Smythesdale. The Group is looking into this anomaly.

Three new initiatives are worth reporting that show better recycling practices and demonstrate the "Towards Zero Waste" initiative. The first is a still confidential venture by an overseas firm to make bio – diesel in Western Victoria from paper and cardboard that will need separate collection and no contamination caused by glass and co-mingling. The second is a local project planned for Central Goldfields Shire to trial a vertical composter that could be built and used in small communities. The third is innovative use of polished glass fines in asphalt and cover material for buried pipes and wires in trenches. We produce this material here in Daylesford at our Municipal Recycling Facility.

OFFICER'S RECOMMENDATION

7.1 *That Council receives and notes Mayor and Councillors reports*

MOTION

7.1 *That Council receives and notes Mayor and Councillors reports.*

Moved: Councillor Bill McClenaghan
Seconded: Councillor Sebastian Klein
Carried

OFFICER'S RECOMMENDATION

7.2.1 *That Council Appoints Mayor Cr May as Hepburn Shire Council's representative on the Central Highlands Library Corporation Board.*

7.2.2 *That Council notifies the Central Highlands Library Corporation board of Council's appointment representative.*

MOTION

That Council

7.2.1 *appoints Mayor Cr May as Hepburn Shire Council's representative on the Central Highlands Library Corporation Board.*

7.2.2 *notifies the Central Highlands Library Corporation Board of Council's appointed representative.*

Moved: Councillor Jon Barrell
Seconded: Councillor Janine Booth
Carried

8. PUBLIC PARTICIPATION TIME:

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

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

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

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

8.1. PETITIONS:

CLUNES CARAVAN PARK

That Council note receipt of Petition regarding the retention by Hepburn Shire Council of Clunes Caravan Park, Clunes, and lay it on the table for one month and a report be presented to the July 19 Ordinary Meeting of Council. The Petition has been made available to Councillors under separate cover.

REA LANDS PARK - DAYLESFORD

That Council note receipt of Petition regarding the sale of Rea Lands Park, Daylesford and lay it on the table for one month and a report be presented to the July 19 Ordinary Meeting of Council. The Petition has been made available to Councillors under separate cover.

Moved: Councillor Don Henderson
Seconded: Councillor Sebastian Klein
Carried

8.2 QUESTIONS

Question 1 from Pierre & Simone Niclas

Can the Council provide a list of properties in the Hepburn and Daylesford area that are owned by Council, that have been identified as surplus to requirement and earmarked to be offered for sale?

Answer 1. Delivered by the Mayor with the following points:

- Council's plan 2009-2013, under the heading good governance states – disposing of poorly utilized, inefficient or surplus assets in consultation with the community where appropriate.
- Council has directed officers to develop a list and undertake a high level review of vacant property within the shire which may fit into this category.
- Council now has a list with 42 properties on it, many of them small parcels of land which for various reasons are now Council property, some which could never be developed and probably are best to join with neighbouring properties. Others need more consideration.
- Councillors reviewed this list sometime ago and have now sought from officer's further investigation and information for the first twelve properties.
- As officers obtain further information on each property the findings are presented to Council at a Council Meeting for Council consideration.
- Under the Local Government Act the intent to sell property must be advertised providing the public with the opportunity to comment. All submissions considered. To date 2 properties have been sold of the first twelve.

Question 2 from Mr John Sayers

The committee of Clunes Neighbourhood House Inc. Otherwise known as the Clunes Community Learning Centre. A State, part funded, nonprofit, community resource, recently made to the Council an application for a partial closure of Fraser Street on the 3rd Sunday of each month as part of a widely publicized new marketing initiative to improve the viability of Clunes Sunday Market.

The consultation was conducted following the guidelines set out and approved by Council whereby both businesses and the community were canvassed.

From a total of 27 businesses and a community of 900 residents Councils received 5 written responses and 2 anon. phone calls.

I remind Council that anon. unsigned comments have no validity.

Based upon these 5 responses from a population of 900 Council denied the request.

Viewing the responses as only representing business leaves the situation that there were a majority 22 business in favour of the request.

I submit that this raises questions regarding Council's understanding/application of democratic principles and therefore question the validity of Council's decision to disallow the application based upon such a low response.

In these circumstances I ask the relevant Council officers how they justified their decision to reject the request on such a low percentage response?

Answer 2. Mayor Unable to respond

Question 3 from J Baragwanather

My question is with 68% of rates going in wages and administration, every year the wages go up 11%.

Council borrowing millions to fund projects and Mega structures (sic). That so it seems none of the rate payers need or want.

What is next pie chart for wages and administration 80%. If it is Hepburn Shire will be one of the first Shires to go Bankrupt. An my house is a defacto insurance policy for the Shires workers.

Answer 3. Delivered by the Mayor with the following points:

- The Prepared Budget 2011/2012 on this Agenda for Council consideration (9.2) tonight indicates Council's intention to borrow \$1.2 million dollars
- \$300,000 for the Clunes Interpretive centre
- \$258,000 for the top up of the defined benefits scheme
- \$641,000 for the purchase and installation of a new Corporate information system
- The ten year financial plan is still being formulated and will come before Council later this year. Changes made to the 2011-12 budget after budget submissions were considered will have to be factored in.

Question 4 from Mr Paul Dempsey

Why snuff out the precious community momentum and enthusiasm for the fledgling community food garden begun next to the library which is in the most valuably accessible

site to inspire and educate as part of an urgent and necessary response to climate change and global food insecurity? ***Why is this land being sold?***

Answer 4. Delivered by the Mayor with the following points:

Previous response to Pierre & Simone Niclas question on the sale of Council owned land applies (see above), also

- Council will be considering this item (10.2) later in the Agenda and I am unable to comment or preempt Council's consideration at this point in time.
- As previously stated, Under the Local Government Act the intent to sell property must be advertised providing the public with the opportunity to comment. All submissions are considered. The Act is very specific on this matter and the correct process for community comment is at that point in time.

Question 5 from Loretta Little

Could you please tell me why you are borrowing 1.2 million dollars for "miscellaneous" – what items are covered by the term "miscellaneous"?

Answer 5. Delivered by the Mayor with the following points:

- The Prepared Budget 2011/2012 on this Agenda for Council consideration (9.2) tonight indicates Council's intention to borrow \$1.2 million dollars
 - \$300,000 for the Clunes Interpretive centre
 - \$258,000 for the top up of the defined benefits scheme
- \$641,000 for the purchase and installation of a new Corporate information system

Question 6 from Joan & Graeme Rattray

Question 1: We would like to know how it is possible to subdivide 1.1ha off with a house on it, in a Farm Zone for sale?

Question 2: Recently members of the Glenlyon Action Group held a walk (April 30 2011) from a property on Butler's Lane. In the event of somebody have an accident, would these people be covered by public liability insurance?

Answer 6. Delivered by the Mayor with the following points:

- Q1 Whilst the farming zone has large minimum lots sizes there are three specific situations under Clause 35.07-3 of the Hepburn Planning Scheme where an application can be made for a lot less than the minimum lot size. One of these is to create a lot for an existing dwelling with the stipulation that an agreement be registered on title that no further subdivision for house lots can occur.
-

- Q2 Council's public liability insurance covers officers, Councillors and volunteers. It does not cover the public.
- Public Liability insurance exists to protect Council against claims made.

Question 7 from Bruce Whitton

Re: Jubilee Lake Holiday Park

Question 1: *Why did Council NOT appoint an Administrator and Park Managers, so all rent and fees collected would be held a Holding Account until negotiations with ATPM to hadn back the Lease is finalized?*

Question 2: *Why did Council give ATPM a new Registration?*

Question 3: *and what are the details of that Registration?*

Answer 7. Bruce Whitton not present

Question 8 from Patrick Jones

Regarding a community food garden at Rea Lands Park I would like to ask council what sustainability manager Barry Green might mean by an 'occupancy agreement' in the following text.

10.2.1 That Council resolve to allow the Daylesford Gardeners to develop a community food garden at Rae Lands Community Park; 44 Raglan Street, Daylesford, subject to a signed occupancy agreement.

It seems clear that the community already has an occupancy agreement in relation to this park by virtue of the fact that this is public land in accordance with federal law. An occupancy agreement for Rea Lands Park would therefore need to be signed by all Australians, rendering this request nonsense. I think an occupancy agreement confuses the fact that we are nothing more than a mutable group of local gardeners preparing for high food prices, who meet for working bees once a month. There is no membership to our group or exclusive rights. We are simply volunteering our gardening skills to enhance and make more sustainable a very small portion of public land. This is no different to people throughout the shire caring for the nature strips outside their homes, using all kinds of machinery and tools to do so.

I would like to ask council that the final 6 words of Mr Green's recommendation be removed from this statement and the words "and fully support" be added to it, so that the recommendation reads something like this:

10.2.1 That Council resolve to allow and fully support Daylesford gardeners to develop a community food garden at Rea Lands Park; 44 Raglan Street, Daylesford.

Additionally, I would like to briefly speak to the design that this mutable group has come up with (a jpeg has been forwarded to Lynne Sheedy in advance), and show it as an inclusive design that continues to enable many other activities in the park. We're simply adding food producing plants for community use to the existing gardens using nothing more than simple hand tools to do so.

Surely, the risk of not acting now to prepare for an era of expensive oil is far far greater than the risk of injury caused by a shovel or a garden fork. We as a community have a positive role to play in communally mitigating high energy and high food prices, and council's role, surely, is to support such initiatives unambiguously.

Answer 8. Delivered by the Mayor with the following points:

- Council is yet to consider the report you refer to. The report will be discussed this evening (item 10.2) at which time Councillors will have the opportunity to clarify any aspect of the report before us.
- However, it is my understanding that the term occupancy agreement is specifically flexible to allow further discussion to occur on the best form that this may take.
- Further, it is my understanding that discussions between Council officers and the Daylesford Gardeners Group have indicated a willingness to enter into a lease or licence however we do need to wait until the report is before us to explore this matter. I guess the bottom line is that the interests of both parties, Council and the Daylesford Gardeners Group, must be protected and the risks mitigated.

Question 9 from Peter O'Mara

RE: SALE OF LAND - 33 ALBERT STREET, DAYLEFORD (200724) ORDINARY MEETING OF COUNCIL 21st JUNE 2011

Hello Councillors & CEO.

I am writing to get your support to oppose the possible sale of council land at 33 Albert Street Daylesford adjacent to the current library. In the agenda for the Ordinary Meeting of Council set for Tuesday 21st June 2011 it has been recommended by Evan King, Manager Corporate Services to sell this valuable community asset.

I believe that the site is of enormous public importance and any sale should be immediately dismissed by all councillors.

My first objection is that any sale will limit any possible expansion possibilities of the Daylesford Library. As a local user & schoolteacher, I believe that our library is a

vital community asset for all people & any decision that might impact on future use should be taken with extreme caution and extensive community consultation.

I am uncertain whether Mr King had interviewed any local community & organisations, schools etc, but if not, it would seem to go against the Council Plan 2009-13 which he refers to in his report that 'Disposing of poorly utilised, inefficient or surplus assets in consultation with the community where appropriate.' Disappointingly he makes no mention of such an undertaking. I believe it remiss for it to be bought before councillors in such an underdeveloped form, not to mention any detailed analysis or rationale.

Also I find it disturbing that the possibility of sale was initiated after a request from local surveyors Walsh & Mobbs. Are there council guidelines for such an undertaking? I would imagine the surveyors will develop up plans for the site & pocket a sizeable profit from a secondary sale.

Secondly the site is currently under the same title of the library building & would require a subdivision, obviously at the cost of local ratepayers. It is possible that the library building could also be included in the sale. Although unlikely, it is mentioned within the report & not dismissed. Any such possibility will cause immense public agitation & protest.

At the moment the site is being used as a community garden and providing much joy (and produce!) to local people, myself included. Although I commend the Council recommendation for the use of Rea Lands Park as a community garden site, I would hope that this insightful initiative will not be used as leverage for the sale of the Albert Street site.

As I understand it both sites are required by the Daylesford Gardeners. Rea Lands park for broad community activity and tree crop food production and the Albert Street site as an ongoing place for annual food production. The current community garden at this site provides a high visual profile for our local community (and Council) commitment to an Energy Descent Action Plan. Also it forms a wonderful community food precinct in addition to the library permaculture garden & the sculptural apple tree plantings on the Bridport Street lawn. This area should be celebrated not diminished of future possibility.

So please consider the recommended to sell off the Albert Street site with a thorough and whole community approach.

Answer 9. Peter O'Mara not present

Question 10 from Brett Adamson

Could the council please demonstrate the true degree of support toward the community led, socially inclusive, healthy food centred, non-exclusive [non-membership] community action of 33 Albert street Daylesford and intended for

Raelands Park (44 Raglan street) Daylesford, or state its' reason for opposition?

Hepburn Shire Council has been given a tremendous opportunity to embrace the proactive actions, at 33 Albert street, and intended for Raelands park, by residents of the shire, who contrary to the report presented in the agenda for tonight's meeting, are not a formalised group seeking ownership or exclusivity of any kind over their actions. These actions are purely examples of direct constructive efforts of a community taking responsibility, not the law, into their own hands. Hepburn Shire Council would be foolish to distance themselves from their community and hamper their communities efforts toward making their community a more sustainable socially inclusive one (See Council Commitment 47 and 59). The willingness of the participants of these actions to co-operate with council should be seen as an invitation for council to share some of the responsibility taken by the community and to use these actions to demonstrate this shire's commitment to areas of sustainability, health and social inclusion.

Answer 10. Delivered by the Mayor with the following points:

- Council is supportive of quality community involvement and actions that accord with the goals of the Council Plan.
- Council is yet to consider the reports in relation to the site referred to. The reports on both sites will be discussed this evening at which time Councillors will have the opportunity to clarify any aspect of the report before us.

9. SECTION 223 SUBMISSIONS TO BE HEARD

9.1 LOCAL LAW OF ROOSTERS

Proposed amendment to General Local Law No.2 Part 7 (birds)

The proposed amendment regulates the keeping of poultry and in particular, the keeping of Roosters.

This proposal has come about due to an amenity concern from a resident living at a residential zoned property and next door to a housed Rooster.

A community petition was also lodged with Council regarding this matter

The following is proposed by Council:

- (1) Part 7, Clause 7.1.1 – Amends the clause that allows for a permit to be issued if the specified poultry numbers are exceeded on residential zoned properties. The amended clause does not allow for a permit to be issued were specified poultry numbers are exceeded on residential zoned properties.
 - (2) Part 7, Clause 7.1.1.(a) – No change. Poultry can only be kept in an appropriate enclosure (refer clause 7.3) on residential zoned properties.
 - (3) Part 7, Clause 7.1.1.(b) – Amends the clause that restricts the numbers of ducks, turkeys or geese on residential zoned properties to two. The amended clause allows these poultry types to be treated the same as other poultry regarding numbers.
 - (4) Part 7, Clause 7.1.1.(c) – Amends the clause that prohibits roosters to be kept on residential zoned properties. The amended clause will allow a rooster to be kept under the provisions of clause 7.1.2.
 - (5) Part 7, Clause 7.1.1.(d) – Introduces a new clause that allows 1 rooster to be kept on residential zoned properties.
 - (6) Part 7, clause 7.1.2 – introduces a new clause that regulates the keeping of a rooster on residential zoned properties whereby a minimum of 50 metres must be provided between a rooster enclosure and any adjoining dwelling.
-

9.2 BUDGET 2011/2012 SUBMISSION

A late submission to the Prepared budget 2011-2012 has been received. The submitter has requested to be heard.

10. OFFICER'S REPORTS

10.1 2011-2012 BUDGET

GENERAL MANAGER CORPORATE SERVICES

BUDGET FOR THE FINANCIAL YEAR 2011-12

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

Council is required to prepare and adopt a budget for the forthcoming financial year. Council, at the ordinary meeting on 19 April 2011 proposed the budget for the 2010-11 financial year and the budget now needs to be formally adopted.

BACKGROUND

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

The budget papers contain the necessary statutory information required under the Local government Act 1989 and Local Government Regulations 2004.

ISSUE/DISCUSSION

Submissions

40 submissions have been received from individuals and/or groups on the Proposed Budget and/or the proposed 10 Year Financial Plan. Submissions were heard on Tuesday 31 May 2011.

