



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

TUESDAY 17 APRIL 2012

**CRESWICK SENIOR CITIZENS CENTRE
WATER STREET
CRESWICK
5:30PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 17 APRIL 2012

**Creswick Senior Citizens Centre
Water Street, Creswick
Commencing 5:30PM**

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PETER REEVE
INTERIM CHIEF EXECUTIVE OFFICER
17 APRIL 2012

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

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

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

STATEMENT OF COMMITMENT

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

3. APOLOGIES

Nil.

4. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

- 5.1 That the Minutes of the Ordinary Meeting of Council held on 20 March 2012 and the Minutes of the Special Meeting of Council held on 3 April 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

MOTION

5.1.1. That the Minutes of the Ordinary Meeting of Council held on 20 March 2012 and the Minutes of the Special Meeting of Council held on 3 April 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Councillor Rod May
Seconded: Councillor Janine Booth
Carried.

6. NOTICES OF MOTION

Nil.

7. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Sebastian Klein, Coliban Ward

In the past month I attended the following:

- A meeting with the Victorian Farmers Federation about the budget and the current rate structure
- Daylesford Business and Tourism Association Mayoral meeting
- Advancing Country Towns Project briefing
- Clunes Flood Mitigation & Urban Drainage Plan – second committee meeting
- Young councillors working group with the Victorian Local Governance Association (VLGA) – why young people might be interested in local government, what benefits could be gained from participation in local government. VLGA co-ordinating program with State Youth Council
- Young Municipal Leaders Program with ICLEI – Sustainability in Local Government – looking at how local government can react to issues such as food, water and energy security, adaptation, mitigation and resilience to extreme weather events and climate uncertainty
- Future City leaders program webinar
- Earth hour night walk spotlighting wildlife with 20 Trentham residents
- 18th Anderson's Mill Festival, Smeaton
- Sustainable planning meeting
- Coliban Ward tour with GM Infrastructure, Bruce Lucas
- Waste Management strategic review
- Opened Trentham Easter Art Show
- Met with new CEO in Albury over Easter
- Donald Coventry, Regional Director – Grampians Region, Department of Primary Industries – future of farming in Hepburn Shire
- Trentham Forum-Council Meeting
- Hosted Catherine King to discuss Hepburn Shire projects and concerns
- Regional Planning Committee – Productive and Resilient Landscapes Workstream

- Judged Hepburn Shire Youth Art Awards
- Met with John Kilgour – CEO of the Committee for Ballarat
- And finally, the Bendigo Bank Opening in Daylesford where I unveiled the plaque for the new facility.

COUNCILLOR REPORTS

Councillor Bill McClenaghan, Holcombe Ward

On Friday 30 March I attended the AGM of Timber Towns Victoria held at Parliament House. As well as electing a new Committee, reports were given on TTV activities over the last year. Hepburn Shire is a member Council along with 21 others including Towong Shire. Others in our area include the Shires of Colac Otway, Corangamite, Golden Plains, Pyrenees and Moorabool.

It is disappointing to report the imminent end of timber industry roads funding in the TIRES scheme although State roads funding is now being financed through the new Country Roads and Bridges Fund that provides very needed grants for small shire roads and bridges, not just timber industry impacted infrastructure.

One interesting guest speaker was Neil Allen, the General Manager of Infrastructure at Colac Otway Shire. Mr. Allen provided numerous interesting facts and figures that reflect some of the many infrastructure issues in small rural shires like Colac Otway and Hepburn.

There are 20,000 people living in Colac Otway Shire and 488 jobs have been directly created by the timber industry. Other major industries are dairying and tourism and there is a considerable clash between timber harvesting and tourism traffic on the Shire's roads. Timber plantations in the Otways have increased the need for efficient road transport to get logs and timber products out of the bush and off to market. The Shire has over 1,000 km of unsealed roads and 134 bridges and major culverts that were mainly built in the 1950s and 60s and which are not suitable for heavy modern transport like B-double log trucks and load limits have necessarily been placed on 14 bridges. Additionally, high rainfall, difficult terrain and landslips have placed more pressure on Shire roads and a small rates base does not allow for adequate renewal and upgrade of obsolete infrastructure.

High industry maintenance costs and low profit margins have led to some timber industry operators leaving the area and lessening the economic benefits of the industry as a whole.

I have pleasure in presenting the following documents to Council;

- Annual Report, Timber Towns Victoria
- Timber Industry Action Plan
- Timber Towns Victoria Strategic Plan Overview 2011 – 2013.

Councillor Jonathan Barrell, Birch Ward

Wombat Hill Botanical Gardens Advisory Committee no meeting this month.

ARC Advisory Committee no meeting this month

Daylesford Macedon Ranges Regional Tourism Board commenced its annual review of its strategic plan today

The Daylesford Streetscape Revitalisation Project Stage 1A is complete and all documents including Fact Sheet #4 have been published.

- a. Cr May, Officers and I met with the Community Reference Group met 03/04/2012 and the proposed small wins were endorsed.
- b. Stage 1B is expected to take 4-8 weeks will provide detailed recommendations regarding master planning and the works to undertaken within the funding available this calendar year.

The Daylesford Community Plan Community Reference Group met on 16/02/2012. I believe the draft plan is now finalised with 21 actions and I hope the Community Reference Group, the Consultant and Officers will present same to Council very soon.

The Victoria Park Multi Purpose Facility Consortium no meeting this month.

Councillor Rod May, Birch Ward

- Official Opening of Magic Pudding Playground – Stage 1 with young citizen of Creswick. Congratulations to Council officers and to the Committee
- Freight Strategy Committee with Consultant Robert Stamp
- Environmental Sustainability Advisory Committee
- Hepburn Springs Reserve Advisory Committee – early morning tour of the Reserve to look at numerous projects being carried out

- Attended with Cr Barrell the Daylesford Streetscape Revitalisation Project Committee
- Museums Australia (Victoria) State Conference 2012 Conference Dinner in Ballarat with Mayors of Ballarat and Christchurch and heard speakers on contemporary museum management
- Spoke at the Ballarat Expo on resilient agriculture
- Attended with Cr Barrell a Stanbridge Jinker Project Meeting – Daylesford Museum still considering Council Motion from March Ordinary Meeting.
- Upper Loddon Water Supply Protection Area (WSPA) Committee - Meeting at Ascot Town Hall attended by 40 people; three quarters or less supported the Draft Plan and about a quarter did not support the plan. I will be reporting further on the Draft Plan in coming weeks.

Councillor Neil Newitt, Cameron Ward

Accepted an invitation on behalf of the Shire to celebrate the return of football to Clunes. It is a credit to all those involved, particularly the Clunes Football Club and the Flood Recovery Office who worked so closely together to restore the facility to where it is now – a fantastic state. The relationship that has been developed will be an asset to the community and Hepburn Shire for future works.

Attended Clunes Health Committee Meeting where I was asked to chair a meeting between representatives of the Clunes Community, Hepburn Health Service and Hepburn Shire Council. The Clunes Community are no longer looking at the lost Nurse on Call service, but are willing to find ways forward and are keen to adopt Clunes as a test case/trial for the introduction of new health services into regional Victoria - a very positive outcome from a loss!

VicTrack – representation re future of Clunes Railway Station – 18 stations across the state to be refurbished and turned over for community use. VicTrack is very keen for the Clunes Railway station to be one of the stations to be refurbished.

Councillor Janine Booth, Creswick Ward

This past month has seen the culmination of a series of meetings and interviews resulting in the appointment of our new CEO. I very much look forward to Mr

Aaron Van Egmond beginning his employment as CEO with Hepburn Shire Council in May. There has also been numerous budget meetings and Councillor briefing sessions for Councillors to attend as Council approaches the time to begin advertising its 2012/2013 Draft budget which will be considered later in this meeting

I chaired Council's Freight Strategy Steering Committee where Members met with the appointed Consultant Mr Robert Stamp. Extensive engagement will happen over the next month with our Planning Department, Economic Development Unit, operators and key stakeholders across the Shire to ensure identification of existing and possible freights movements across the Shire as well as costed options to eliminate identified constraints and provide outcomes. Further information on progress will come via future briefing sessions to Council.

In Creswick Ward there are always numerous opportunities for Creswick Ward Councillors to engage with the community and gain a better understanding of the many and varied projects and events happening throughout the Ward.

I have attend the monthly meeting of the Creswick Ward Community Committee, an Advisory Committee to Council which provides feedback and recommendations to Council after meeting with other groups and committees within Creswick to learn more about work being done by the numerous groups and Committees and to gain an understanding of how Council might best support those events and projects that align with the objectives and initiatives in the Creswick Community Plan.

I have attended the monthly meeting of the Doug Lindsay Recreation Reserve Advisory Committee and I note the minutes have been forwarded to Councillors and a recommendation from the Committee in regards to the preferred Management model will be considered by Council later in this meeting. An important consideration for this Committee was that the Central Highlands Football League have arranged for the first Aussie Rules Football match to be played at the Reserve this Sunday 22 April between Creswick and Learmonth. An historic event – the move to a Sunday game provides an opportunity for many past players, the Central Highlands Football fraternity and Community members to visit the Reserve and see firsthand the excellent facilities and oval in use for the first time. The Creswick Football Netball Club Committee and our own Community Development Officer Adam McSwain are to be congratulated for much hard work over the last few weeks to ensure the oval and facilities are ready for Sunday's match. Whilst the Official opening will be held later this year, I hope all Councillors and perhaps some officers will take the opportunity this Sunday to view the new oval in operation and perhaps even a win for our young Creswick side.

I have attended the opening of Stage 1 of the Creswick Magic Pudding playground which was a much celebrated event amongst young parents, many children and even some grandparents, as well as again our Officer Mr Adam McSwain who worked closely with the Community in his previous role as Recreation Officer to see stage 1 completed.