Changes to budget that was advertised in April/May 2011

A Councillor briefing session has been held since the submission period closed. As a result of the submissions, the budget document prepared for consideration by Council this evening has changed as follows:

- The overall increase in revenue raised from rates and the municipal charge has decreased to 6%.
-

- The municipal charge has decreased to \$22 to recover the costs of the rates department only.
 - At the end of May, Council was notified that there would be a prepayment of 2011-12 Grants Commission funds in June 2011. This prepayment has been included in the 2010-11 forecast and therefore removed from 2011-12 Recurrent Grants.
 - As a result of the transfer of library staff from the Library Corporation to Council, a provision of \$163,000 has been set aside for redundancies that may occur.
 - An allocation of \$50,000 towards a review of library services in Trentham has been included.
 - In May 2011, the State Government decided to bring its increase in progressive landfill levies forward. The landfill levy will now increase by 47% next year, rather than 33% as included in the Proposed Budget, directly impacting waste disposal costs. As the waste management charges are set at full cost recovery, each charge has increased by \$1 to cover these increased costs.
 - \$9.4 million in Flood Recovery Capital Works has been included, split between Roads (\$6 million), Bridges & Culverts (\$1 million), Recreation facilities (\$1.2 million) and Buildings (\$1.2 million). These works will be funded by grants and reimbursements already received in 2010-11 or by anticipated reimbursements and grants budgeted for in 2011-12.
 - Infrastructure renewal capital works has been decreased by \$250,000.
-

Surplus per Proposed Budget	\$1,575,000
Less reduction in revenue raised from rates and the municipal charge	(\$109,000)
Less Grants Commission income prepaid in 2010-11	(\$958,000)
Add provision for redundancies expense	(\$163,000)
Add review of library services in Trentham expense	(\$50,000)
Add Flood reimbursement income to offset Flood Recovery Capital works included in Budget	\$4,188,000
Surplus per Budget	\$4,485,000

Capital works program per Proposed Budget	\$8,295,000
Add Flood Recovery Capital Works	\$9,400,000
Less reduction in infrastructure renewal works	(\$250,000)
Capital works program per Budget	\$17,445,000

As a result of the 1% decrease in revenue to be raised from rates and municipal charge and change in the value of the municipal charge, the rate in the dollar and charges are as follows:

Rate type	How applied	2011/12
General rate	Cents/\$ CIV	0.4104
Farm rate	Cents/\$ CIV	0.2668
Commercial rate	Cents/\$ CIV	0.4515
Industry rate	Cents/\$ CIV	0.4515
Mixed use rate	Cents/\$ CIV	0.4515
Vacant land rate - township	Cents/\$ CIV	0.5131
Vacant land rate - other	Cents/\$ CIV	0.4104
Trust for nature rate	Cents/\$ CIV	0.2053
Recreational rate	Cents/\$ CIV	0.2053

Municipal Charge	\$/ property	\$22
Environmental Charge	\$/ property	\$11
Kerbside collection (Garbage)	\$/ property	\$99
Kerbside collection (Recycling)	\$/ property	\$87
Commercial Kerbside Collection (Garbage)	\$/ property	\$218
Waste management charge	\$/ property	\$110

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

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

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Council appreciates 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 has reserved \$210 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 was undertaken.

The Proposed Budget was 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 was 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.

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

At a Special Council Meeting on Tuesday 31 May 2011, Council formally met to consider submissions received and to hear any person who has indicated that they wish to be heard in support of their submission.

All submitters will be written to, providing them with detailed feedback and answers to their queries as appropriate.

The final Council Budget and Strategic Resource Plan for 2011-12 will be placed on Council's website and also copies will be made available for viewing at Council's administration offices.

CONCLUSION

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

10.1 OFFICER'S RECOMMENDATION

That having complied with the procedures described 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:

- 10.1.1 That the Hepburn Shire Council hereby determine that the budget for the 2011-12 year as presented to this meeting and incorporating the changes detailed in the report be adopted.
-

10.1.2 The Strategic Resource Plan for the year 2011-2012 to 2014-2015 included in the budget document be adopted.

10.1.3 That the following details are provided in relation to the 2011-12 Hepburn Shire Council budget, which commences on 1 July 2011. As at 30 June 2011 the total amount borrowed by Council will be \$3.455 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 \$473,000.
- The total amount of borrowings at 30 June 2012 is projected to be \$4.182 million.
- The expected cost of servicing the borrowings during the financial year is \$271,000.

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

DECLARATION OF RATES AND CHARGES

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

10.1.4.1 An amount of \$14,445,000 be declared as the amount which Council intends to raise by general rates, the municipal and environmental charge and annual service charges (all later described in this resolution) which amount is calculated as follows:

General Rates \$12,090,000
Municipal Charge \$219,000
Environmental Charge \$109,000
Annual Service Charge - Waste Management (improved) \$903,000
Annual Service Charge - Waste Management (vacant) \$204,000
Annual Service Charge - Garbage Collection \$492,000
Annual Service Charge - Recycling Collection \$428,000

A general rate be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

10.1.4.2 It is further declared that the general rate be raised by the application of differential rates.

10.1.4.3 It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.

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

RESIDENTIAL	.4104%
FARMLAND	.2668%
COMMERCIAL	.4515%
INDUSTRIAL	.4515%
MIXED USE	.4515%
RECREATIONAL	.2053%
TRUST FOR NATURE	.2053%
VACANT LAND – TOWNSHIP	.5131%
VACANT LAND - OTHER	.4104%

MUNICIPAL CHARGE & ENVIRONMENTAL CHARGE

10.1.4.5 A Municipal Charge and an Environmental Charge be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Municipal Charge be declared for the purpose of covering some of the administrative costs of the Council's operations.

The Environmental Charge be declared for the purpose of funding key environmental initiatives that will benefit the whole community.

The Municipal Charge be the sum of \$22 and the Environmental Charge be the sum of \$11 for each area of rateable land (or part thereof) in respect of which a municipal charge may be levied and may be calculated pro rata for land which becomes rateable during the year.

ANNUAL SERVICE CHARGES

10.1.4.6 An Annual Service Charge (here after described as the 'Service Charge – Waste Management (improved)') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

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

The Service Charge - Waste Management (improved) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.7 An Annual Service Charge (forthwith described as the 'Service Charge - Waste Management vacant') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

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

The Service Charge - Waste Management (vacant) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.8 An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection residential') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Garbage Collection (residential) be declared for the collection, removal and disposal of domestic refuse and rubbish.

The Service Charge - Garbage Collection (residential) be the sum of \$99 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.9 An Annual Service Charge (hereafter known as the 'Service Charge - Garbage Collection commercial') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Garbage Collection (commercial) be declared for the collection, removal and disposal of commercial refuse and rubbish.

The Service Charge - Garbage Collection (commercial) be the sum of \$218 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.10 An Annual Service Charge (hereafter known as the 'Service Charge - Recycling Collection') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Recycling Collection be declared for the collection, removal and disposal of approved recyclable materials.

The Service Charge - Recycling Collection be the sum of \$87 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

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

10.1.4.11 Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:

- Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.
- Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin
- Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.

10.1.4.12 That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.

10.1.4.13 That pursuant to section 167(1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration must be paid by four installments payable on the dates fixed by the Minister under section 167(2).

10.1.4.14 That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.

MOTION

<i>That having complied with the procedures described 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:</i>	
10.1.1	That the Hepburn Shire Council hereby determine that the budget for the 2011-12 year as presented to this meeting and incorporating the changes detailed in the report be adopted.
10.1.2	The Strategic Resource Plan for the year 2011-2012 to 2014-2015 included in the budget document be adopted.

10.1.3	<p>That the following details are provided in relation to the 2011-12 Hepburn Shire Council budget, which commences on 1 July 2011. As at 30 June 2011 the total amount borrowed by Council will be \$3.455 million</p> <ul style="list-style-type: none">• 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 \$473,000.• The total amount of borrowings at 30 June 2012 is projected to be \$4.182 million.• The expected cost of servicing the borrowings during the financial year is \$271,000.
10.1.4	<p>Declare that rates and charges be in accordance with the following statement.</p> <p>DECLARATION OF RATES AND CHARGES</p> <p>Whereas the Council is required by Section 158 of the Local Government Act 1989 to at least once in each financial year by 31 August, to declare the amount it intends to raise by general rates, municipal charges, service rates and charges and whether such declaration will be of uniform or differential rates, the Council now resolves:</p> <p>10.1.4.1 An amount of \$14,445,000 be declared as the amount which Council intends to raise by general rates, the municipal and environmental charge and annual service charges (all later described in this resolution) which amount is calculated as follows:</p> <p>General Rates \$12,090,000 Municipal Charge \$219,000 Environmental Charge \$109,000 Annual Service Charge - Waste Management (improved) \$903,000 Annual Service Charge - Waste Management (vacant) \$204,000 Annual Service Charge - Garbage Collection \$492,000 Annual Service Charge - Recycling Collection \$428,000</p> <p>A general rate be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</p> <p>10.1.4.2 It is further declared that the general rate be raised by the application of differential rates.</p> <p>10.1.4.3 It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.</p>

10.1.4.4 The differential rate be applied by multiplying the capital improved value of the rateable land categorised in paragraph 4 by the percentages indicated on the following table: [1 footnote](#)

RESIDENTIAL	.4070%
FARMLAND	.2646%
COMMERCIAL	.4721%
INDUSTRIAL	.4721%
MIXED USE	.4721%
RECREATIONAL	.2035%
TRUST FOR NATURE	.2035%
VACANT LAND – TOWNSHIP	.5087%
VACANT LAND - OTHER	.4070%

MUNICIPAL CHARGE & ENVIRONMENTAL CHARGE

10.1.4.5

A Municipal Charge and an Environmental Charge be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Municipal Charge be declared for the purpose of covering some of the administrative costs of the Council's operations.

The Environmental Charge be declared for the purpose of funding key environmental initiatives that will benefit the whole community.

The Municipal Charge be the sum of \$22 and the Environmental Charge be the sum of \$11 for each area of rateable land (or part thereof) in respect of which a municipal charge may be levied and may be calculated pro rata for land which becomes rateable during the year.

ANNUAL SERVICE CHARGES

10.1.4.6 An Annual Service Charge (here after described as the 'Service Charge – Waste Management (improved)') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

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

The Service Charge - Waste Management (improved) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.7 An Annual Service Charge (forthwith described as the `Service Charge - Waste Management vacant') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

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

The Service Charge - Waste Management (vacant) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.8 An Annual Service Charge (hereafter known as the `Service Charge - Garbage Collection residential') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Garbage Collection (residential) be declared for the collection, removal and disposal of domestic refuse and rubbish.

The Service Charge - Garbage Collection (residential) be the sum of \$99 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.9 An Annual Service Charge (hereafter known as the `Service Charge - Garbage Collection commercial') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Garbage Collection (commercial) be declared for the collection, removal and disposal of commercial refuse and rubbish.

The Service Charge - Garbage Collection (commercial) be the sum of \$218 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

10.1.4.10 An Annual Service Charge (hereafter known as the 'Service Charge - Recycling Collection') be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.

The Service Charge - Recycling Collection be declared for the collection, removal and disposal of approved recyclable materials.

The Service Charge - Recycling Collection be the sum of \$87 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.

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

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

10.1.4.11 Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:

- Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.
- Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin
- Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.

	<p>10.1.4.12 That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.</p> <p>10.1.4.13 That pursuant to section 167(1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration must be paid by four installments payable on the dates fixed by the Minister under section 167(2).</p> <p>10.1.4.14 That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.</p>
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1 Footnote

Motion amended to reflect the change in commercial, industrial and mixed use differential from 110% to 116% as put forward by Councillor Jon Barrell

Moved: Councillor Jon Barrell
Seconded: Councillor Sebastian Klein

AMENDED MOTION

That Council

10.1.4.5 That the municipal charge and the environmental charge be incorporated into the rate in the dollar amount. Further that an amount equal to the amount raised by the environmental charge be set aside for environmental projects only.

Moved: Councillor Don Henderson
Seconded: Councillor Bill McClenaghan
Carried

AMENDED MOTION

For clarification purposes the amended motion is now recorded as:

<p><i>That having complied with the procedures described 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:</i></p>	
<p><i>10.1.1</i></p>	<p><i>That the Hepburn Shire Council hereby determine that the budget for the 2011-12 year as presented to this meeting and incorporating the</i></p>

	<i>changes detailed in the report be adopted.</i>
10.1.2	<i>The Strategic Resource Plan for the year 2011-2012 to 2014-2015 included in the budget document be adopted.</i>
10.1.3	<p><i>That the following details are provided in relation to the 2011-12 Hepburn Shire Council budget, which commences on 1 July 2011. As at 30 June 2011 the total amount borrowed by Council will be \$3.455 million</i></p> <ul style="list-style-type: none"> • <i>There will be new borrowings of \$1.2 million during the financial year.</i> • <i>The total amount of borrowings projected to be repaid during the year will be \$473,000.</i> • <i>The total amount of borrowings at 30 June 2012 is projected to be \$4.182 million.</i> • <i>The expected cost of servicing the borrowings during the financial year is \$271,000.</i>
10.1.4	<p><i>Declare that rates and charges be in accordance with the following statement.</i></p> <p><i>DECLARATION OF RATES AND CHARGES</i> <i>Whereas the Council is required by Section 158 of the Local Government Act 1989 to at least once in each financial year by 31 August, to declare the amount it intends to raise by general rates, municipal charges, service rates and charges and whether such declaration will be of uniform or differential rates, the Council now resolves:</i></p>
10.1.4.1	<p><i>An amount of \$14,445,000 be declared as the amount which Council intends to raise by general rates, the municipal and environmental charge and annual service charges (all later described in this resolution) which amount is calculated as follows:</i></p> <p style="padding-left: 40px;"><i>General Rates \$12,418,000</i> <i>Annual Service Charge - Waste Management (improved) \$903,000</i> <i>Annual Service Charge - Waste Management (vacant) \$204,000</i> <i>Annual Service Charge - Garbage Collection \$492,000</i> <i>Annual Service Charge - Recycling Collection \$428,000</i></p> <p><i>A general rate be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p>
10.1.4.2	<i>It is further declared that the general rate be raised by the application of differential rates.</i>
10.1.4.3	<i>It be recorded that Council considers a differential rate will contribute to the equitable and efficient carrying out of Council functions.</i>

<p>10.1.4.4</p>	<p><i>The differential rate be applied by multiplying the capital improved value of the rateable land categorised in paragraph 4 by the percentages indicated on the following table:</i></p> <table data-bbox="537 352 1128 661"> <tr> <td><i>RESIDENTIAL</i></td> <td><i>.4180%</i></td> </tr> <tr> <td><i>FARMLAND</i></td> <td><i>.2717%</i></td> </tr> <tr> <td><i>COMMERCIAL</i></td> <td><i>.4849%</i></td> </tr> <tr> <td><i>INDUSTRIAL</i></td> <td><i>.4849%</i></td> </tr> <tr> <td><i>MIXED USE</i></td> <td><i>.4489%</i></td> </tr> <tr> <td><i>RECREATIONAL</i></td> <td><i>.2090%</i></td> </tr> <tr> <td><i>TRUST FOR NATURE</i></td> <td><i>.2090%</i></td> </tr> <tr> <td><i>VACANT LAND – TOWNSHIP</i></td> <td><i>.5225%</i></td> </tr> <tr> <td><i>VACANT LAND - OTHER</i></td> <td><i>.4180%</i></td> </tr> </table> <p>MUNICIPAL CHARGE & ENVIRONMENTAL CHARGE</p>	<i>RESIDENTIAL</i>	<i>.4180%</i>	<i>FARMLAND</i>	<i>.2717%</i>	<i>COMMERCIAL</i>	<i>.4849%</i>	<i>INDUSTRIAL</i>	<i>.4849%</i>	<i>MIXED USE</i>	<i>.4489%</i>	<i>RECREATIONAL</i>	<i>.2090%</i>	<i>TRUST FOR NATURE</i>	<i>.2090%</i>	<i>VACANT LAND – TOWNSHIP</i>	<i>.5225%</i>	<i>VACANT LAND - OTHER</i>	<i>.4180%</i>
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<i>VACANT LAND - OTHER</i>	<i>.4180%</i>																		
<p>10.1.4.5</p>	<p><i>That the municipal charge and the environmental charge be incorporated into the rate in the dollar amount. Further that an amount equal to the amount raised by the environmental charge be set aside for environmental projects only.</i></p> <p>ANNUAL SERVICE CHARGES</p>																		
<p>10.1.4.6</p>	<p><i>An Annual Service Charge (here after described as the ‘Service Charge – Waste Management (improved)’ be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p> <p><i>The Service Charge - Waste Management (improved) be declared for the management of waste disposal and the environment.</i></p> <p><i>The Service Charge - Waste Management (improved) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.</i></p> <p><i>All land within the municipality upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Waste Management (improved).</i></p>																		
<p>10.1.4.7</p>	<p><i>An Annual Service Charge (forthwith described as the ‘Service Charge - Waste Management vacant’) be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p> <p><i>The Service Charge - Waste Management (vacant) be declared for the management of waste disposal and the environment.</i></p> <p><i>The Service Charge - Waste Management (vacant) be the sum of \$110 for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.</i></p>																		

10.1.4.8	<p><i>All land within the municipality which is vacant land or is land upon which is erected a building which is not occupied or not obviously adapted to be occupied for residential, commercial or industrial purposes will be liable for the Service Charge - Waste Management (vacant) with the exception of farmland where multiple assessments exist and which is worked as a single farming enterprise, only one charge will be levied.</i></p> <p><i>An Annual Service Charge (hereafter known as the `Service Charge - Garbage Collection residential)' be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p> <p><i>The Service Charge - Garbage Collection (residential) be declared for the collection, removal and disposal of domestic refuse and rubbish.</i></p> <p><i>The Service Charge - Garbage Collection (residential) be the sum of \$99 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.</i></p> <p><i>All residential and mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection (residential).</i></p>
10.1.4.9	<p><i>An Annual Service Charge (hereafter known as the `Service Charge - Garbage Collection commercial)' be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p> <p><i>The Service Charge - Garbage Collection (commercial) be declared for the collection, removal and disposal of commercial refuse and rubbish.</i></p> <p><i>The Service Charge - Garbage Collection (commercial) be the sum of \$218 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.</i></p> <p><i>All land other than residential or mixed use land within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Garbage Collection upon request for the service.</i></p>
10.1.4.10	<p><i>An Annual Service Charge (hereafter known as the (`Service Charge - Recycling Collection')) be declared for the period commencing on 1 July 2011 and concluding on 30 June 2012.</i></p> <p><i>The Service Charge - Recycling Collection be declared for the collection, removal and disposal of approved recyclable materials.</i></p>

	<p><i>The Service Charge - Recycling Collection be the sum of \$87 per unit for each area of rateable and non-rateable land (or part thereof) in respect of which an annual service charge may be levied.</i></p> <p><i>All residential land and mixed use within the designated collection areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection.</i></p> <p><i>All other land within the designated collector areas upon which are erected buildings which are occupied or obviously adapted to be occupied will be liable for the Service Charge - Recycling Collection upon request for the service.</i></p>
10.1.4.11	<p><i>Where this declaration levies an Annual Service Charge on a per unit basis, a unit is defined as follows:</i></p> <ul style="list-style-type: none"><i>• Service Charge - Garbage Collection (residential) means one only 120 litre mobile garbage bin.</i><i>• Service Charge - Garbage Collection (commercial) means one only 240 litre mobile garbage bin</i><i>• Service Charge - Recycling Collection means one only 240 litre mobile garbage bin.</i>
10.1.4.12	<p><i>That interest be charged on all overdue rates in accordance with section 172(2) of the Local Government Act 1989.</i></p>
10.1.4.13	<p><i>That pursuant to section 167(1) of the Local Government Act 1989, Council resolves that all rates and charges levied as a result of this declaration must be paid by four installments payable on the dates fixed by the Minister under section 167(2).</i></p>
10.1.4.14	<p><i>That persons who have made submissions be responded to thanking them for their comments and advising them of the outcomes.</i></p>

FURTHER AMENDMENT

<p><i>That Council</i></p> <p><i>10.1.3 That the following details are provided in relation to the 2011-2012 Hepburn Shire Council budget, which commences on 1 July 2011. As at 30 June 2011 the total amount borrowed by Council will be \$3.455 million</i></p> <ul style="list-style-type: none"><i>• There will be new borrowings of \$900,000 during the financial year.</i>
--

Moved: Councillor Bill McClenaghan
Seconded: Councillor Don Henderson
Lost

FURTHER AMENDMENT

That Council

That the proposed budget be amended to relocate the sum of \$50,000 to the employment of an extra staff member on short term contract, instead of hiring a consultant to conduct a review of library services in Trentham to source appropriate grants for Council projects like the Stanbridge jinker restoration as well as preparing other various council and community grant applications.

Moved: Councillor Bill McClenaghan
Seconded: Councillor Don Henderson
Lost

There were no further comments put before the meeting.

Amended Motion then put and carried

Division called:

For:

Councillor Janine Booth
Councillor Jonathan Barrell
Councillor Don Henderson
Councillor Sebastian Klein
Mayor Cr Rod May

Against:

Councillor Bill McClenaghan

URGENT BUSINESS

Moved: Councillor Sebastian Klein
Carried

MOTION

That Council
Allow public to video tape the meeting

Moved: Councillor Sebastian Klein
Seconded: Councillor Don Henderson
Carried

Meeting Adjourned 8:33pm

Meeting Returned 8:50pm

BUDGET 2011-2012

Under Separate Cover

10.2 DAYLESFORD COMMUNITY GARDEN

GENERAL MANAGER SUSTAINABLE DEVELOPMENT

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

PURPOSE

The purpose of this report is for Council to consider the use of Rae Lands Community Park at 42 Raglan Street, Daylesford, bequeathed to the community and managed by Council for a community food garden.

BACKGROUND

In response to the unauthorised development of a free organic food garden located next to the Daylesford library on Albert Street in March 2011, Council has sought to legitimise the site and work in cooperation with the community group; *Daylesford Gardeners* to find a more appropriate permanent site.

Alternative sites identified by Council were Daylesford Community Park, Burke Square and residential nature strips.

However, all the above mentioned sites have been considered by Daylesford Gardeners to be unfavourable for the following reasons:

The Daylesford Community Park is not yet suitable for a community garden due to:

- Vacant -offers no protection for vulnerable seedlings
- Dominated by culture that is not conducive for food production
- Isolated location

Burke Square:

- Sensitive plants/seedlings would be threatened by busy weekend traffic – both pedestrian and vehicular
- Unsafe working environment for families/children
- Already a utilised social space
- Not big enough for garden plots to serve multiple families
- Area not conducive to learning/knowledge sharing and other social benefits of gardening

Nature strips:

- Encroaching on residential properties that may not support
- Although a good use of space for urban agriculture, nature strips would not provide the same social/educational space as an enclosed community garden

Daylesford Gardeners have identified Rae Lands Community Park as the ideal location for the following reasons:

- Ease of access/location
- Enclosed premises-bricked wall with gate
- Passive security with close proximity to residential properties
- North facing
- Protected from southern winds
- Rich volcanic soils
- Infrastructure access
- Currently an underutilised space
- Large enough to host workshops, seminars and community events for a diverse range of networks
- Bequeathed by a community resident for community purposes
- Highly visible location that would create an iconic sustainability initiative

ISSUE/DISCUSSION

At the May 2011 Council Meeting Council resolved:

“That Council request officers to continue to work with members of the community food garden to identify suitable alternative sites for a community food garden(s) and provide a report back to Council on a preferred locations.”

Post Council resolution discussions with Daylesford Gardeners have resulted in clear statements that Rae Lands is the preferred and most appropriate site for these endeavours. In hope of utilising this parcel of land, the group has taken the following steps:

- Formalised as an official ‘group’ with regular meetings, communication and members
 - Are auspiced by community group SHARE and therefore obtained all public liability and public indemnity insurance
 - Commenced development plans for the site illustrating the strategic layout for the food garden with the assistance of Permaculture expert David Holmgren
 - Are willing to go into a licensed or lease agreement with Council which would set out the conditions of use of the land, demonstrate how the risks to
-

individuals working on the site will be managed and how the site will be maintained to limit the risks to members of the community visiting the site and also limit any off site impacts.

It should be noted that although this is the first project of its type within Daylesford, other sites such as Daylesford Community Park may be able to be considered in the future as growth and diversity require.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Commitment 47: Achieving high levels of social inclusion through understanding the great diversity within our Shire and making our services, programs and facilities available at all.

Commitment 59. To become a carbon negative community by 2025.

FINANCIAL IMPLICATIONS

Current value (CIV) of Rae Lands site is \$221,000. However, it is to be noted that if Council was to resolve the decision to permit Daylesford Gardeners to develop the site, no financial costs would be requested of Council.

RISK IMPLICATIONS

Identified risks include:

Further community protest regarding the sale of bequeathed land and rejection of the development of a free community food garden for the residents of Daylesford.

Other risks will be covered in any license/lease agreement.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Community food production created by local residents is an example of a deliverable that could be expected to be developed as part of an Energy Descent Action Plan-as per one of the mandates of the environmental sustainability advisory committee.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council officers have had a number of meetings with community members involved.

CONCLUSION

Support for community gardens is consistent with Council's Environmental Sustainability and Healthy Safe and Vibrant Community strands of the Council Plan. However Council needs to balance this with good governance and ensure effective risk mitigation.

OFFICER'S RECOMMENDATION

10.2.1 That Council resolve to allow the Daylesford Gardeners to develop a community food garden at Rae Lands Community Park; 42 Raglan Street, Daylesford, subject to a signed occupancy agreement.

MOTION

10.2.1 That Council resolve to allow the Daylesford Gardeners to develop a community food garden at Rae Lands Community Park; 42 Raglan Street, Daylesford, subject to a signed occupancy agreement.

Moved: Councillor Jon Barrell
Seconded: Councillor Sebastian Klein
Carried

10.3 COMMUNITY GRANTS ROUND 2 2010-2011 – FURTHER APPLICATION – FRIENDS OF WOMBAT HILL BOTANIC GARDENS

ACTING GENERAL MANAGER COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager, Community Development, I Irene McGinnigle have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council endorsement of payment for an additional submission to the Round 2 (2010-11) community grants assessment which was overlooked in the original process in February/March 2011.

BACKGROUND

This particular submission was received on 19 March, but was confused with a submission of a similar name. Unfortunately, this resulted in the submission not being considered by the Assessment Panel.

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

Round 2 Community Grants opened on 21 February 2011 and closed 18 March 2011. The availability of Community Grants was advertised in the Advocate and on the Council webpage. The Community Grants Program was also promoted through e-mail distribution lists.

ISSUE/DISCUSSION

The applicant, Friends of Wombat Hill Botanic Gardens is seeking \$2,000 to assist them with their open garden project. The open garden project is a series of three events across November and December 2011 and April 2012.

It involves opening Musk Farm, Wombat Park and 5 private gardens near the Wombat Hill Botanic Gardens as a fundraiser for the restoration of the Rustic Cascade, the Fernery and the Band Rotunda in Wombat Hill Botanic Gardens.

The application meets all eligibility requirements to qualify for a Council community grant. The grant will be used to purchase promotional materials to advertise the events.

Council officers propose that due to the oversight and the strong community benefit the \$2,000 grant be provided to the Friends of Wombat Hill Botanic Gardens.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Hepburn Shire Council Plan states:

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

FINANCIAL IMPLICATIONS

Unfortunately due to the submission not being considered through the assessment panel there are no longer any funds available through the Community Grants program 2010/11. It is proposed that funding be provided from the Community Events budget.

RISK IMPLICATIONS

N/A

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Round 2 2010/11 Community Grants were advertised in the Advocate, on Council's webpage and through community newsletters and email distribution lists.

CONCLUSION

The recommended project supports the objectives of the Community Grant Guidelines.

OFFICER'S RECOMMENDATION

- 10.3.1 *That Council award the Community Grant of \$2,000 to the Friends of Wombat Hill Botanic Gardens for their Gardens for the Gardens Project.*
-

MOTION

10.3.1 That Council award the Community Grant of \$2,000 to the Friends of Wombat Hill Botanic Gardens for their Gardens for the Gardens Project.

Moved: Councillor Jon Barrell
Seconded: Councillor Janine Booth
Carried

URGENT BUSINESS

Moved: Councillor Janine Booth
Carried

MOTION

That Council reaffirm its commitment to the Code of Conduct and the adopted protocols, policies and processes that underpin the good governance of the Hepburn Shire and that determine how we will work together as an organisation.

And Further –

That Council acknowledges the importance of working collaboratively within the agreed framework and supporting the continued provision of expert, professional and uninhibited advice that informs the Council's decision making process.

Moved: Councillor Janine Booth
Seconded: Councillor Jon Barrell
Carried

10.4 VICTORIAN MINERAL WATER COMMITTEE

- COMMUNITY GRANT FOR MINERAL WATER DVD

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Visitor Services Coordinator (Acting Manager Economic Development & Tourism), I Debra Shaddock have no interests to disclose in this report.

PURPOSE

The Victorian Mineral Water Committee intends to provide Council with a Community Grant for \$18,000 to produce a new Mineral Water DVD to educate and promote this valuable resource.

BACKGROUND

More than 80 per cent of Australia's Mineral Water Springs are located in the Central Highlands region, particularly around the townships of Daylesford and Hepburn Springs. These Mineral Springs were found by settlers around 1863 and have been highly regarded for their health giving properties ever since.

Previously, by way of educating visitors to the area and promoting the Mineral Springs, the Daylesford Regional Visitor Information Centre had a 'Mineral Water DVD' running on loop. This DVD is now dated and many returning visitors and local businesses have seen the footage before. A new and vibrant display would be of benefit to all.

Mineral Water is a major point of difference for our region and a significant tourism drawcard. There is a real need to educate the visitor about this precious and unique resource which we are so lucky to have.

The main purpose of the video will be to educate and inform the public, and to promote the springs as unique community assets of our area and a worthy tourism product. The video will be created in a format that can be used on DVD, but also web enabled, to allow for use on Councils websites if required.

ISSUE/DISCUSSION

The Victorian Mineral Water Committee has agreed to fund the production of this video through their Community Grants Scheme 2010-11. Council's contribution will be in-kind and include the management of the project.

The Victorian Mineral Water Committee has committed \$18,000 towards the project. In order to secure the funding Council is required to sign and apply its Common Seal to the Schedule of Grant Terms and Conditions.

FINANCIAL IMPLICATIONS

This project will be funded by the Victorian Mineral Water Committee. Council will provide in-kind support through the Economic Development and Tourism Unit managing the project.

RISK IMPLICATIONS

Businesses who can demonstrate a direct link to Mineral Water, will be invited to participate in this project through sponsoring the video. Any sponsorship received for this project will result in a business receiving brand exposure in the video.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Businesses who can demonstrate a direct link to Mineral Water, will be invited to participate in this project through sponsoring the video. Any sponsorship received for this project will result in a business receiving brand exposure in the video.

CONCLUSION

The development of a Mineral Water video will assist in educating the general public on this precious resource and will be a valuable tool in informing visitors about one of the reasons, why this region is so unique.

OFFICER'S RECOMMENDATION

- 10.4.1 *That Council sign and seal the Victorian Mineral Water Committee Community Grant 2010-2011 Agreement.*

MOTION

- 10.4.1 *That Council sign and seal the Victorian Mineral Water Committee Community Grant 2010-2011 Agreement.*

Moved: Councillor Jon Barrell
Seconded: Councillor Janine Booth
Carried

**ATTACHMENT 1 – PDF – LETTER ENCLOSING COMMUNITY GRANT 2010-2011 VMWC
07 DOCUMENTATION – TOURISM DVD**

10.5 SALE OF LAND – 33 ALBERT STREET DAYLESFORD (200724)

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

A request has been received from Walsh Mobbs Land Surveyors enquiring whether Council would entertain a sale of vacant land on the east side of the Library at 33 Albert Street, Daylesford. This report seeks a Council decision about the possible sale of this land.

BACKGROUND

Walsh Mobbs Land Surveyors advise they would be interested in purchasing the property for “development”.

The Library and the vacant land are presently within the one Title. To achieve a sale of the vacant land only, a subdivision would be required, unless it was proposed to sell the whole site, including buildings, as one.

Subdivision and sale of the vacant land was previously proposed in 1999, but did not proceed at that time. The reasoning appears to have been to let the value of the land increase with proceeds being directed to an appropriate project at a later time.

Within the 2010 Vacant Land Review this land was earmarked as a possible site for sale, however the future of library infrastructure was an added point for consideration.



ISSUE/DISCUSSION

This Report is limited to the request from Walsh Mobbs Land Surveyors to purchase the 293sqm site in question.

The site is within the 'Business 1 Zone' of the Hepburn Shire Council Planning Scheme, meaning it could be used for "development". The development of a building in the zone requires planning permission. The use of property for a goods or services based retailing premises does not require planning permission, although use as licensed premises, places of assembly, or industry does require a planning permit.

Walsh Mobbs Land Surveyors have not indicated what type of development they may propose, however it may be too early in the process for this to be an issue. With frontage to Albert Street and access from the lane at the rear the land could be suitable for a range of commercial proposals.

A specific matter for consideration is whether Council would entertain a sale by private treaty i.e. a sale direct to a purchaser such as Walsh Mobbs Land Surveyors, or whether it decides to direct that the best price for the land may be through a public auction or tender process.

Is there a strategy regarding future library use – see Financial Implications below?

There is a current and recognised temporary occupancy of the site as a community garden.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

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

As indicated above this piece of land was listed as a possible site for sale in the Vacant Land Review.

The zoning of the land does allow for business/commercial development to take place.

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

FINANCIAL IMPLICATIONS

This is a valuable site. A 2010 valuation indicated as a separate title, the land could be worth at least \$170,000.

Prior to selling a statutory valuation of the property is required

From a rates perspective, the land would become rateable and return in the order of \$750 annually. After development this amount would increase.

There would be costs associated with subdivision, although precious survey work and the earlier plan of subdivision would minimise these costs. Sale by private treaty would see sale and legal costs in the order of \$3,000, but this would more than double if an auction was conducted.

The use of the proceeds of any sale is a further consideration. If the land was to be sold, would those proceeds be set aside for a future library project?

RISK IMPLICATIONS

There is no immediately identifiable risk associated with selling this land.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The land is presently occupied or being used as a community garden site, although there is no long term commitment to this project. The proponents of this project may be concerned about development for business purposes.

There are no known environmental affects, costs or implications associated with the site.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As indicated above public notice of intention to sell the land must be given to allow for receipt of submissions.

CONCLUSION

If the Council intends to proceed with this matter it should declare the land as surplus to need and give public notice to sell by a method to be determined.

If a sale by private treaty or indeed any sale is considered inappropriate at this time, the request from Walsh Mobbs Land Surveyors to purchase the land should be rejected.

OFFICER'S RECOMMENDATION

That Council:

10.5.1 is satisfied that the vacant land at 33 Albert Street Daylesford as described in the above Report is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and

10.5.2 proceed to advertise its intention to sell the land by a public process and seek public submissions on this proposal in accordance with S189, S192 and S223 of the Local Government Act 1989.

MOTION

That Council:

10.5.1 is satisfied that the vacant land at 33 Albert Street Daylesford as described in the above Report is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and

10.5.2 proceed to advertise its intention to sell the land by a public process and seek public submissions on this proposal in accordance with S189, S192 and S223 of the Local Government Act 1989.