A continued partnership between Community and Council in the development of stages 2 and 3 will ensure the completion of this themed playground and cement it as an important component in the overall concept of the Creswick Lindsay's Arts Trail.

Finally, earlier that same day I attended the 100 years celebration at Kingston Fire Brigade. An auspicious event that recognised the valuable contribution of the Creswick and Allendale Fire Brigades and their members over 100 years. As a born and bred Kingston girl I appreciate and respect the role of those Fire Brigades and their dedicated members that keep our Communities safe. Contrary to my children's belief that I was probably present 100 years ago when Kingston Fire Brigade began, I was indeed present as a Kingston Schoolgirl at the official opening when they moved to the then State of the Art Fire shed where they currently reside and I was very pleased to attend and represent Council and relive those childhood memories and view photographs and memorabilia of the advancement of the Kingston Fire Brigade over many years.

Councillor Don Henderson, Creswick Ward

- Creswick Ward Community Committee – currently looking at Creswick Community Plan to make it more readable for the Creswick Community and finding ways for the Community to bring projects to Council.
- Doug Lindsay Reserve and Community Facility Management Advisory Committee
- Official Opening of the Magic Pudding Playground – Stage 1 – attended with Crs May and Booth – 1864 hose reel that inspired Norman Lindsay to include it in the *Magic Pudding* book was also on display
- Privilege to speak at Kingston Fire Bridge Centenary Celebration on behalf of the Mayor
- Business and Tourism Creswick
- Creswick 4 Seasons Festival
- Waste Management Strategy Committee
- Environmental Sustainability Advisory Committee

- All Councillors are invited to a photo/video shoot at 12:30 pm this Saturday 21 April at Creswick Railway Station to be broadcast on the web in support of *Undershaw*, the former home of Sir Arthur Conan Doyle, creator of Sherlock Holmes. This heritage house is under threat in England and the world and heritage groups have been asked to show their support to help save this heritage home from development and preserving it for future generations.

RECOMMENDATION

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

MOTION

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

Moved: Councillor Rod May
Seconded: Councillor Neil Newitt
Carried.

8. PUBLIC PARTICIPATION TIME

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

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

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

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

8.1. PETITIONS

Nil Petitions received at time of collating Agenda.

8.2. QUESTIONS

Question 1: From Joshua Gilligan, Daylesford

Can Council guarantee that the energy descent action plan will be finalised before the upcoming elections? What is the expected timeframe for this plan to be placed on public viewing and what is the total expenditure in relation to the development of this plan?

Can council explain why they have failed to reach their emissions target of a 5% reduction, with emissions actually increasing by 3% as stated in the Annual Report 2010-11?

Can council assure the community that they are setting targets that they can realistically achieve?

****I request that the questions and the answers provided by council be read out to the public gallery****

Answered by Mayor Councillor Sebastian Klein

Council failed to reach its emission target because it had no correct data on which to base this prediction.

The goal to reduce carbon emissions is being addressed in the following ways:

- purchase of 5 % of green power from Hepburn Wind
- conversion of fleet cars and other council vehicles
- investigation of bioenergy potential and education of same
- sustainable building management plan funding which includes audits, retrofitting and education

The Planet Footprint data cannot specifically address this issue, except to say that Planet Footprint has advised that Hepburn compares very well with other municipalities. Council officers are currently identifying more accurate data collection and collation with Planet Footprint.

9. OFFICERS' REPORTS

9.1. PREPARED BUDGET FOR THE FINANCIAL YEAR 2012-2013 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

The purpose of this report is for Council to consider the prepared budget for 2012-2013.

BACKGROUND

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

The recommendations below are the formal resolutions to be passed by Council to finalise the Prepared Budget, which will be placed on public display until Monday 21 May 2012.

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

ISSUE/DISCUSSION

A copy of the Prepared Budget 2012-2013 is has been issued under separate cover (Refer Attachment 1).

Budget Process

Preparation of the 2012-2013 Prepared Budget commenced in December and has involved a number of workshops involving officers and Councillors. Details of the Budget process are as follows:

Budget process	Timing
1. Officers prepare operating and capital budgets	Dec - 2011 to Jan - 2012
2. Council considers draft budgets at informal briefings	Feb - 2012 to April - 2012
3. Proposed budget submitted to Council for approval	17-April-2012
4. Budget available for public inspection and comment	20-April-2012
5. Public notice advising intention to adopt budget	21-April-2012

6. Community engagement process undertaken	30-April-2012 to 18 May-2012
7. Submissions period closes (28 days)	21-May-2012
8. Submissions considered by Council	29-May-2012
9. Budget and submissions presented to Council for adoption	19-June-2012
10. Copy of adopted budget submitted to the Minister	by 31-August-2012

Budget Summary

It is proposed that revenue from rates increase by 4.5% for the 2012-2013 year, raising total rate revenue of \$13.3 million, including \$150,000 generated from supplementary rates.

The budgeted operating result for the 2012-2013 year is a surplus of \$2.02 million, which is a decrease of \$12.92 million from the expected 2011-12 financial year result of \$14.94 million. The significant decrease is mainly due to the impact of additional 2011-12 year revenue that was allocated for flood recovery works.

Cash and investments are expected to increase by \$250,000 during the year, from \$3.24 million to \$3.49 million, to improve Council's capacity to fund its day to day operations.

Differential Rates

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

It is proposed that the farm differential remains at a discounted 65% of the general rate and that the commercial, mixed use and industrial differential remain at 116% of the general rate.

The Rate Differentials that will be applied are as follows:

Rate type	How applied	2011/12	Proposed 2012/13	2011/12 differential	Proposed 2012/13 differential
General rate	Cents/\$ CIV	0.4180	0.4090	100%	100%
Farm rate	Cents/\$ CIV	0.2717	0.2658	65%	65%
Commercial rate	Cents/\$ CIV	0.4849	0.4744	116%	116%

Industry rate	Cents/\$ CIV	0.4849	0.4744	116%	116%
Mixed use rate	Cents/\$ CIV	0.4849	0.4744	116%	116%
Vacant land rate - township	Cents/\$ CIV	0.5225	0.5112	125%	125%
Vacant land rate - other	Cents/\$ CIV	0.4180	0.4090	100%	100%
Trust for nature rate	Cents/\$ CIV	0.2090	0.2045	50%	50%
Recreational rate	Cents/\$ CIV	0.2090	0.2045	50%	50%

Charges

The service charges are proposed as follows:

Rate type	2011/12	2012/13
Kerbside collection (Garbage)	\$99	\$117
Kerbside collection (Recycling)	\$87	\$93
Commercial garbage charge	\$218	\$262
Waste management charge	\$110	\$131

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

These charges are set to recover the costs associated with the waste area of services; therefore as costs in this area increase so will these charges proportionately. The Environment Protection Authority Victoria's levy per tonne for landfill in 2012-2013 will be \$48 per tonne, a 10% increase on the current 2011-12 levy. In addition, the introduction of the carbon tax will significantly impact the cost of landfill; this has been estimated at \$150,000. These increases are to be recovered via the garbage and waste charges.

Capital Works Program

The total Capital Works program will be \$6.7 million. Of this amount \$5.6 million or 84%, will be allocated to renewal to directly address the infrastructure gap and ensure assets are appropriately maintained for future generations. Approximately 43% of these works will be funded through capital grants, contributions and asset sales with the remainder allocated from cash from operations.

Highlights of the Capital works program are listed below – note some of these are subject to receiving funding from external government sources:

- Roads, bridges, footpaths and drainage – including reseals, re-sheets, pavement renewal and reconstruction, footpath improvement as well as bridge renewal, construction and design (\$4.3 million fully funded by Council)
- Daylesford Spa Country Railway – to reopen the railway line to Bullarto (\$310,000 – expected to be jointly funded with \$50,000 by Council, \$50,000 by the Daylesford Spa Country Railway and \$210,000 in government grants)
- Creswick Creek Path construction (\$250,000 – \$125,000 funding by Council and \$125,000 in government grants)
- Stage 4 of the Lindsay Arts Trail construction in Creswick (\$200,000 – \$100,000 funded by Council and \$100,000 in government grants)
- Project works at Lake Daylesford stemming from the walking and cycling strategy (\$100,000 fully funded by government grants)
- Stage 2 of the sportsground lighting at Trentham (\$79,000 fully funded by the state government)
- Hepburn netball court upgrade (\$65,700 mainly funded by a government grant with some community contribution and funding by Council).

Other New Initiatives/Projects

Other new initiatives and special projects include funding for the following - note some of these are subject to Council receiving the funding from external government sources:

- Transport trial for Glenlyon (\$20,000 funded by Council)
- Supporting the establishment of the region as Australia's first goldfield heritage region (\$50,000 funded by Council)
- Works on Domino trail from Trentham to Lyonville (\$50,000 fully funded by the state government)

- Signage and mapping for walking and cycling as part of the Small town tracks and trails project (\$44,600 including \$24,600 from government grants and \$20,000 funded by Council)
- Wombat Trail linking public parks in Trentham (\$45,000 with \$30,000 in government grants and \$15,000 by Council)
- Trentham Spudfest event (\$5000 funding by Council – note this is in addition to funding that Council already provides to events such as ChillOut, Hepburn Springs Swiss Italian Festa and Booktown in Clunes)

Allowances

It is proposed that Council fix the allowance amounts for Councillors at \$19,020 (includes superannuation allowance of 9%) and the amount for the Mayor to be fixed at \$34,870 (includes superannuation allowance of 9%).

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

Strategic Resource Plan

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

Financial summary of the proposed budget is detailed above.

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

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

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

Council recognises that if sufficient funds are not allocated to asset renewal, then Council's investment in those assets will reduce, along with the capacity to deliver services to the community.