ALTERNATE MOTION

That Council

- *Supports and endorses the productive use of 33 Albert Street for community food production.*
- *Recognizes that the ongoing social value of this asset owned by council on behalf of the community may outweigh the monetary value that could be gained from selling it*

Moved: Councillor Sebastian Klein

Seconded: Councillor Bill McClenaghan

AMENDED ALTERNATE MOTION

That Council

In the short to medium term 1-3 years

- *supports and endorses the productive use of 33 Albert Street for community food production*
- *recognizes that the ongoing social value of this asset owned by council on behalf of the community may outweigh the monetary value that could be gained from selling it*

Moved: Councillor Jon Barrell

Seconded: Councillor Janine Booth

Withdrawn

Councillor Jon Barrell moved a deferment

Carried

Casting Vote Mayor Councillor Rod May

10.6 SALE OF LAND – ARMSTRONG STREET, DAYLESFORD (100447)

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 seeks a Council decision to accept or reject a request from F J & L M Evans to purchase Council owned land in Armstrong Street, Daylesford, approximately 150sqm in area.

BACKGROUND

The Council property is located on a bend in Armstrong Street before its intersection with Leggatt Street. The land, triangular in shape, is described as Lot 1 on Title Plan 409307G and has been owned by Council since 1953. The reason for owning the land is not clear, however at the time it may have had to do with improving the bend in Armstrong Street.

F J & L M Evans own the adjoining land at 47 Leggatt Street and wish to purchase the Council land to consolidate it with theirs as part of a proposed 2 lot subdivision.

Plans below show what is described above.

ISSUE/DISCUSSION

The sale of the land (if it proceeds) and its addition to the proposed Lot 2 in the Evans subdivision will clearly improve access to the Evans site and its value.

Clearly the addition of the land will make the proposed Lot 2 more attractive real estate.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

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

This small piece of land was not listed as a possible site for sale in the Vacant Land Review, being too small to sell as a separate parcel.

From a town planning point of view, the advice is - there would be no planning issues.

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

FINANCIAL IMPLICATIONS

Prior to selling a statutory valuation of the property is required. A preliminary valuation, taking into account the land, consolidation and the effect on the proposed Lot 2 indicates the value to be in the order of \$15000.

The general policy is that land is sold at not less than valuation. Council may consider setting a price to cover other sale expenses

From a rates perspective, the addition of the land to the proposed Lot 2 would have minimal effect.

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

RISK IMPLICATION

There is no immediately identifiable risk associated with selling this land.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no known environmental affects, costs or implications associated with the site. If there are any services in the land, an appropriate easement could be created.

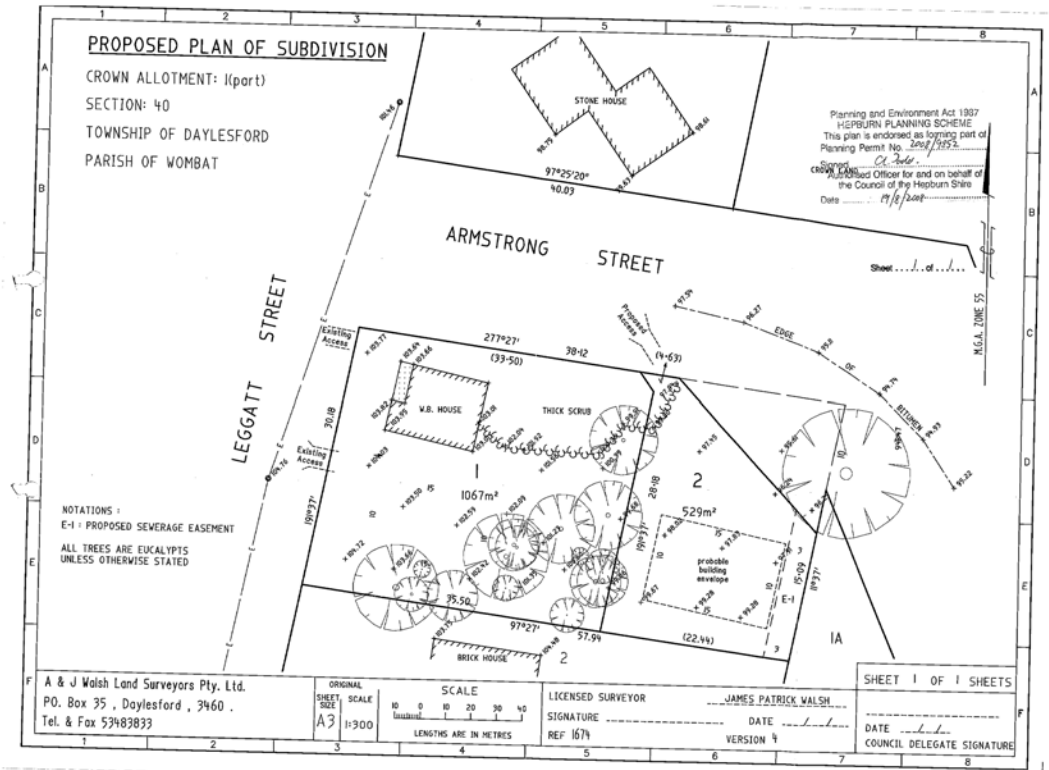
Environmentally, it would be an advantage to consolidate the land with the proposed Lot 2

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As indicated above public notice of intention to sell the land must be given allowing for receipt and consideration of submissions.



Triangular Lot 1 TP 409307G (approx 150sqm) proposed to be sold and consolidated with proposed Lot 2 on Plan of Subdivision.



CONCLUSION

If the Council intends to proceed with this matter it should declare the land as surplus to need and give public notice to sell by private treaty.

If not, the request from Evans' to purchase the land should be rejected.

OFFICER’S RECOMMENDATION

That Council:

10.6.1 is satisfied that Lot 1 Title Plan 409307G and as described in Certificate of Title Vol 07925 Fol 005 is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and

10.6.2 proceed to advertise its intention to sell the land by private treaty to F J & L M Evans and seek public submissions on this proposal in accordance with S189, S192 and S223 of the Local Government Act 1989.

MOTION

That Council:

10.6.1 is satisfied that Lot 1 Title Plan 409307G and as described in Certificate of Title Vol 07925 Fol 005 is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and

10.6.2 proceed to advertise its intention to sell the land by private treaty to F J & L M Evans and seek public submissions on this proposal in accordance with S189, S192 and S223 of the Local Government Act 1989.

Moved: Councillor Don Henderson

Seconded: Councillor Jon Barrell

Carried

10.7 HEPBURN SHIRE INTERNATIONAL WOMEN'S DAY

WOMEN'S HONOUR ROLL ORGANISATIONAL COMMITTEE

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the CEO, I Kaylene Conrick, have no interests to disclose relating to this report.

PURPOSE

This report seeks Council endorsement to see three new members join the 2012 Hepburn Shire International Women's Day Women's Honour Roll Organising Committee.

BACKGROUND

The Hepburn Shire International Women's Day has become a well-known and well-regarded institution and community event. It began in 2005, and since then has paid tribute to thirty two (including sixteen posthumous) women from across the Shire.

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

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

ISSUE/DISCUSSION

The Committee, at its last meeting, recommend Council to appoint the following three applicants to be considered as new members of the International Women's Day Committee as they meet all the requirements. This will increase the Committee to from six to eight members from across the Shire.

- Sandy Campbell
 - Lorene Gottschalk
 - Anne Gleeson
-

The total Committee will then comprise:

- | | |
|-------------------|-------------------------|
| 1. Sandy Campbell | 2. Lorene Gottschalk |
| 3. Anne Gleeson | 4. Nadeeka Wimalasuriya |
| 5. Roma Wiseman | 6. Joan Rattray |
| 7. Mabel Moran | 8. Kate Redwood |

OFFICER'S RECOMMENDATION

That Council appoint the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee:

1. *Sandy Campbell*
2. *Lorene Gottschalk*
3. *Anne Gleeson*

MOTION

That Council appoint the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee:

4. *Sandy Campbell*
5. *Lorene Gottschalk*
6. *Anne Gleeson*

ALTERNATE MOTION

That Council appoint the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee:

- | | |
|-------------------------------|-----------------|
| 1 <i>Sandy Campbell</i> | 5. Roma Wiseman |
| 2 <i>Lorene Gottschalk</i> | 6. Joan Rattray |
| 3 <i>Anne Gleeson</i> | 7. Mabel Moran |
| 4 <i>Nadeeka Wimalasuriya</i> | 8. Kate Redwood |

Moved: Councillor Don Henderson

Seconded: Councillor Bill McClenaghan

Carried

10.8 CONSENT TO CLOSURE OF SECTION UNUSED ROAD (CARLYLE STREET) NORTH OF ALLOTMENT 2, SECTION 5, TOWNSHIP OF FRANKLINFORD

GENERAL MANAGER INFRASTRUCTURE

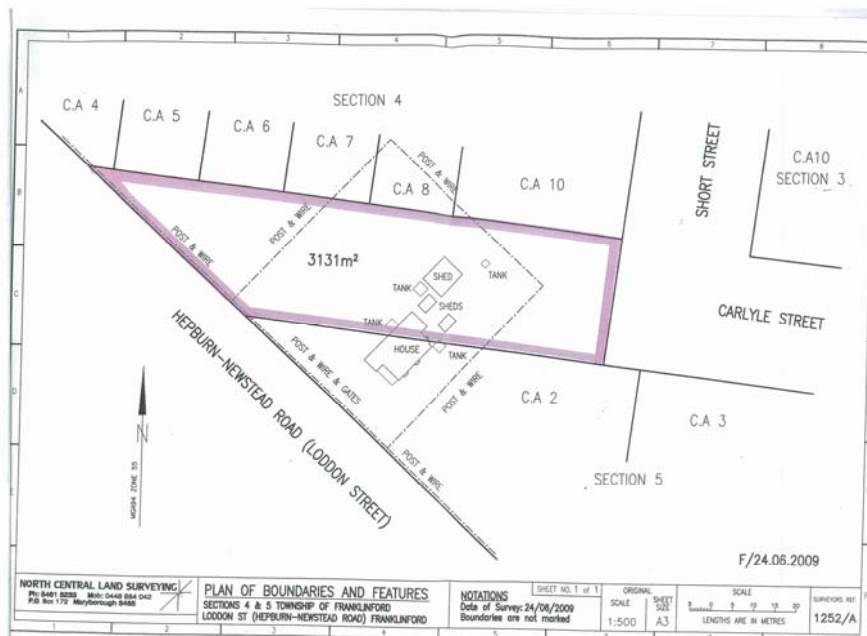
In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.

PURPOSE

To determine that a section of road reserve known as Carlyle Street Franklindford is no longer required by Council for Public Traffic and that Council give its concurrence to the closing of this section of unused Road, Carlyle Street, North of Allotment 2, Section 5, Township of Franklindford at the request from the Department of Sustainability and Environment (DSE).

BACKGROUND

The road reserve (street) is currently used mostly as grazing land but also has part of a 50 to 80 year old house and a number of tanks and outbuildings built on the road reserve. Council has received a request from DSE to consent to the closing of this section of Carlyle Street Franklindford shown on the plan below. This will allow DSE to consider selling this section of land to the adjoining landowners who own the adjoining property on which is located the other part of the house.



ISSUE/DISCUSSION

The area of road reserve proposed for closing is 3,131 square metres. A boundary re-establishment survey has been carried out and is shown on Plan F/24.06.2009 above.

The adjoining landowners have given their consent to the closing of this section of Carlyle Street and they are the landowners who DSE is then able to sell the closed section of road reserve to. There are no other adjoining landowners.

Council is not the agent closing the road; it is giving its concurrence to the closing of the road as per the section 349 of the Land Act 1958.

“Section 349 (1) Notwithstanding anything contained in any Act where any road the absolute property in the land of which is vested in the Crown is as to the whole or any portion of the length or width thereof unused the Governor in Council with the concurrence in writing of the council of any municipality in whose municipal district the same is wholly or partly situate and of the owners (if any) of any land adjoining the said road or portion thereof (as the case may be) may by order published in the Government Gazette close the whole or any portion of the length or width of such road situate in that municipal district.”

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

This proposal is in accordance with the Hepburn Shire Council Plan 2009-2013 of ‘Good Governance’, Strategy Number 7 which states:

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

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

There is no anticipated adverse publicity from closing this section of road as visually the land is being used for a house and associated outbuildings.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are no environmental implications. This road closure will give certainty of land ownership to the owners of the house

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Adjoining landowners to the road reserve have given their permission in writing to DSE.

CONCLUSION

The Council give its concurrence to the closing of the section of Carlyle Street Franklinfoord highlighted in Purple on the plan F/24.06.2009 by Department of Sustainability and Environment.

OFFICER'S RECOMMENDATION

That Council:

10.8.1 Give its concurrence to the closing of the section of unused Road, Carlyle Street, North of Allotment 2, Section 5, Township of Franklinfoord indicated on Plan F/24.06.2009 at the request from the Department of Sustainability and Environment (DSE).

10.8.2 Delegate the chief executive officer to advise DSE in writing of Council's resolution and sign the "Consent to Closing of Road" form from DSE.

MOTION

That Council:

10.8.1 Give its concurrence to the closing of the section of unused Road, Carlyle Street, North of Allotment 2, Section 5, Township of Franklinfoord indicated on Plan F/24.06.2009 at the request from the Department of Sustainability and Environment (DSE).

10.8.2 Delegate the chief executive officer to advise DSE in writing of Council's resolution and sign the "Consent to Closing of Road" form from DSE.

Moved: Councillor Janine Booth
Seconded: Councillor Jon Barrell
Carried

10.9 FUNDING FOR SMALL HALLS BIG IDEAS

SUPPORTING SMALL COMMUNITIES, INFRASTRUCTURE, ARTS PARTICIPATION AND COMMUNITY CAPACITY

ACTING GENERAL MANAGER- COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager- Community Development, I, Irene McGinnigle, have no interests to disclose in this report.

PURPOSE

This report provides Council with a recommendation to respond to a funding request from the Localities Enhancing Arts Participation (LEAP) Program to grant funding within the 2010-2011 Arts Officer budget to support community infrastructure, arts participation and community capacity building within four small communities in alignment with the Hepburn Shire LEAP *Small Halls... Big Ideas* Project.

BACKGROUND

Hepburn Shire Council is one of five partner Councils in the Central Highlands region participating in a VicHealth funded pilot project (\$200,000 per year for three years) to develop community health and wellbeing through arts participation. The Central Highland LEAP project is one of three pilot projects funded across the state, and is the only one involving multiple councils.

The Hepburn Shire LEAP *Small Halls... Big Ideas* project will select four halls in communities of less than 500 people from across Hepburn Shire. Hall committees will work in partnership with a contracted Arts Facilitator to develop local arts participation initiatives to be launched in November this year, concurrent with Regional Arts Victoria's 'Home Is Where the Hall Is' initiative. Further to this Hall committees will develop a touring network to attract arts initiatives and performances to and within our Shire.

In total this project has been costed at \$130,750, with \$70,000 not yet sourced. The LEAP program has contributed \$24,600 to *Small Halls... Big Ideas* and now identifies this project as the priority project for seeking funding.

To date LEAP has been able to leverage \$260,000 (from local and state governments, as well as philanthropic organisations) for arts participation across the Central Highlands region, on top on VicHealths 2011 \$200,000 investment.

ISSUE/DISCUSSION

Whilst many small halls are well utilised by communities across the Shire accessibility is often mitigated by obstacles in infrastructure or capacity to deliver on local projects.

The first stages of the *Small Halls... Big Ideas* project plan is to:

1. Invite small halls to complete an Expression of Interest to participate in the project (May 20-June 20, 2011)
2. Select 4 small halls from the Expression of Interests (June 22, 2011)
3. Develop an audit tool to conduct with the Committees of Management for the halls selected, to assess their needs for delivering community arts projects. July, 2011.
4. Support halls to address audit priorities. August, 2011.
5. Begin working with communities around the small halls to identify interest, participation and plans to develop arts initiatives. September. 2011.

To this end Council has received a funding request from the LEAP program to grant \$20,000 from the 2010-2011 Arts Officer budget to the LEAP program to be allocated to assist small halls selected for LEAP.

The requested \$20,000 from Hepburn Shire Council will be utilised to support points three and four of the project listed above and would be allocated in the following way for the 2011-2012 year:

Halls audit	\$ 4000 ¹
Hall One	\$ 4,000 ²
Hall Two	\$ 4,000 ²
Hall Three	\$ 4,000 ²
<u>Hall Four</u>	<u>\$ 4,000²</u>
Total	\$ 20,000

Note 1: The Halls Audit would produce a replicable model which would be available for halls in other communities across the Hepburn Shire and the Central Highland Region to utilise for self assessment. Broadly the audit would encapsulate security, accessibility, sustainability, capacity and infrastructure. The Halls Audit would occur in July 2011.

Note 2: Following the audit each of the Hall Committees would be allocated \$4000 to invest in the priority areas identified through their audit, and could be used to

leverage further funding from other sources. The \$4000 hall investment could be used to: secure small infra-structure, hire professional technicians, engage technical / IT support, obtain OHS support, provide governance training. This would be co-ordinated in August 2011.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

This recommendation reflects a number of Hepburn Shire Council Plan strategies;

5. Increasing our spending on Shire assets by a total of \$2.5 million over our four year term

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

47. Achieving high levels of social inclusion through understanding the great diversity within Shire and making our services, programs and facilities accessible to all

54. Facilitation the restoration of important heritage buildings

57. Providing assistance to festivals and events which celebrate the rich cultural heritage of the Shire and which further define contemporary communities in Hepburn Shire.

FINANCIAL IMPLICATIONS

\$20,000 requested currently remains unspent in the 2010-2011 Arts Officer budget.

RISK IMPLICATIONS

Contractors will ensure that all Hepburn Shire Council OH&S policies are followed throughout auditing and implementation process.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

- Increased social capacity and social inclusion in small towns
 - Investment in and increase of community infrastructure where halls often represent the majority of a communities assets
 - Support for increased health and well being through arts participation in Hepburn Shire
 - Flow on effects from the LEAP Small Halls... Big Ideas project generating economic development for communities through increased arts activities
-

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This project represents a partnership with a range of communities, as well as an investment in arts in the Hepburn Shire, and has endorsed by the Culture and Arts Advisory Committee in 2009.

CONCLUSION

This recommendation provides Council with an opportunity to make an investment into small halls in four separate communities which will result in a wide range of social inclusion, community capacity and arts participation development initiatives in our Shire.

OFFICER'S RECOMMENDATION

That Council:

10.9.1 Grant \$20,000 from the 2010-2011 Arts Officer budget to the LEAP Project to support the Hepburn Shire Small Halls... Big Ideas Project in conducting and addressing audit priorities to increase arts participation for health and wellbeing in Hepburn Shire.

ALTERNATE MOTION

That Council:

Grant \$20,000 from the 2010-2011 budget to the Lindsay Arts Trail project

Moved: Councillor Don Henderson

Seconded: Councillor Janine Booth

Carried

AMENDMENT

That Council:

Award \$10,000 to Lindsay Arts Trail Project and \$10,000 to support 1-2 Community Arts projects in the Shire by 30-06-2012, to be approved by the Arts Advisory Committee.

Moved: Councillor Jon Barrell

Seconded: Councillor Sebastian Klein

Withdrawn

10.10 CRESWICK MUSEUM INSTRUMENT OF DELEGATION MANAGER RISK

In providing this advice to Council as the Manager Risk, I Grant Schuster have no interests to disclose in this report.

PURPOSE

This report discusses Council's preferred approach to appointing members to special committees and proposes an amendment to the Creswick Museum Special Committee's Instrument of Delegation (dated 24 March 2011).

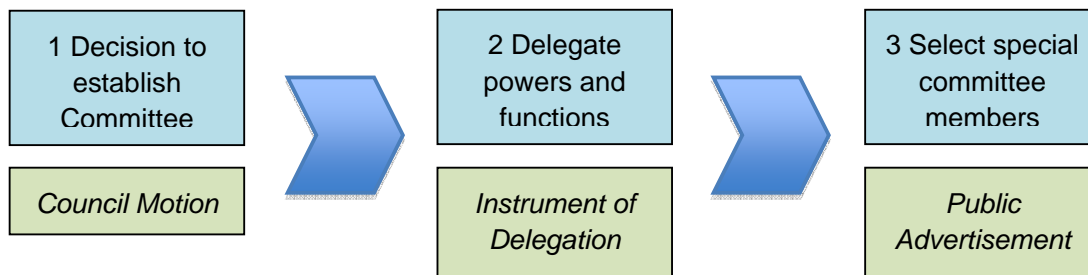
BACKGROUND

At the March 2011 Council meeting, a report was presented with a revised Instrument of Delegation for the Creswick Museum Special Committee. This was approved by Council.

The Delegation made some changes in relation to appointing members to the committee, by allowing the Committee to elect members itself, subject to approval by Council. This has led to some confusion in relation to the autonomy of the committee and the role of Council in approving members.

ISSUE/DISCUSSION

There is a three step process to establish special committees as follows:



There is no requirement to repeat step one once a committee is established.

Steps two and three are separate processes and can have different review/renewal dates.

All Instruments of Delegation (step 2) are required to be reviewed by Council within one year of the general election of Councillors.

Special committee members can be appointed (step 3) for any length of time and are generally appointed for three years.

Appointing Special Committee Members

Members of a new special committee must be appointed by Council. There are options to how we appoint new members for existing committees, but to avoid confusion, we propose the following approach:

Consideration	Proposed Approach
Term of appointment	Staggered terms - Maximum of three years – Half of committee changing over, with half continuing for continuity
Advising Council of Date of AGM	Committee to notify Council contact officer
Advertising for new members at the end of the Committee's term or if a vacancy arises	Council contact officer to advertise publicly for new Members in accordance with our Community Engagement Framework
Submission of applications	To the Council contact officer for the Committee
Review of application and proposed members	Council officers (at least two), who would consult with relevant individuals
Approval of selection	Report to Council
Change-over of members	At the AGM

This approach has been developed to achieve increased fairness in selecting new members. There is a risk that the process may not occur in a timely manner, but Guidelines for Special Committees are being updated to support an efficient process.

In this approach, we would seek to have the change-over of members occur at the AGM, rather than when the delegation needs renewal. We will also stagger the terms of members at the next renewals (e.g. half will have a three year term and half have a two year term) to enable continuity of members.

The current Committee members will present the required reports at the AGM. Subsequently, the new Committee will nominate and vote on new office bearers, as required by the Instrument of Delegation. This enables better continuity of members.

Given the reaction to the Creswick Museum Instrument of Delegation, we also propose amending the Instrument of Delegation to reflect this approach.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Special committees are established and delegations assigned under section 86 of the *Local Government Act 1989*. This approach is consistent with the Local Government Act requirements.

FINANCIAL IMPLICATIONS

None noted.

RISK IMPLICATIONS

This approach has been chosen to balance the risks of excluding applicants with the risk of the administrative processes leading to inefficiencies.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This approach to appointing special committee members maintains transparency of the process and equality to all applicants.

CONCLUSION

Based on the reaction to the flexibility in selecting new members in the Creswick Museum Special Committee's Instrument of Delegation, we are proposing Council staff manage the appointment of new committee members.

As such, we propose amending two clauses from the Creswick Museum Instrument of Delegation, as per the attached amendment, and articulating the above process in the revised Guidelines for Special Committees (**Refer ATTACHMENT 2**).

OFFICER'S RECOMMENDATION

That Council adopts the approach of managing the appointment of Special Committee members, so that Council officers publicly advertise to fill vacancies, complete the assessment and prepare a report for Council approval.

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

(i) The powers, duties and functions delegated to the Creswick Museum Special Committee be amended as set out in the attached Amendment to Instrument of Delegation (the Amendment).

(ii) The Amendment comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

(iii) The Amendment be sealed.

MOTION

10.10.1 *That Council adopts the approach of managing the appointment of Special Committee members, so that Council officers publicly advertise to fill vacancies, complete the assessment and prepare a report for Council approval.*

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

(i) The powers, duties and functions delegated to the Creswick Museum Special Committee be amended as set out in the attached Amendment to Instrument of Delegation (the Amendment).

(ii) The Amendment comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.

(iii) The Amendment be sealed.

Moved: Councillor Janine Booth

Seconded: Councillor Don Henderson

Carried

ATTACHMENT 2

**Hepburn Shire Council
Amendment to Instrument of Delegation**

Creswick Museum Special Committee

Hepburn Shire Council (**Council**) amends the delegation to the special committee established by resolution of Council passed on 15 March 2011, sealed on 24 March 2011 and known as the "Creswick Museum Special Committee" (**the Committee**), by making the changes set out in the Schedule, and declares that:

this Amendment to the Instrument of Delegation is authorised by a resolution of council passed on 21 June 2011; and

this Amendment:

comes into force immediately the common seal of Council is affixed to this Instrument of Delegation; and

remains in force until Council resolves to vary or revoke it.

The COMMON SEAL

of the HEPBURN SHIRE COUNCIL

was affixed in the presence of

..... : **Mayor**

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

This XX day of June 2011.

SCHEDULE

Amendments

The following clauses are to be deleted from the “Membership of the Committee” section of the Instrument of Delegation to the Creswick Museum Special Committee dated 24 March 2011:

The Committee may at its meetings, including the annual meeting, elect new members and seek written approval from Council for the new members to be appointed as members to the Committee.

All members shall be appointed for a maximum duration of three years, after which the Committee must formally re-elect the members, and have their appointment approved in writing from Council.

In replacement of the above, the following clause is to be added to the “Membership of the Committee” section of the Instrument of Delegation to the Creswick Museum Special Committee dated 24 March 2011:

3. *All members shall be appointed by Council for a maximum duration of three years.*

The remainder of the Instrument of Delegation is unchanged.

END SCHEDULE

10.11 COMPLAINTS HANDLING POLICY

ACTING– 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 Complaints Handling Policy.

BACKGROUND

The Hepburn Shire Council currently does not have a formal complaints handling process. The intention of this report is to update the committee on the draft Complaints Handling Policy.

ISSUE/DISCUSSION

In addition to using its own views and knowledge, the Complaint Handling Policy has been developed with reference to a range of information sources.

Recent research results from the Local Government Community Satisfaction Survey of Hepburn Shire Council (2010) show that 26% of respondents to the survey were of the opinion that customer contact needed some (13%) or a lot (13%) of improvement. Additionally, 41% of survey respondents were of the opinion that Council's community engagement needed some (22%) or a lot (19%) of improvement.

Hepburn Shire Council (Council) has been working hard to improve its relationship with its community (which comprises residents, rate payers, visitors, and relevant parties and other stakeholders).

This openness continues through demonstrating Council's clear willingness to rectify its mistakes and omissions. Using the information gained from its complaints handling process, Council can improve its services and processes, therefore consolidating its service proposition to the community.

Managing complaints well strengthens Council's ability to protect and/or repair its relationship with members of its community that may potentially be damaged by service or process failure.

This is critical because it has been found that "if customers are poorly treated when they complain, the service failure they experienced is magnified". Given its highly visible and accountable position in the community, a poor quality complaints

handling process can compound the damage already caused by a dispute or complaint about Council's services or processes.

Furthermore, studies have shown that "customers who complain and are consequently satisfied are up to 8% more loyal than if they never had a problem at all".

Hepburn Shire Council's Complaints Handling Policy has been developed in the context of this information and seeks to deliver an integrated approach to managing complaints that is robust, fair, dynamic, agile and defensible.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Council Plan makes four fundamental commitments:

- We will deliver good governance to the Hepburn Shire
- We will help improve economic prosperity
- We will assist our residents improve the health, safety and vibrancy of our communities
- We will guide our Shire towards environmental sustainability

The development of a Complaints Handling Policy shows that Council values its relationship with its community and is implementing a complaints handling process to build trust, and improve communications and the quality of its services and processes. The foundation of the complaint handling process is provided by a number of principles which are considered to be of primary importance. These principles are:

1. The rights and obligations of all parties must be considered and respected.
2. The complaint handling process must be non-adversarial, consistent, accessible, easy to use and understand, and transparent.
3. Senior management must be fully accountable and responsible for the management and quality of the complaint handling process
4. Information gained from the complaint handling process is valuable

FINANCIAL IMPLICATIONS

No Financial Implications to note

RISK IMPLICATIONS

No Risk Implications to note

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The development of a Complaints Handling Policy will provide an important avenue for improving the quality of communication, and relationship with the community. An effective complaints handling framework can be an important line of direct communication with the community. Providing an honest, open, simple and well managed complaint handling process Council shows the community that it is willing to open itself up to scrutiny through a transparent and robust assessment of its decision making and 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 draft Complaints Handling Policy has been developed

OFFICER'S RECOMMENDATION

That Council:

- 10.11.1 adopt the Complaints Handling Policy; and
- 10.11.2 make the Complaints Handling Policy available for public inspection on the Council's website

MOTION

That Council:

10.11.1 adopt the Complaints Handling Policy; and

10.11.2 make the Complaints Handling Policy available for public inspection on the Council's website

Moved: Councillor Janine Booth

Seconded: Councillor Jon Barrell

Carried

ATTACHMENT 3



POLICY No: 64 (C)

COMPLAINTS HANDLING POLICY

DATE AMENDED:

DATE OF NEXT REVIEW:

DATE ADOPTED:

RESPONSIBLE OFFICER:

REFERENCES: Local Government Act 1989
Information Privacy Act 2000
Local Government Regulations
Other Federal and State Legislation
Other Council or Management policies and procedures

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

The Hepburn Shire Council provides a diverse range of services and facilities to its residents and members of the broader regional community. Council recognises that from time to time, service delivery does not meet our required standards.

Hepburn Shire Council welcomes complaints as well as compliments, and will endeavour to use them as an important tool in monitoring and responding to customer expectation to improve services to ratepayers and residents. Council uses complaints as a source of feedback to guide best practice.

In order to assist the Hepburn Shire Council to respond appropriately, all complaints need to be documented and assessed as part of an on-going process.

Purpose

The intent of this policy is to provide clear guidelines regarding management of complaints to ensure that wherever possible, a positive solution is achieved in an efficient manner.

This policy sets out the responsibility of the Hepburn Shire Council to:

- Provide a clear process for customers and community members to have their complaints heard and actioned;
- Enhance the relationship between Hepburn Shire Council and its customers;
- Demonstrate that the Hepburn Shire Council has a commitment to dealing with complaints fairly, confidentially and in a manner that is respectful to the complainant;
- Provide a mechanism for responding to complaints in a timely and courteous manner;
- Provide a systematic framework to monitor complaints in an endeavour to improve the quality and responsiveness of all services provided by Council;

Definition

Council has defined a complaint as:-

"an expression of dissatisfaction with a Council policy, Councillor, procedure, staff member/s, fees and charges, agents, quality of service, or the complaints-handling process itself."

A complaint is not a:

1. Request
 2. Insurance claim
 3. Protected Disclosure
 4. Planning objection
 5. By-laws dispute
 6. Disputes about decisions to impose special rates or charges or the validity of an election
-

7. Feedback related to Section 86 Committees or proposals for public comment
8. Matters over which Council has no jurisdiction or is not empowered to resolve

These matters will be referred appropriately based on Council's policies and processes.

However a complaint can be submitted about how Council has handled any of those matters except something that is not Council's responsibility.

Complaints Handling Process

Complaints will be handled fairly and in a consistent manner. Complainants will not be disadvantaged by the complaint process.

Complaints against staff will be directed to the relevant Manager and all correspondence will be confidential.

Complainants will be kept informed of the progress of their complaint and of the final resolution. Complainants will be advised of avenues for further review of their complaint, if they are not satisfied with the resolution purposed.

Any personal information (such as name, address and/or contact telephone number), requested from the person making the complaint, is subject to the Privacy and Information Privacy Act 2000 and Council's Privacy policy.

The provision of personal information will be restricted to officers within Hepburn Shire Council or any of its agents who require this information to complete their investigation of the complaint or to communicate the result of the investigation to the complainant.

The supply of the information is voluntary however if the information sought is not provided or is insufficient (ie an anonymous complaint), Hepburn Shire Council may not be able to process the complaint nor provide feedback or progress reports to the complainant.

How To Submit A Complaint To Hepburn Shire Council

All complaints must be submitted in writing on the "Customer Complaint Form".
Complaints can be submitted via:

Email:	shire@hepburn.vic.gov.au
Post:	P.O Box 21 Daylesford Victoria 3460
In person:	At one of the Council's customer service points

What To Include

Complaints must include the full name, address (residential and email) and contact telephone number of the person lodging the complaint and a brief description of the complaint including what actions have been taken by the complainant to address the issue.

Who deals with my complaint?

- Complaints about General Managers will be referred to the CEO's office.
- Complaints about Councillors will be referred to the Mayor.
- Complaints about the CEO will be referred to the Mayor.
- Complaints about the Mayor will be referred to the Deputy Mayor.
- Employee related complaints will be referred to Manager Human Resources.
- General complaints will be referred to the relevant General Manager.

Rights of Officers, Councillors & CEO

In the case where complaints are made about Officers, Councillors and the CEO, the right to provide evidence to the investigation will be offered ensuring natural justice.

Assistance

Complainants who require assistance to prepare their complaint should contact the Customer Service and Records Coordinator by telephoning **(03) 5321 6415** or send an email to **shire@hepburn.vic.gov.au**. The Customer Service and Records Coordinator can clarify the complaint process and assist you to determine if you should lodge a Complaint, Request, Insurance Claim, Protected Disclosure, Planning Objection or Appeal, a By-Laws dispute or feedback related to Section 86 Committees or proposals for public comment.

How long will it take?

Acknowledgement of receipt of a complaint will be issued within 2 working days to the complainant.

Outcome of complaints will be formally communicated back to the complainant within 15 working days of receipt of the complaint.

It is important to understand that some matters are not categorised as complaints or Council may not have the jurisdiction to resolve the complaint (for example, the matter may be in a State Government related area).

ATTACHMENT 4



**CUSTOMER COMPLAINT
FORM**

Name:

Postal Address:

Residential
Address:

Telephone
Business Hours:

After Hours:

Email:

Details of complaint:

I request that you review my complaint: *(Please attached any/all relevant information)*

What would be your preferred outcome? *(Must be completed)*

Client's

Date:

Signature:

OFFICE USE ONLY

Action Officer

Date:

Trim Ref:

Has the complaint been resolved? **Yes / No**

(Details of action taken must be attached)

10.12 APPOINTMENT OF MUNICIPAL EMERGENCY RESOURCE OFFICER (MERO)

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the CEO, I Kaylene Conrick, have no interests to disclose relating to this report.