Council has reserved \$250,000 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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

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

The Proposed Budget and prescribed information will be available from Friday 20 April 2012 at Council's offices in Daylesford and Creswick, at all Hepburn Library branches, the newsagent in Trentham and from Council's website www.hepburnshire.com.au.

Any person may make a submission to the Council on any proposal contained in the budget. Submissions received by the Council before 5pm on Monday 21 May 2012 will be considered for impact on the budget.

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

Details of the information sessions are as follows (note: all meetings run from 6.00-8.00pm):

- Monday 30 April 2012 — Daylesford Senior Citizens Room
- Wednesday 2 May 2012 — Creswick RSL
- Monday 7 May 2012 – Trentham Mechanics Institute
- Wednesday 9 May 2012 – Glenlyon Town Hall
- Monday 14 May 2012 – Clunes Town Hall
- Wednesday 16 May 2012 – Moonee Valley Clocktower Centre, 750 Mount Alexander Road, Moonee Ponds

Fact sheets have been produced on various aspects affecting the Budget and are available on Council's website www.hepburnshire.com.au.

CONCLUSION

The Prepared 2012-2013 budget has been tabled for Council's consideration and key points have been detailed in the report above.

OFFICER'S RECOMMENDATION

That having complied with the procedures within the Local Government Act 1989 and Local Government Regulations 2004 regarding the method of preparation and content of the budget for the 2012-2013 financial year:

9.1.1 The Hepburn Shire Council hereby determines that the Prepared Budget for the 2012-2013 year as presented to this meeting be prepared for the purpose of Section 127 of the Local Government Act 1989.

9.1.2 That the following details are provided in relation to the 2012-2013 Proposed Hepburn Shire Council budget, which commences on 1 July 2013.

- As at 30 June 2012 the total amount borrowed by Council will be \$4.173 million.
- There will be no new borrowings during the 2012-2013 financial year.
- The total amount of borrowings projected to be repaid during the year will be \$549,000.
- The total amount of borrowings at 30 June 2013 is projected to be \$3.624 million.
- The expected cost of servicing the borrowings during the financial year is \$270,000.
- It provides for six Councillor Allowances of \$19,020 each.
- It provides a Mayoral allowance of \$34,870.
- It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.
- Council proposes the following rate in the dollar for each type of rate to be levied for the period 1 July 2012 to 30 June 2013.

Category	Rate Cents in \$
Residential (General)	0.4090
Farmland	0.2658
Commercial	0.4744
Mixed Use	0.4744
Industrial	0.4744
Vacant Land- township	0.5112
Vacant Land – other	0.4090
Recreational	0.2045
Trust for Nature	0.2045

- Council proposes to levy a Waste Management Charge of \$131 for the period 1 July 2012 to 30 June 2013 on all properties. Owners of 'farm rated' properties will pay only one charge for farm rated properties.
- Council proposes to levy a Kerbside Collection (Garbage) Charge of \$117 on those properties receiving a service for the period 1 July 2012 to 30 June 2013.
- Council proposes to levy a Commercial Kerbside Collection (Garbage) of \$262 on those commercial properties receiving a service for the period 1 July 2012 to 30 June 2013.
- Council proposes to levy a Kerbside Collection (Recycling) Charge of \$93 for each property receiving a service for the period 1 July 2012 to 30 June 2013.

9.1.3 That Council:

- Gives public notice of the preparation of the budget for 2012-2013.
- Will make the prepared budget available for inspection at the Hepburn Shire offices in Vincent Street Daylesford, Duke Street Daylesford, Albert Street Creswick, at Branch Libraries at Creswick

Daylesford and Clunes, Trentham Newsagency and on Council's website during the inspection period.

- Will allow any person may make a written submission up until 5.00pm on Monday May 21, 2012, addressed to the Chief Executive Officer.
- Intends to meet on Tuesday, 29 May 2012 in order to consider submissions received.
- Intends to meet on Tuesday, 19 June 2012 to consider and determine upon the adoption of the 2012-2013 Budget.
- Will conduct community information evenings during the exhibition period across the Shire

MOTION

That having complied with the procedures within the Local Government Act 1989 and Local Government Regulations 2004 regarding the method of preparation and content of the budget for the 2012-2013 financial year:

9.1.1. The Hepburn Shire Council hereby determines that the Prepared Budget for the 2012-2013 year as presented to this meeting be prepared for the purpose of Section 127 of the Local Government Act 1989.

9.1.2. That the following details are provided in relation to the 2012-2013 Proposed Hepburn Shire Council budget, which commences on 1 July 2013.

- *As at 30 June 2012 the total amount borrowed by Council will be \$4.173 million.*
- *There will be no new borrowings during the 2012-2013 financial year.*
- *The total amount of borrowings projected to be repaid during the year will be \$549,000.*
- *The total amount of borrowings at 30 June 2013 is projected to be \$3.624 million.*

- *The expected cost of servicing the borrowings during the financial year is \$270,000.*
- *It provides for six Councillor Allowances of \$19,020 each.*
- *It provides a Mayoral allowance of \$34,870.*
- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.*
- *Council proposes the following rate in the dollar for each type of rate to be levied for the period 1 July 2012 to 30 June 2013.*

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<i>Trust for Nature</i>	<i>0.2045</i>

- *Council proposes to levy a Waste Management Charge of \$131 for the period 1 July 2012 to 30 June 2013 on all properties. Owners of 'farm rated' properties will pay only one charge for farm rated properties.*
- *Council proposes to levy a Kerbside Collection (Garbage) Charge of \$117 on those properties receiving a service for the period 1 July 2012 to 30 June 2013.*

- *Council proposes to levy a Commercial Kerbside Collection (Garbage) of \$262 on those commercial properties receiving a service for the period 1 July 2012 to 30 June 2013.*
- *Council proposes to levy a Kerbside Collection (Recycling) Charge of \$93 for each property receiving a service for the period 1 July 2012 to 30 June 2013.*
- *Council adopts a rate rebate policy consistent with its Council Plan and rating policy that provides an annual reviewable amount of \$200.00 to owners of land satisfying the criteria of consistency with the principles of sustainable land management, measurability through specific performance standards and assessment of conformity by an accredited third party and that the funding for that is taken from the Environmental budget.*

9.1.3 *That Council:*

- *Gives public notice of the preparation of the budget for 2012-2013.*
- *Will make the prepared budget available for inspection at the Hepburn Shire offices in Vincent Street Daylesford, Duke Street Daylesford, Albert Street Creswick, at Branch Libraries at Creswick Daylesford and Clunes, Trentham Newsagency and on Council's website during the inspection period.*
- *Will allow any person may make a written submission up until 5.00pm on Monday May 21, 2012, addressed to the Chief Executive Officer.*
- *Intends to meet on Tuesday, 29 May 2012 in order to consider submissions received.*
- *Intends to meet on Tuesday, 19 June 2012 to consider and determine upon the adoption of the 2012-2013 Budget.*
- *Will conduct community information evenings during the exhibition period across the Shire.*

Moved: Councillor Rod May
Seconded: Councillor Janine Booth

AMENDMENT

Last dot point added to Clause 9.1.2.

9.1.2.

- Council **considers** a rate rebate policy consistent with its Council Plan and rating policy that provides an annual reviewable amount of \$200.00 to owners of land satisfying the criteria of consistency with the principles of sustainable land management, measurability through specific performance standards and assessment of conformity by an accredited third party and that the funding for that is taken from the Environmental budget.

Moved: Councillor Jonathan Barrell

Seconded: Councillor Don Henderson

Lost.

AMENDMENT

That having complied with the procedures within the Local Government Act 1989 and Local Government Regulations 2004 regarding the method of preparation and content of the budget for the 2012-2013 financial year:

9.1.1. *The Hepburn Shire Council hereby determines that the Prepared Budget for the 2012-2013 year as presented to this meeting be prepared for the purpose of Section 127 of the Local Government Act 1989.*

9.1.2. *That the following details are provided in relation to the 2012-2013 Proposed Hepburn Shire Council budget, which commences on 1 July 2013.*

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- *It provides for six Councillor Allowances of \$19,020 each.*
- *It provides a Mayoral allowance of \$34,870.*
- *It be recorded that Council considers that differential rates will contribute to the equitable and efficient carrying out of Council functions. The respective types or classes of land which are subject to each differential rate are those defined in the schedule to this recommendation.*
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- *Council proposes to levy a Waste Management Charge of \$131 for the period 1 July 2012 to 30 June 2013 on all properties. Owners of 'farm rated' properties will pay only one charge for farm rated properties.*
- *Council proposes to levy a Kerbside Collection (Garbage) Charge of \$117 on those properties receiving a service for the*

period 1 July 2012 to 30 June 2013.

- *Council proposes to levy a Commercial Kerbside Collection (Garbage) of \$262 on those commercial properties receiving a service for the period 1 July 2012 to 30 June 2013.*
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- *Council adopts a rate rebate policy consistent with its Council Plan and rating policy that provides an annual reviewable amount of \$200.00 to owners of land satisfying the criteria of consistency with the principles of sustainable land management, measurability through specific performance standards and assessment of conformity by an accredited third party and that the funding for that is taken from the Environmental budget.*

9.1.3 That Council:

- *Gives public notice of the preparation of the budget for 2012-2013.*
- *Will make the prepared budget available for inspection at the Hepburn Shire offices in Vincent Street Daylesford, Duke Street Daylesford, Albert Street Creswick, at Branch Libraries at Creswick Daylesford and Clunes, Trentham Newsagency and on Council's website during the inspection period.*
- *Will allow any person may make a written submission up until 5.00pm on Monday May 21, 2012, addressed to the Chief Executive Officer.*
- *Intends to meet on Tuesday, 29 May 2012 in order to consider submissions received.*
- *Intends to meet on Tuesday, 19 June 2012 to consider and determine upon the adoption of the 2012-2013 Budget.*
- *Will conduct community information evenings during the exhibition period across the Shire.*
- *With regard to pages 6-8 and page 53 especially, a footnote to be added to refer the reader to the abbreviation of SRP*

(Strategic Resource Plan) as elaborated on page 11, and the basis for future year predictions in the absence of Council having adopted 10 Year Financial Plan in the last year or so.