PURPOSE

The purpose of this report is to appoint a Municipal Emergency Resource Officer (MERO) for Hepburn Shire Council.

BACKGROUND

Under the *Emergency Management Act 1986 (the 'Act')*, Councils play a key role in emergency management in Victoria, as the closest level of government to communities.

Clause 21(1) states: 'a municipal council must appoint a person or persons to be the Municipal Emergency Resource Officer (MERO) or Municipal Emergency Resource Officers', to coordinate the use of municipal resources for emergency response and recovery.

The Act (Clause 21(1)) gives the nominated Council personnel the responsibility to represent Council in an emergency situation, and to commit Council resources to assist the response and recovery agencies.

ISSUE/DISCUSSION

Recently the role of MERO was situated within the Position Description of General Manager Sustainable Development. As a result of staffing movements, the position of MERO became vacant on 4 March 2011.

As an interim measure Deputy MERO, Manager Assets and Engineering Services, Richard Russell, was appointed as MERO and the Technical Support Officer, Kevin Clohesy, appointed as Deputy MERO. The positions of deputy MERO held by Manager Maintenance, David Poole, also remained in place.

Traditionally the role of MERO is undertaken by a senior officer employed in a municipality's infrastructure department.

It is recommended that recently appointed General Manager of Infrastructure Jeff Saker be appointed to the position of MERO.

Richard Russell, David Poole and Kevin Clohesy will remain as Deputy MERO's.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Under the Emergency Management Act 1986 each municipal council is required to:

- Appoint a Municipal Emergency Management Planning Committee (MEMPC)
- Appoint one or more Municipal Emergency Resource Officers (MERO) to coordinate the use of municipal resources for emergency response and recovery
- Prepare a Municipal Emergency Management Plan (MEMPlan) which must be audited by the Director, Victoria State Emergency Service every three years
- Respond to an audit report within three months.

The responsibilities of Council's MERO are defined in Hepburn Shire's Municipal Emergency Management Plan:

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with Council appointing an interim MERO.

RISK IMPLICATIONS

The appointment of the MERO will address the key risk implications.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Not applicable.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Not applicable.

CONCLUSION

The appointment of a MERO will provide the organisation and the community with the legislated and appropriate readiness for emergencies.

OFFICER'S RECOMMENDATION

That Council:

10.12.1 Appoint the General Manager Infrastructure Jeff Saker as the permanent Municipal Emergency Resource Officer (MERO). Deputies will remain Richard Russell, Kevin Clohesy and David Poole.

10.12.2 Update the Contact Directory and sent out to the Municipal Emergency Management Planning Committee members and other relevant emergency agencies.

10.12.3 Update the Position Description of GM Infrastructure to reflect the roles and responsibilities of the MERO.

MOTION

That Council:

10.12.1 Appoint the General Manager Infrastructure Jeff Saker as the permanent Municipal Emergency Resource Officer (MERO). Deputies will remain Richard Russell, Kevin Clohesy and David Poole.

10.12.2 Update the Contact Directory and sent out to the Municipal Emergency Management Planning Committee members and other relevant emergency agencies.

10.12.3 Update the Position Description of GM Infrastructure to reflect the roles and responsibilities of the MERO.

Moved: Councillor Jon Barrell

Seconded: Councillor Bill McClenaghan

Carried

10.13 HEPBURN SHIRE YOUTH POLICY 2011

ACTING GENERAL MANAGER – COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager – Community Development I, Irene McGinnigle, have no interests to disclose in this report.

PURPOSE

The purpose of this report is to seek Council's approval of an updated Youth Policy.

BACKGROUND

Hepburn Shire Council first adopted a Youth Policy in 2005. The last Youth Policy was endorsed in 2008 and expired in November 2010.

ISSUE/DISCUSSION

This policy represents Hepburn Shire Council's continued development and innovation in youth development practice outlined in the 2008-2010 Youth Policy.

This policy builds on information and directions provided by Hepburn Shire young people, community members and organisations through the implementation of consultations, youth forums, community projects and informal discussions. It also provides a local context for the delivery of state and national government youth directions.

The policy is being implemented through:

- FReeZA and small grants – employing a local young person to work with youth volunteers to run youth events and projects.
 - Implementation of the Hepburn Shire Quick Response Youth Grants – to resource young people to try and test their own community projects.
 - Development of youth groups in Creswick and Trentham – utilising the Hepburn ReGENerat Project to build the capacity of communities to run youth engagement and development
 - Support for Daylesford Enterprising Youth – providing mentoring and guidance to build capacity for young people to develop their own enterprises in Daylesford.
 - Participation in Youth Partnership Demonstration Project – to create community based and blended education pathways across the central highland region.
 - Resourcing the Hepburn Shire Youth Initiative Network – developing shared goals and values amongst services and agencies for Hepburn Shire.
-

- Hepburn Shire Youth Forums – working in partnership with services and agencies to identify youth ideas and directions across Hepburn Shire.
- Development of the 2010-2014 Hepburn Shire Youth Strategy – capturing young people's voices and supporting community organisations, services and agencies to work in partnership to achieve positive systemic change.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

This policy aligns strongly three of the five key messages of the Victorian Government Future Directions Youth Policy:

- Young People's Voices : Young people's voices are central to youth policy and services.
- Collaboration – A Shared Approach : Institutions that young people rely on should collaborate and take a shared approach.
- Whole of community Context : Young people should be considered in their family and community context.

This policy also coincides with or supports five of the eight priorities outlined in the National Strategy for Young Australians :

- Improving the health and well being of all young people.
- Equipping young Australians to shape their own futures through education.
- Empowering young Australians to take part and be active within their communities.
- Equipping young Australians with the skills and personal networks they need to gain, and be successful, in employment.
- Strengthening early interventions with young Australians to help prevent any problems getting worse and to help young people get their lives back.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK IMPLICATIONS

There are no risk implications.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The policy provides a framework for Council to support young people living in Hepburn Shire.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultations, youth forums, community projects and informal discussions with young people and the broader community have contributed to the policy.

CONCLUSION

Young people form an important element of the Hepburn community, and the proposed policy sets out the direction of Hepburn Shire Council to increase the capacity and connectedness of young people in their community.

OFFICER'S RECOMMENDATION

10.13.1 *That Council adopt the Hepburn Shire Youth Policy 2011*

MOTION

10.13.1 <i>That Council adopt the Hepburn Shire Youth Policy 2011</i>

Moved: Councillor Sebastian Klein
Seconded: Councillor Janine Booth
Carried

ATTACHMENT 5



Policy Number: 43

Youth Policy

DATE AMENDED: June 2011

DATE OF NEXT REVIEW: June 2013

DATE ADOPTED:

RESPONSIBLE OFFICER: Youth Development Co-ordinator

REFERENCES: Hepburn Shire Youth Initiative Network Values
Hepburn Shire Council 2008 Talkfest Youth Consultation
Victorian Government Future Directions State Policy
Victorian Government Vulnerable Youth Framework Discussion Paper
National Strategy for Young Australians
Space Invaders? Young People and Public Space- Youth Affairs
Council of Victoria

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

At the 2006 census there were 1,914 people aged 12-24 in the Hepburn Shire. Young people (aged 15-24 years) make up 10% of the Shire's population, compared to 14% of the State population. They are an integral part of our communities however as with the national population trends this group is in decline. Despite recent increases in the birth rates in Hepburn Shire this trend is unlikely to turn around.

Hepburn Shire young people report being affected by a lack of local education, training and employment opportunities. This results in migration to larger centres to fulfill these needs or under-participation. For example 61% of youth aged 15-19 years are engaged in full time work or study, compared to the state average of 71.9% (Community Indicators Victoria 2008). In 2006 the population of 20-24 year age was half that of the 15-19 year age group. These matters are further complicated by secondary restrictions such as limited transport options.

Young people add value and diversity to our communities through involvement in sporting clubs, participating in and contributing to events and committees, taking part in the arts and through volunteering.

Scope

This policy applies to the whole of Hepburn Shire Council.

Purpose

Hepburn Shire Council understands that young people need their communities just as communities need their young people. Community is an important place for young people- it provides critical spaces and support for youth development and growth, fostering social competence, independence and interdependence, responsibility, confidence, inspiration and the formation of goals. In turn young people provide communities with valuable skills, fresh energy and directions and a sense of solidarity and certainty for the future.

Young people who are disengaged from their community are subject to the same behaviours and action as anybody who feels unvalued- alienation, loneliness, low self esteem, boredom and intolerance, leading to negative social impacts including increased distrust, damage to property and increased pressure on support systems.

This policy sets out the direction of Hepburn Shire Council to increase the capacity and connectedness of young people in their community to minimize harmful and unsafe behaviours at a personal and community level.

Definitions

Council defines ‘young people’ as any person aged between 12 and 25 years.

Policy

Hepburn Shire Council is committed to an equitable approach to youth development across the communities of Clunes, Creswick, Daylesford and Trentham to create places and communities where young people can and want to work, be a part of social and recreation activities, learn and be involved in community life.

Objective 1: Develop the capacity of young people to plan and act on their own ideas and initiatives on their own behalf

- Strategy 1 a. Employment of young people for localised projects where funding permits
- Strategy 1 b. Support school based community participation curriculum through linking with Council consultation and community initiatives
- Strategy 1 c. Resource Quick Response Youth Grants to support young people’s ideas and initiatives
- Strategy 1 d. Seek further resources for local training, enterprise and development opportunities for young people
- Strategy 1 e. Capture authentic youth voice through consultation to drive the Hepburn Shire Council Youth Strategy

Objective 2: Develop the capacity of communities to engage and invest in young people in diverse and meaningful ways

- Strategy 2 a. Utilise the Hepburn Shire Council Youth Strategy to advocate for youth development and retention as a key factor in small town viability
 - Strategy 2 b. Develop the capacity of community organisations and businesses to initiate and support youth development activities and programs
 - Strategy 2 c. Create links between community organisations, committees and schools to combine authentic community participation with learning outcomes
 - Strategy 3 d. Support regional initiatives to incorporate strategies for community youth engagement
-

Objective 3: Work in partnership with services and agencies to support youth and community initiatives and goals

- | | |
|------------|--|
| Strategy 3 | a. Resource the Hepburn Shire Youth Initiative Network to develop mutual goals, values and strategies |
| Strategy 3 | b. Encourage and facilitate partnerships between youth services and agencies, Hepburn Shire Council and community initiatives |
| Strategy 3 | c. Develop and promote the Hepburn Shire Council Youth Strategy and Hepburn Shire Youth Values to provide evidence to support youth services and agencies working in communities |
| Strategy 3 | d. Support regional initiatives to increase availability, co-ordination and resources for youth services and agencies in Hepburn Shire |

Implementation

This policy is implemented by the Youth Development Co-ordinator in partnership with the Community Strengthening Unit, various Hepburn Shire Council departments as appropriate and through partnerships with our community organizations and agencies. This policy is actioned through:

- Youth projects, such as FReeZA & small grants- employing a local young person to work with youth volunteers to run youth events and projects
- Implementation of the Hepburn Shire Quick Response Youth Grants- to resource young people to try and test their own community projects.
- Development of youth groups in Creswick and Trentham- utilising the Hepburn ReGENerate Project to build the capacity of communities to run youth engagement and development
- Support for Daylesford Enterprising Youth- providing mentoring and guidance to build capacity for young people to develop their own enterprises in Daylesford
- Participation in Youth Partnership Demonstration Project- to create community based and blended education pathways across the central highland region.
- Resourcing the Hepburn Shire Youth Initiative Network- developing shared goals and values amongst services and agencies for Hepburn Shire.
- Hepburn Shire Youth Forums- working in partnership with services and agencies to identify youth ideas and directions across Hepburn Shire.
- Development of the 2010-2014 Hepburn Shire Youth Strategy- capturing young people's voices and supporting community organisations, services and agencies to work in partnership to achieve positive systemic change.

Review

This policy will be reviewed by the Youth Development Coordinator and the Community Strengthening Manager every 2 years.

10.14 EVENTS POLICY

ACTING GENERAL MANAGER COMMUNITY DEVELOPMENT

In providing this advice to Council as the Acting General Manager Community Development, I Irene McGinnigle have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend adoption of the updated Events Policy

BACKGROUND

Council adopted an Events Policy in March 2002. This was last amended in March 2008. The purpose of the policy is:

1. Identify Council's role in supporting the planning, development and implementation of community events.
2. Acknowledge the significant social, economic and community capacity building benefits community events provide to the community.

ISSUE/DISCUSSION

Currently there are over 30 events annually within Hepburn Shire Council that take place on public land. These events can vary in size from local community celebrations to large community festivals that attract attendees from all over the State.

The Events Policy clearly sets out the principles Council has adopted for managing, developing and assisting events within Hepburn Shire. The revised draft Events Policy (Attachment #) has the following key principles:

- Council will support and encourage a range of festivals and events for the enjoyment of the wider community and promote cultural exchange and innovation.
 - Council will assist in the promotion of festivals as a valuable community and cultural activity
 - Council will encourage close relationships with the festivals and event's organizers and establish productive support networks.
 - Council will encourage participation by residents, groups and visitors.
-

- Council will provide avenues of funding through the Community Grants program for festivals and events held in Hepburn Shire.
- Council will plan, develop and maintain public spaces that enable the community to come together and celebrate community cultural life through festivals and events.
- Council will recognize and support festivals and events that are of a local, regional, state or national significance, contribute to the local economy and promote Hepburn as a leading festivals and events destination.
- Council will provide an officer to give specific support to event organizers and coordinate assistance provided by Council.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The review has considered Council Plan commitment number 57 “Providing assistance to the festivals and events which celebrate the rich cultural heritage of the Shire and which further define contemporary communities in Hepburn Shire” along with Council Plan commitment number 31 “Supporting various draw card events like Chillout and Booktown which draw large numbers of visitors to Hepburn Shire”.

FINANCIAL IMPLICATIONS

The revised draft Events Policy commits Council to working with the community to support events through Council’s community grants program.

RISK IMPLICATIONS

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The revised draft Events Policy commits Council to ensuring that the needs of local residents and businesses are considered when approving events

COMMUNITY AND STAKEHOLDER ENGAGEMENT

CONCLUSION

The revised draft Events Policy provides a set of principles to assist Council in relation to supporting the planning, development and implementation of community events.

OFFICER'S RECOMMENDATION

That Council:

10.14.1 Adopt the draft Events Policy

MOTION

That Council:

10.14.1 Adopt the draft Events Policy

Moved: Councillor Bill McClenaghan

Seconded: Councillor Janine Booth

Carried

ATTACHMENT 6



POLICY NUMBER 31

Events Policy

DATE AMENDED: June 2011
DATE OF NEXT REVIEW: June 2013
DATE ADOPTED:
RESPONSIBLE OFFICER: Community Strengthening Manager
REFERENCES: Hepburn Shire Council Plan 2009 – 2013

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

The Hepburn Shire is committed to encouraging and supporting festivals and events. It recognises the value of community expression and community participation to enhance the quality of life for the individual and the community.

It also recognises the tremendous importance of culture and cultural perspectives in creating a vibrant community and a lively, dynamic Shire. Council will give preference to the community based events and events which have community and tourism benefits. Council prefers to support events which promote local products, businesses, groups and communities.

Council has a role as a supporter, partner, funder (through the events section of the Community Grants Scheme), provider and promoter of community celebrations that articulate and contribute to the development of a community's aspiration, values and beliefs.

Scope

This policy applies across Hepburn Shire

Purpose

The purpose of the Events Policy is to:

1. Identify Council's role in supporting the planning, development and implementation of community events.
2. Acknowledge the significant social, economic and community capacity building benefits community events provide to the community.

Policy

Council aims to:

- **Support communities:** where the festival/event engages a well defined sector of the community and through the activity fosters a spirit of togetherness and wellbeing; educates both the community group and the wider population; promotes tolerance and understanding throughout the broader population; encourages participation; and enables the essence of the activity to be celebrated and experienced widely.
 - **Build relationships:** where the festival/event provides Hepburn Shire Council an opportunity to meet key people and stakeholder groups. These relationships will be developed locally and nationally and could be further leveraged into formal or informal networks.
-

- **Develop profile:** where the festival/event enhances Hepburn Shire's reputation either broadly or specifically within a particular sector.
- **Demonstrate capability:** where the festival/event highlights the shire's capability in a particular discipline or function.
- **Demonstrate leadership:** where the festival/event demonstrates Hepburn Shire is a leader or takes the forefront in a particular discipline or function.
- **Attracts visitors:** where the festival/event adds to the number of people who would normally come into the shire at that time thereby providing potential benefit to businesses and opportunities within the shire. To increase economic benefit, building business links or developing targeted business programs is encouraged.
- **Promote location:** where the festival/event highlights a particular town, village, community, precinct or venue within the shire.
- **Media profile:** where the festival/event lifts the status, awareness or profile of Hepburn Shire through the media exposure it receives.
- **Manage risk:** associated with community events by assisting organisers identify, evaluate and effectively manage risks including human injury or illness, damage to property, damage to the environment and financial risks.
- **Promote inclusive events:** where the festival/event demonstrates it has thought through and implemented strategies that will enable people of all abilities to participate.
- **Promote and encourage:** environmentally responsible and sustainable events e.g. Carbon neutral. Council to develop a relevant manual and checklist to assist Council staff and festival organisers.