Moved: Councillor Rod May
Seconded: Councillor Janine Booth
Carried.

**ATTACHMENT 1 - PREPARED BUDGET 2012-2013
(Issued under Separate Cover)**

9.2. LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM – HEPBURN SHIRE COUNCIL ALLOCATION
GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as General Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.

PURPOSE

This report seeks Council endorsement of the projects to be submitted for funding consideration for Year 2, 3 and 4 under the Local Government Infrastructure Program.

Year 1 projects have previously been endorsed and submitted to Regional Development Victoria and projects are now required to be submitted for the balance of the program.

BACKGROUND

The Local Government Infrastructure Program was announced on 5 July 2011 as part of the Regional Growth Fund.

This program is intended to provide regional and rural councils in Victoria with certainty to plan for and build new infrastructure or renew existing assets.

The Minister for Regional and Rural Development has written to Hepburn Shire Council advising it that its allocation under the Local Government Infrastructure Program has been capped at \$2,033,719 over four years from 2011/2012 to 2014/2015. This equates to approximately \$500,000 per annum.

ISSUE / DISCUSSION

Council's Service and Asset Working Group has reviewed Council's existing Forward Capital Works Plans, Management Plans and Asset Management Strategy and have developed a list of proposed projects to be nominated for funding consideration under this program.

The list of potential projects was considered by Council as part of the 2012-2013 budget preparations.

Projects to be considered and confirmed for Year 2, 3 and 4 of the program are detailed in the attached schedule.

It should be noted that if Council need to review nominated projects for years 3 and 4, this opportunity exists under the funding arrangements.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

One of the four commitments in the Council Plan 2009-2013 is Good Governance with financial sustainability being an essential ingredient. This section of the Plan states that 'The Shire's long term financial sustainability will be achieved by:

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

This report and program is in alignment with this commitment.

FINANCIAL IMPLICATIONS

There are no financial implications to Council associated with this recommendation as this is a fully funded grant with no co-contribution required.

RISK IMPLICATIONS

There are minimal risks to Council in submitting these projects for funding consideration under this program and if required nominated projects for year 3 and 4 are able to be reviewed.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Council's throughout Australia play a vital role in the provision of infrastructure at a local and regional level. This program will assist Council in advancing its Capital Works Program while improving its service delivery to the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community engagement associated with this issue has been undertaken as part of the process for developing the relevant strategies and individual projects. Further discussions and consultation may also be required during the delivery of the respective projects.

CONCLUSION

In order to receive funding that will provide Hepburn Shire Council with certainty to plan for and build new infrastructure or renew existing assets, it is recommended that the projects identified for funding consideration in Year 2, 3 and 4 of this program be endorsed by Council.

OFFICER'S RECOMMENDATION

9.2.1 That Council endorses the projects nominated in the attached schedule for year 2, 3 and 4 funding under the Local Government Infrastructure Fund.

MOTION

9.2.1. That Council endorses the projects nominated in the attached schedule for year 2, 3 and 4 funding under the Local Government Infrastructure Program.

Moved: Councillor Janine Booth

Seconded: Councillor Rod May

Carried.

**ATTACHMENT 2 - LOCAL GOVERNMENT INFRASTRUCTURE FUND –
POTENTIAL PROJECTS**

Local Government Infrastructure Fund : Potential Projects				LGIP Indicative Year for discussion		
Project Description	Location	Estimated Total Cost	Potential Grant Contribution	2012-13	2013-14	2014-15
Council Resolutions						
Vic Park, Daylesford Multipurpose Facility	Daylesford	\$3-4 m	2.7m			
Basin Reserve Facility Improvements (Speedway)	Daylesford	150,000	0			100,000
Implementation Walking and Cycling Strategy						
Complete Lake Daylesford (Projects 9,10 & 11)	Daylesford	185,000	0	100,000	65,000	
Improve pedestrian path along Hepburn - Newstead Road (Project 12 & 13)	Hepburn	35,000		35,000		
Extension of Domino Trail	Lyonville/Trentham	50,000		50,000		
Implementation Management & Master Plans						
Calemben Park Reserve Management Plan						
Priority Projects in Management Plan Renovation of current Picnic Shelter Repair / replace perimeter fencing, Provide mature tree planting program Signage upgrades	Creswick	125,000			125,000	
Intermediate pool restoration	Creswick	250,000	SRV 125,000			
Bath Street Management Plan						
Implementation of Stages 1, 2 & 3 including maintenance , street furniture and interpretive	Trentham	50,000				
Jubilee Lake Management Plan						
Jubilee Lake Car Park (p 33 MP)	Daylesford	300,000	100,000		40,000	
Jubilee Lake Trail - strategic justification	Daylesford	100,000				
Wombat Hill Gardens Master Plan						
WHBG EastWest Footpath Upgrade	Daylesford	30,000		30,000		
WHBG Circular Drive Upgrade	Daylesford	110,000				110,000
HMSR Management Plan / VMWC Master Plan						
Renovate Caretakers Cottage	Hepburn Springs	40,000				40,000