Implementation

- Council will support and encourage a range of festivals and events for the enjoyment of the wider community and promote cultural exchange and innovation.
 - Council will assist in the promotion of festivals as a valuable community and cultural activity
 - Council will encourage close relationships with the festivals and event's organizers and establish productive support networks.
 - Council will encourage participation by residents, groups and visitors.
 - Council will provide avenues of funding through the Community Grants program for festivals and events held in Hepburn Shire.
-

- Council will plan, develop and maintain public spaces that enable the community to come together and celebrate community cultural life through festivals and events.
- Council will recognize and support festivals and events that are of a local, regional, state or national significance, contribute to the local economy and promote Hepburn as a leading festivals and events destination.
- Council will provide an officer to give specific support to event organizers and coordinate assistance provided by Council.
- Council recognises there may be negative impacts associated with the holding of events across the Shire. Council will ensure that event organisers have adequate procedures in place for consulting with affected community members and that the mitigation of any negative impact is encapsulated in these procedures.
- Prior to supporting or approving an event Council will take into consideration the negative impacts and their effects on the community.

Types of Events:

All types of festivals and events are important to developing Hepburn Shire as a festival and events destination and as providing increasing recreational, educational and entertainment opportunities for its citizens and as a contribution to the cultural vibrancy of the shire.

Approval:

Approval is required from Council for all events held in the Shire in public space. Council will consider the impact on local residents and businesses when approving events. Planning approval may also be required for events held on private land.

Additional approval may be required for events that involve public health, serving of food, traffic diversion, road closure, event car parking, and signage.

Community Consultation:

Council recognise the potential positive and negative impact events can have on local residents. Council will work with event organisers and local residents to provide the best outcome for all groups involved.

Council will regularly consult with event organisers through the Hepburn Shire events group.

Assistance and Advice:

Council is able to meet with event organisers planning any event on public land. Up to three meetings can be held before the event and one meeting after the event. A range of Council staff and other relevant agencies such as police are invited to attend these meetings to give feedback, support, direction and advice.

Any financial and in-kind support from Council will be within the context of the annual budget and must be approved by the relevant department manager. The extent of the services provided to events by Council will be determined through the Council event planning meetings.

Events in Hepburn Shire are broken into two categories shown below. Category 1 are recurring events that have a Council aligned annual budget item. Category 2 is all other events and festivals within Hepburn Shire, fees and charges may still apply to both categories.

Category 1 includes: Andersons Mill Festival, Creswick Forestry Fiesta, New Years Eve Gala Daylesford, Swiss Italian Festa, ChillOut Festival, Clunes Book Town, Trentham Spudfest, Daylesford Highland Gathering, Daylesford Agricultural Show, Glenlyon Food and Wine Faire, Words in Winter, Glenlyon New Year's Day,

Category 2 All other events and festivals

Advice can be provided in the areas of:

- Management and organisation
- Marketing and media contacts
- Health – food handling health regulations*
- By laws – signs, banners, parking
- Traffic Management
- Risk and emergency management

Details of Council's assistance, contact information and general event advice are included in Council's Event Guide and Event Manual.

Events Operating Procedures

Council has available a series of event planning documents to assist event organisers plan their event. These documents can all be found on Council's webpage.

10.15 PUBLIC HEALTH EMERGENCY MANAGEMENT SUB PLAN

GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Senior Environmental Health Officer, I Terry Crisp have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider the adoption of the Public Health Emergency Management Sub Plan (refer Attachment X) which assists Environmental Health Officers and other emergency management staff in preparing for, mitigating and managing public health risks in an emergency situation.

BACKGROUND

In an emergency event, public health risks or incidents can add to the hazards confronting the community and emergency personnel. Plans must be prepared in advance to enable such risks to be effectively eliminated or mitigated.

Consequently, the idea of a Public Health Sub Plan was conceived as an adjunct to the Municipal Emergency Management Plan (MEMP). This strategic approach has been adopted by number of Councils across Victoria after the events of flood and fire over the past 3 years.

The Public Health Sub Plan is a requirement under the *Emergency Management Act 1986* Section 20 (2), in which it states that a Council must identify its resources and how those resources are to be utilised during an emergency.

ISSUE/DISCUSSION

There are no issues regarding the need to adopt a Public Health Sub Plan. It will assist Environmental Health Officers and other emergency staff members during response and recovery periods of an emergency.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Section 49 of the Council Plan requires Council to have robust response plans designed to deal with all types of emergencies.

As stated previously this sub Plan is a requirement under the Emergency Management Act 1986 Section 20 (2). Components of this sub Plan have elements used under the following legislation:

1. Local Government Act 1989
2. Public Health & Well Being Act 2008
3. Food Act 1984
4. Safe Drinking Water Act 2003
5. Environment Protection Act

FINANCIAL IMPLICATIONS

Based on the required equipment detailed on pages 37 and 38 of the Public Health Sub Plan, it is estimated that an allowance of \$1,000 annually to purchase and maintain this equipment should leave Council in a proper state of preparedness.

RISK IMPLICATIONS

The Public Health Sub Plan is a document designed to mitigate risk to all emergency management staff once an emergency has commenced. The preparation sections of this document and the subsequent annual and post impact review process should ensure any potential risks are discovered and countered in advance of the activation of this sub Plan.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Environmental implications will depend on the nature of the emergency. The effects of recent floods have highlighted that the after effects of this emergency had wider consequences than the fire of 2009. Lakes and watercourses around the Shire become heavily polluted for several months after a flood, whereas regrowth after a fire can be more effectively managed in terms of recovery.

It is also hoped that this Public Health Sub Plan will be of great assistance to the public and in particular managers of Municipal Emergency Co-ordination Centre's (MECC) once the MECC has been established.

The economic implications have already been discussed in the financial implications section of this Council report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Public health Sub Plan has already been circulated for comment to all affiliate members of the Municipal Emergency Management Committee with no comments received.

As the Public Health Sub Plan is an addendum to the Municipal Emergency Management Plan (MEMP) and not a separate document, the community and stakeholder involvement would occur during this plan's review process.

This review process would automatically involve Hepburn Health Service, Red Cross, emergency support staff, etc. These stakeholders are part of the MEMP review committee and will have the ability to add, alter or comment on all aspects of the Public Health Sub Plan on a regular basis during the review.

CONCLUSION

As this draft Public Health sub Plan has been circulated for comment to all relevant members of the MEMP committee for comment and as no comments were received Council has no impediment to adopting the Plan.

With the adoption of the Public Health sub Plan and its subsequent insertion into the MEMP, Council will demonstrate a wider consideration to the general public prior and during any emergency in future. The Public Health sub Plan will also be a significant tool for emergency management staff in their preparation and activation of the MECC.

The requirement of having a maintained supply of emergency management equipment also enhances Council's ability to respond to lesser public health incidents without undue financial impact on Council.

OFFICER'S RECOMMENDATION

That Council

10.15.1 Adopt the Public Health Emergency Management Sub Plan 2010.

10.15.2 The Public Health Emergency Management Sub Plan 2010 be inserted into the Municipal Emergency Management Plan and be known as Appendix K of this Plan.

MOTION

That Council

10.15.1 Adopt the Public Health Emergency Management Sub Plan 2010.

10.15.2 The Public Health Emergency Management Sub Plan 2010 be inserted into the Municipal Emergency Management Plan and be known as Appendix K of this Plan.

Moved: Councillor Jon Barrell

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 7

PROVIDED UNDER SEPARATE COVER

10.16 RISK MANAGEMENT POLICY AND STRATEGIC FRAMEWORK

MANAGER RISK

In providing this advice to Council as the Manager Risk, I Grant Schuster have no interests to disclose in this report.

PURPOSE

This report presents the revised Risk Management Policy, and the new Risk Management Strategic Framework and a Risk Register template for Council's approval.

BACKGROUND

As part of Council's recently adopted Policy Framework, it is a requirement to regularly review and update Council and Operational Policies. In addition, the need to review the Risk Management Policy has been identified in previous audits. The Risk Management Policy was last reviewed in 2009.

In addition, there is a need for a Strategic Framework, procedures and risk register template to provide the specific requirements and approach to implementing the Policy.

ISSUE/DISCUSSION

The following documents are attached for Council's review and approval:

- Risk Management Policy
- Risk Management Strategic Framework
- Risk Register template

The Risk Management Policy was revised and Strategic Framework developed to achieve the following:

Clarify what is to be done in relation to risk management, who does it, how often and what tools are to be used

Achieve consistency with the Australian/New Zealand Standard AS/NZS 31000:2009 Risk Management – Principles and Guidelines

Link in with the new Strategic Framework and Risk Register, which now contain the detailed responsibilities and procedural requirements for managing risks and opportunities

Clarify Council's risk appetite, which outlines how we rate different risks and opportunities and what we will do about them

Require the completion of a risk assessment for new proposals or projects

Built in review mechanisms for Executive Management Team, Council and the Audit and Risk Advisory Committee
One register and action plan for all Council areas, with a number of Excel 'tabs'
Set timeframes for review of registers

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Objective 15 of the Council Plan 2009 – 2013 seeks to maintain sound risk management, including the implementation of a Strategic Risk Management Framework.

FINANCIAL IMPLICATIONS

No additional impacts. All existing staff will work towards embedding an increased focus on risk management in existing processes.

RISK IMPLICATIONS

This framework seeks to achieve better risk management outcomes across Council's operations.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

This framework seeks to achieve better risk management outcomes across Council's operations, including managing environmental, social and economic risks and opportunities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal consultation has occurred in relation to update of the Risk Management Policy and development of the Strategic Framework and Register template. This has included presentation at both Executive Management Team and Extended Leadership Team meetings, and review and endorsement by the Audit and Risk Advisory Committee. Suggested changes have been incorporated.

CONCLUSION

Implementation of this updated Risk Management Strategic Framework will improve the management of risks and opportunities at Hepburn Shire Council.

The associated tools will be used for the systematic assessment and management of risks and opportunities across Council.

OFFICER'S RECOMMENDATION

10.16.1 *That Council adopts the revised Risk Management Policy and the new Risk Management Strategic Framework and Risk Register template.*

ATTACHMENTS:

Risk Management Policy
Risk Management Strategic Framework
Risk Register template

MOTION

10.16.1 *That Council adopts the revised Risk Management Policy and the new Risk Management Strategic Framework and Risk Register template.*

Moved: Councillor Sebastian Klein
Seconded: Councillor Janine Booth
Carried

ATTACHMENT 8



POLICY NUMBER: 24 (C)

RISK MANAGEMENT POLICY

DATE AMENDED: XX June 2011

DATE OF NEXT REVIEW: June 2013

DATE ADOPTED: 20 July 1999

RESPONSIBLE OFFICER: Manager Risk

REFERENCES:

Hepburn Shire Council's Council Plan 2009-2013

Australian/New Zealand Standard AS/NZS 31000:2009 Risk Management – Principles and Guidelines

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

Hepburn Shire Council has a responsibility to effectively identify, assess and manage the risks and opportunities associated with its operations and facilities, as far as reasonably practicable. As per our Council Plan 2009-13, we seek to maintain sound risk management.

Our objectives for managing risks and opportunities are to:

Maintain the highest possible outcomes from services provided by Hepburn Shire Council, given the constraints in place.

Support our approach to meeting legislative and other regulatory requirements.

Safeguard our assets – people, financial, property and information.

Create an environment where all councillors, employees, volunteers and contractors will assume responsibility for managing risk.

Continuously improve our approach and performance, seeking to become a leading local council in Victoria in risk management

Scope

This Policy is applicable to all Hepburn Shire Council councillors, employees, volunteers and contractors working for the council.

The Policy applies to all Hepburn Shire Council owned and/or operated equipment, land and facilities ('our property'), internal functions, and services provided to the community.

The Risk Management Policy is in place to guide councillors, employees, volunteers and contractors in the consistent and systematic identification, assessment and management of risks and opportunities relating to our strategic objectives and goals in the Council Plan 2009-2013, internal functions and service delivery.

Policy

The councillors and management of Hepburn Shire Council are committed to the ongoing identification, assessment and management of risks associated with the performance of Council functions and the delivery of Council services, as far as is reasonably practicable.

The Executive Management Team ('EMT') and Audit and Risk Advisory Committee approve the risk appetite of Hepburn Shire Council, which defines the risk rating levels and required actions for each level in order to manage conflicting interests and guide the balancing of threats and opportunities in all business activities.

In implementing risk management, Hepburn Shire Council considers all users of our property and services, including, but not limited to, councillors, employees, contractors, volunteers, visitors and the public.

Hepburn Shire Council considers and manages risks relating to business capability, reputation, community, finance, the environment, legal and regulatory compliance,

occupational health and safety, property and assets, emergency management and business continuity.

Risk management practices are to be embedded in existing policies and procedures to manage significant risks and opportunities identified, as far as is reasonably practicable.

Each functional area is to be subject to a process of identification, assessment and management of risks and opportunities associated with that area's processes performed to meet the objectives and commitments in the Council Plan 2009-2013. The ongoing management of risks in all functional areas is to be documented in a risk register and action plan.

All new proposals and processes are to be subject to a risk assessment process prior to implementation.

An overall risk and opportunity profile is to be maintained, which consolidates risk registers across the organisation to provide a strategic view of risk and opportunity management at Hepburn Shire Council.

All risk management actions (e.g. risk assessments, risk registers, management reviews) are documented and recorded in the Council's Records Management System (i.e. TRIM).

The Risk Management Policy will be made publicly available through Hepburn Shire Council's internet site.

The risk management system, including the Risk Management Policy, associated procedures, risk profile of the organisation and risk incidents, will be subject to review by EMT and the Audit and Risk Advisory Committee at least annually to confirm that the system is considered effective in managing risks and opportunities and to achieve continuous improvement.

Process

The Strategic Risk Management Framework (refer TRIM DOC/11/9025) documents the processes used to manage risk, including:

Consequence, likelihood and risk rating definitions

Council's risk appetite

Continuous development of a risk management culture

Specific roles and responsibilities

Definitions

Risk assessment processes, including maintenance of a risk profile

Developing, implementing and monitoring control measures

Training and support provided

Measurement and continual monitoring of risk performance

Risk management performance will be measured through both annual reviews of the Corporate risk profile and records of incidents occurring.

ATTACHMENT 9
UNDER SEPARATE COVER

ATTACHMENT 10
UNDER SEPARATE COVER

10.17 INTERNAL AUDIT CHARTER

MANAGER FINANCE

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

PURPOSE

Hepburn Shire Council has not previously had an Internal Audit Charter, therefore a draft has been provided for Council's consideration.

BACKGROUND

The development of an Internal Audit Charter is a key component of the Council's governance framework in accordance with Part 7 of the Local Government Act 1989, Financial Management.

This charter provides the framework for the conduct of the internal audit function.

The Council's Internal Audit function is outsourced to an independent professional service provider.

ISSUE/DISCUSSION

A copy of the Draft Internal Audit Charter is attached.

The Charter covers important issues including;

- Independence;
- Authority and confidentiality;
- Roles and responsibilities;
- Scope of internal audit activities;
- Planning and Reporting; and
- Evaluation of Internal Audit.

The Charter has been developed using best practice from other Government bodies; the Specifications for Internal Audit Services June 2009 and discussions with our current Internal Auditors, Pitcher Partners.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Part 7 of the Local Government Act 1989, Financial Management.

FINANCIAL IMPLICATIONS

None noted.

RISK IMPLICATIONS

This Charter will enhance the governance of the Internal Audit Function.

The Charter provides links to Council's Risk Management Framework.

Internal audit provides an independent and objective assessment and advisory service to:

- *Provide advice regarding Council's exposure to risk.*
- *Assess the controls in place and how systems are utilised to manage compliance with a selection of key risks relating to legislative requirements, and Council policies and programs.*
- *Test procedures to check their effectiveness in meeting objectives and managing risks.*
- *Make recommendations to the Audit and Risk Advisory Committee for changes to procedures/policies to more effectively and efficiently achieve internal control in relation to the risks assessed.*

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Audit & Risk Advisory Committee in May reviewed this document and recommended that Council endorse.

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.

CONCLUSION

A Draft Internal Audit Charter has been developed.

OFFICER'S RECOMMENDATION

10.17.1 That Council approve the Hepburn Shire Council Internal Audit Charter.

MOTION

10.17.1 That Council approve the Hepburn Shire Council Internal Audit Charter.

Moved: Councillor Bill McClenaghan
Seconded: Councillor Janine Booth
Carried

ATTACHMENT 11

Internal Audit Charter



DATE AMENDED: -

DATE OF NEXT REVIEW: 2013 (when Internal Audit Services specification is reviewed)

DATE ADOPTED: May 2011

RESPONSIBLE OFFICER: General Manager – Corporate Services

REFERENCES:
Local Government Act 1989
Council's Audit & Risk Advisory Committee Charter

1. Introduction

The Hepburn Shire Council (the Council) has established the conduct of Internal Audits as a key component of the Council's governance framework in accordance with Part 7 of the Local Government Act 1989, Financial Management.

This charter provides the framework for the conduct of the internal audit function. It should be read in conjunction with the Audit and Risk Advisory Committee Charter.

The Council's Internal Audit function is outsourced to an independent professional service provider. This service is provided under the terms of a three year contract and subject to review by the Audit and Risk Advisory Committee.

2. Purpose

Internal audit provides an independent and objective assessment and advisory service to:

- Provide advice regarding Council's exposure to risk.
 - Assess the controls in place and how systems are utilised to manage compliance with a selection of key risks relating to legislative requirements, and Council policies and programs.
 - Test procedures to check their effectiveness in meeting objectives and managing risks.
-

- Make recommendations to the Audit and Risk Advisory Committee for changes to procedures/policies to more effectively and efficiently achieve internal control in relation to the risks assessed.
- Provide periodic monitoring of processes and procedures implemented in response to findings and recommendations.

3. Independence

The Internal Auditor shall have independent status within the Council and for that purpose shall:

- Be given full and free access at all reasonable times to all records and documents of the organisation. Officers and employees of the organisation will furnish internal audit staff with information, advice or explanation on such matters as may be requested and must render any assistance necessary for audit purposes.
- Have no executive or managerial powers, authorities, functions or duties except those relating to the execution of the internal audit function.
- Not be involved in the day to day operation of the accounting and financial management information and control systems or in the internal checking system.
- Be available for consultation in relation to, but not be responsible for, the detailed development or implementation of new systems and procedures.

The Internal Auditor reports to the General Manager Corporate Services and the Audit and Risk Advisory Committee.

The Internal Auditors have direct access to the Chief Executive, the Chair and the members of the Audit and Risk Advisory Committee.

4. Authority and Confidentiality

For the effective discharge of their duties, the Internal Auditor is authorised to have full, free and unrestricted access to all functions, premises, assets, personnel, records, and other documentation and information that the Internal Auditor considers necessary to enable them to meet its responsibilities.

All records, documentation and information accessed in the course of undertaking internal audit activities are to be used solely for the conduct of these activities. The Internal Auditor and staff are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work, including complying with privacy requirements.

Internal Audit reports are deemed to be confidential reports of the Council. However, the Council's appointed external auditors are able to have access to all relevant Council documents, including internal audit reports.

5. Roles and responsibilities

The Internal Auditor's responsibilities are influenced by the governance arrangements established by the Council. In the conduct of its activities, internal audit will play an active role in:

- Developing and maintaining a culture of effective corporate governance, accountability and integrity.
- Facilitating the integration of risk management into day-to-day business activities and processes.
- Promoting a culture of best value, self-assessment and adherence to high ethical standards.

While the Internal Auditor is responsible for examining and evaluating the adequacy and effectiveness of the controls over selected key risks, the Internal Auditor is not primarily responsible for the detection of fraud, errors or mistakes. That is management's responsibility. However, internal audit's activities may identify instances, or areas of high risk, of fraud, error or mistake.

6. Scope of internal audit activities

Internal audit activities include, but are not necessarily limited to:

Assessment Projects

These projects will assess one or more of the following aspects:

- Compliance with selected legislative requirements, Council policies, directives and procedures.
- The adequacy and effectiveness of internal controls (including manual, IT and IT-dependent manual controls) in place to manage selected key risk areas.
- The efficiency, effectiveness, and ethical conduct of selected business activities or systems of Council.

Advisory services

Internal audit is a valuable resource and can advise Council and management on a range of matters including:

New programmes, systems and processes

- Providing advice on the development of new programmes and processes and/or significant changes to existing programmes and processes particularly including the design of appropriate controls.
- Internal audit should be consulted prior to making changes to existing or new systems in order to confirm controls are sound.

Risk management

- Assisting management to identify risks and develop risk mitigation and monitoring strategies as part of the enterprise risk management framework.
- Assessing, monitoring and reporting on the implementation of risk mitigation controls and strategies as a part of its annual internal audit plan.

Fraud control

- Assisting management to identify the risks of fraud and develop fraud prevention and monitoring strategies.

In addition to the above, Internal Audit may be required to carry out special projects from time-to-time at the direction of the Chief Executive Officer or the Audit and Risk Advisory Committee.

Internal audit is also responsible for:

- Monitoring the implementation of agreed recommendations, as reported to the Audit and Risk Advisory Committee.

7. Standards

Internal audit activities will be conducted in accordance with relevant professional standards including:

- Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.
- Standards relevant to internal audit issued by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia.
- The Statement on Information Systems Auditing Standards issued by the Information Systems and Control Association.

In the conduct of internal audit work, internal audit staff shall comply with relevant professional standards of conduct and exercise due care when performing their duties.

8. Planning

Council staff (General Manager Corporate Services or Manager Risk) and the Internal Auditor shall undertake an internal risk assessment and then prepare a three (3) year audit plan which:

- Focuses on a selection of the most significant risks identified in the risk assessment;
- Is sufficiently comprehensive to ensure the reasonable coverage of Council's risks and operations over a planned cycle; and
- In year one (1) the plan shall indicate the months in which the work will be completed.

Before each audit project, the scope of the project shall be agreed with the Project Sponsor (i.e. the relevant Manager/General Manager) and shall be formally "signed off" by the General Manager Corporate Services or delegate before the commencement of the project.

9. Reporting

At the conclusion of each project, a draft report shall be prepared and forwarded to the General Manager Corporate Services or delegate and the relevant line manager for discussion.

Draft reports shall be presented to management within 14 days of the completion of all field work and testing.

Responses are to be prepared by management within 14 days of receipt of draft report. If necessary, responses are to be discussed with the Internal Auditor.

The Internal Auditor is to provide a final report within 14 days of receiving management's responses.

The Final Report shall then be presented to the Audit and Risk Advisory Committee at its next quarterly meeting.

The Internal Auditor will report to each meeting of the Audit and Risk Advisory Committee on:

- Audits completed; and
 - The status of the implementation of agreed internal audit recommendations.
-

10. Evaluation of Internal Audit

Performance of the Internal Auditors will be evaluated by the Audit and Risk Advisory Committee on an annual basis, as detailed in the Audit & Risk Advisory Committee Charter.

11. Review of the Charter

This charter will be reviewed every three years (in conjunction with the specification for Internal Audit Services) or earlier if decided by the Audit and Risk Advisory Committee.

Any substantive changes will be formally approved by the Council on the recommendation of the Audit and Risk Advisory Committee.

10.18 BORROWINGS POLICY

ACTING MANAGER FINANCE

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

PURPOSE

A Borrowings Policy has been a drafted and provided for Council's consideration.

BACKGROUND

As part of last year's financial statement audit, our auditors made the following recommendation:

"Council should adopt a borrowings policy to ensure finance have set guidelines and procedures to follow"

ISSUE/DISCUSSION

The Policy address issues such as legislative requirements, long term financial sustainability, reporting, loan approval and redemption of borrowings.

It has been drafted based on best practice from other Councils.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

Part 7 of the Local Government Act 1989, Financial Management.

FINANCIAL IMPLICATIONS

This policy will lead to enhanced financial management.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Policy has been reviewed in accordance with the Hepburn Shire Policy Framework, including a review by the Executive Management Team. This also included a review by the Audit & Risk Advisory Committee at the May meeting.

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

CONCLUSION

A Draft Borrowings Policy has been developed.

OFFICER'S RECOMMENDATION

That Council

10.18.1 adopt the Borrowings Policy; and

10.18.2 place the Policy on the Hepburn Shire Council website for public information.

MOTION

That Council

10.18.1 adopt the Borrowings Policy; and

10.18.2 place the Policy on the Hepburn Shire Council website for public information.

Moved: Councillor Jon Barrell

Seconded: Councillor Janine Booth

Carried

ATTACHMENT 12



POLICY NUMBER

NAME OF POLICY

DATE AMENDED: May 2011
DATE OF NEXT REVIEW: April 2013
DATE ADOPTED:
RESPONSIBLE OFFICER: Manager Finance
REFERENCES: Local Government Act 1989

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

This policy is to provide Council with a borrowing management strategy based on sound, long-term financial management guidelines.

Scope

This policy applies to bank borrowings of the Hepburn Shire Council. It does not apply to determining any operating account overdraft facilities or finance leases.

Purpose

This Borrowing Policy will provide clear direction to management, staff and Council in relation to the treasury function and establishes a decision framework that directs Council to:

- ensure that the appropriate level of funds are available at the appropriate time to support its strategic objectives;
- consider the optimum time to borrow, taking into account interest rates, construction cost inflation rates, and economic stimulus issues;
- be financially responsible and prudent in borrowing matters ensuring that all risk are managed appropriately;
- consider current and estimated future revenues and the ability to increase the revenue stream through either rates, user charges, additional grant funds or entrepreneurial activities;
- minimise its costs of borrowings;
- ensure, where possible, that the structure of the borrowing is appropriate for the nature of the assets being funded;
- consider inter-generational equity issues as part of determining the most appropriate way to fund activities and the time frame for repayment of such borrowings; and
- ensure Council's funding activities are in accordance with its legislative and common law responsibilities.

Definitions

Intergenerational equity - the fairness of the distribution of the costs and benefits of asset when they are utilised by different generations.

Policy

1. Financial Management

Councils must implement the principles of sound financial management. This includes:

- managing financial risks,
- pursuing spending and rating policies that are consistent with a reasonable degree of stability,
- making decisions with future generations in mind, and
- ensuring the disclosure of financial information.

Borrowing activities will be undertaken in a manner that minimises risk to Council (Local Government Act 1989, Section 136). In particular:

- Council approval is required for all new borrowings.
- There shall be appropriate reporting and monitoring of borrowings operations.

2. Legislative Requirements

Details of the relevant sections of legislation (Local Government Act 1989) impacting on the borrowing function are summarised below:

- Part 7 - Financial Management:
 - S.144 - Power to Borrow
 - S.145 - Circumstances in which power to borrow may be exercised
 - S.146 - Budget or revised budget must include proposed borrowings
 - S.147 - Use of loan for different purpose
 - S.148 - Borrowings to be secured
 - S.149 - Provisions with respect to securities
 - S.150 - Overdraft

3. Long Term Sustainability of Council

The level of borrowing shall be within acceptable prudential limits to ensure long-term sustainability. Council needs to ensure that the amount of borrowing does not exceed

these limits, so that debt servicing costs can be met on an ongoing basis without undue impact on future councils and ratepayers.

Council is to refer to specific goals ratios set out in its 10 Year Financial Plan when determining the level of borrowings each year.

4. Reporting and Monitoring

Details of borrowing ratios will be provided as part of the annual budget documentation together with the trend of these ratios in the long term financial plan.

Ratios will be reported annually in Council's Annual Report.

5. Loan Approval Process

All new loans must be approved by Council as part of the Council's budget approval process.

At the time the funds are to be borrowed, the CEO will accept the most advantageous quote to enable a contract to be produced.

Borrowings are also to be approved by the Department for Planning and Community Development (Loan Council Limits).

6. Borrowing Redemption

When surplus funds exist, the decision to repay borrowings shall be made based on the facts available at the time giving due regard to minimising the overall cost to the Council.

In normal circumstances borrowing for capital works should have a maximum repayment period as follows:

- For assets with an estimated minimum useful life of 10 years or less, the debt should be repaid within the asset's estimated minimum useful life to Council.
 - For assets with an estimated minimum useful life of greater than 10 years, debt should be repaid over 10 years to recognize that after this time, most assets require significant levels of maintenance and/or redevelopment.
 - For assets with a value of greater than \$5 million, Council should consider inter-generational equity issues and give regard to repaying debts over a
-

greater than 10 year period so that the cost of the asset is spread over different generations of ratepayers.

The repayment period on borrowings for other non recurrent items should have a maximum repayment period of 10 years.

10.19 ANNUAL REVIEW OF THE COUNCIL PLAN 2009-2013

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the CEO, I Kaylene Conrick, have no interests to disclose relating to this report.

PURPOSE

This report requires Council to undertake an annual review of the Council Plan 2009-2013 and consider whether any adjustments are required for the remaining period.

BACKGROUND

Council adopted the Council Plan 2009-2013 at a Special Meeting of Council on 30 June 2009.

The Council Plan is a comprehensive overview of Council's commitments and activities and includes clear goals and objectives against which Council and its administration measures its performance.

Each year in accordance with Section 125 of the Local Government Act 1989, Council is required to review its Council Plan to determine whether any adjustment is required in respect of the remaining period of the Council Plan.

The Hepburn Shire Council Plan 2009-2013 provides guidance to Councillors, staff, community, State and Federal governments, and local service providers on how Council intends to respond to the opportunities and challenges the municipality is expected to face during the term 2009 to 2013 as well as positioning Council in the long term.

The Council Plan is more of a 'strategy' indicating short, medium to long range thinking rather than more detailed actions of what Council will do.

Each year Council produces an Annual Plan supporting each year's Budget, setting out specific projects and activities that Council intends to undertake towards achieving the strategic objectives outlined in the Council Plan. This Annual Plan includes priority projects; capital works projects, actions in response to Council strategies and plans, as well as service improvements and targets.

Council then details progress against these projects and actions in the Annual Report, with progress on priority projects as well as service highlights and achievements.

ISSUE/DISCUSSION

At a Councillor Briefing Session held Tuesday 3 May 2011 Council discussed its Council Plan 2009-2013. At the same Briefing Session Council was also presented with a status report on actions responding to the Council Plan.

Council was elected in November 2008 for four years until November 2012. The current Council Plan has approximately eighteen months remaining at which time the newly elected Council will commence developing a new Council Plan for the term 2013 – 2017.

At this point Council has indicated that it proposes to retain the existing Council Plan, with the intention of developing a response document *Action Plan*, for the remaining 18 month period. Council will undertake developing this *Action Plan* at a planning workshop to be scheduled in June 2011.

The plan is structured around the four commitments and is supported by 74 strategies to work towards:

1. Good Governance
2. A More Prosperous Economy
3. Healthy, Safe and Vibrant Communities: and
4. Environmental Sustainability.

Any adjustment to the strategic objectives, the strategies for achieving the objectives and the strategic indicators for monitoring the achievement of the objectives in the Council Plan 2009-2013 would require Council to advertise the changes and in accordance with the Local Government Act 1989 (“the Act”) s125 (9) a person has a right to make a submission under s 223 of the Act.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Act s 125 (7) states

“At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.”

FINANCIAL IMPLICATIONS

If Council determined to make an adjustment made to the Council Plan 2009-2013, the Plan would need to be reformatted by the printing firm who originally undertook the layout and print work. This activity would attract a financial cost depending on the extent of the changes.

RISK IMPLICATIONS

There are no risks identified in not making an adjustment to the current Council Plan at this stage.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No implications identified.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Councillors committed to the process of developing the Council Plan 2009-2013 through a series of workshops with Councillors and Management and also through an extensive public consultation process, which consisted of six public meetings attended by more than 120 people.

Council received 40 submissions from the community on the Draft

Council Plan and further amended the document following consideration of submissions before adopting the Council Plan at a Special Meeting of Council held 30 June 2009.

An adjustment to Council Plan 2009-2013 would require Council to advertise the changes and in accordance with the Act invite public submissions.

CONCLUSION

The Hepburn Shire Council Plan 2009-2013 provides guidance to Councillors, staff, Community, State and Federal governments, and local service providers on how Council intends to respond to the opportunities and challenges the municipality is expected to face during the term 2009 to 2013, as well as positioning Council in the long term.

At this point Council has indicated that it proposes to retain the existing Council Plan, with the intention of developing a response document *Action Plan*, for the remaining 18 month period. Council will undertake developing this *Action Plan* at a planning workshop to be scheduled in June 2011.

OFFICER'S RECOMMENDATION

10.19.1 That Council having reviewed the Council Plan 2009-2013, in accordance with the Local Government Act 1989 s 125 (7), concludes that the Council Plan does not require, at this stage, an adjustment in respect of the remaining period of the Plan.

MOTION

10.19.1 That Council having reviewed the Council Plan 2009-2013, in accordance with the Local Government Act 1989 s 125 (7), concludes that the Council Plan does not require, at this stage, an adjustment in respect of the remaining period of the Plan.

Moved: Councillor Jon Barrell
Seconded: Councillor Janine Booth
Carried

11. COUNCIL SECTION 86 AND ADVISORY COMMITTEES

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

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

BACKGROUND

Each committee is issued an Instrument of Delegation outlining its function and assigned responsibility, and under the agreement of this delegation 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 other reports.

ISSUE/DISCUSSION

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL/SOCIAL/ECNOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been distributed for noting.

OFFICER'S RECOMMENDATION

That Council:

11.1.1 Note the minutes of the Committees listed above which have been distributed under separate cover.

MOVED

That Council:

11.1.1 Note the minutes of the Committees listed above which have been distributed under separate cover.

Moved: Councillor Sebastian Klein
Seconded: Councillor Don Henderson
Carried

12 CONFIDENTIAL ITEMS: CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

(d) Contractual matters;

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

OFFICER'S RECOMMENDATION

- 12.1 *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:*
89(2)(d) Contractual matters
89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

- 12.1 *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:*
89(2)(d) Contractual matters
- *TENDER H254-2001 – Operation and Management of Creswick, Daylesford and Trentham resource Recovery Centres*
 - *TENDER H261-2011 – Gravel Re-Sheet and Shoulder Works*

Moved: Councillor Jon Barrell

Seconded: Councillor Sebastian Klein

Carried

MEETING CLOSED: 10:30PM

13. RE-OPENING OF MEETING TO PUBLIC

MOTION

- 13.1 *That council having considered the confidential items re-opens the Meeting to members of the public*
-

Moved: Councillor Bill McClenaghan
Seconded: Councillor Sebastian Klein
Carried

MEETING OPENED: 10:40PM

14. CLOSE OF MEETING 10:41 PM