Project Description	Location	Estimated Total Cost	Potential Grant Contribution	2012-13	2013-14	2014-15
Community Plan Priorities						
Implementation - Trentham Community Facilities Study	Trentham	\$2 m	\$1.7m			
Newlyn Footpath Extension & Crossing	Newlyn	15,000			15,000	
Trail along Loddon River from Glenlyon to Loddon Falls	Glenlyon	20,000			20,000	
Stage 2 Sportsground Lighting Trentham	Trentham	79,000		79,000		
Magic Pudding playground Stage 2	Creswick	200,000	100000			
Other - Including risk, upgrades to meet standards & asset renewal						
Trentham Recreation Reserve Kitchen / Toilets	Trentham	350,000	SRV \$60,000			
Trentham Streetscape project implementation	Trentham	30,000			40,000	
Slaty Creek Pedestrian bridge	Creswick	80,000			20,000	
Creswick Town Hall Stage 2 (Change rooms and toilets)	Creswick	250,000				
Smeaton Bowls club paths, shelter & fencing for new rink.	Smeaton	30,000				
Bottle Museum repairs & asbestos removal	Clunes	300,000			200,719	
Community Sporting Facilities - Court Renewal Program	Newlyn, Hepburn, Creswick	120,000				
Netball Facilities & Court Improvements: Netball Court resurfacing includes Creswick (Doug Lindsay) Newlyn Female Netball & Umpire Facilities may include: Trentham Hepburn Newlyn and Clunes	Across Shire	300,000				171,000
Newlyn Lights & Re Surface Tennis Courts	Newlyn	90,000				
Creswick gold battery restoration	Creswick	165,000				
Lake Daylesford Improvement works						
Jetty Lake Daylesford North Side - Extend & refurbish	Daylesford	50,000	DPI \$35,000			
Renovation and Renewal of Boat House Cafe Public Toilets	Daylesford	80,000	0			

Project Description	Location	Estimated Total Cost	Potential Grant Contribution	2012-13	2013-14	2014-15
Joss House BBQ Shelter Rotunda Lake Daylesford	Daylesford	29,000				
Drainage Works (Clunes, Creswick, Daylesford and Trentham)		165,000		165,000		
Signage Renewal		50,000		50,000		
Street Tree Replacement		25,000		25,000		

	Yr1	Yr2	Yr3	Yr4	\$2,033,719	Grant
Total	\$553,000	\$534,000	\$525,719	\$421,000	\$2,033,719	Commitment
					\$0	Remaining

9.3. LEASE WITH HEPBURN HEALTH SERVICE - TRENTHAM LIBRARY GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of the report is to recommend that Council enter into a lease with Hepburn Health Service to use their premises for a library at 13 Albert Street, Trentham.

BACKGROUND

9.2.3 At its Ordinary meeting in November 2011 Council endorsed further progression towards the establishment of a fixed library service in the Hepburn Health Service owned building in Albert Street, Trentham.

ISSUE / DISCUSSION

At its Board meeting on 24 October 2011, Hepburn Health Service approved entering into a lease with Hepburn Shire Council for use of the Albert Street property as a library.

Following negotiations with Hepburn Health Service the lease has been finalised. The 5 year lease with a further term of 5 years has been executed and signed by Hepburn Health Service.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

The rent payable to Hepburn Health Service is \$104.00 per annum. In recognition of the building's past use for post funeral gatherings the lease specifies that the tenant (Hepburn Shire Council) will make part of the premises available at no cost to the user or if the premises are unavailable pay the reasonable costs of hiring another venue (such as the Mechanics Institute).

Recurrent costs of the Trentham library will need to be included in Council's annual budget.

RISK IMPLICATIONS

Nil Identified

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Discussions with Hepburn Health Service and other users of the building including the Anglican Ladies Guild have informed development of the lease.

CONCLUSION

Following renovation and fit out the building will provide a modern multi-use community library capable of servicing the diverse needs of the community of Trentham and district, providing a much more flexible and accessible resource than the current mobile library.

OFFICER'S RECOMMENDATION

That Council:

- 9.3.1 Approves and endorses the lease between Hepburn Health Service and Hepburn Shire Council at 13 Albert Street, Trentham for use as a library and meeting space.
- 9.3.2 Authorises the execution and sealing of the Lease.

MOTION

That Council:

9.3.1. *Approves and endorses the lease between Hepburn Health Service and Hepburn Shire Council at 13 Albert Street, Trentham for use as a library and meeting space.*

9.3.2. *Authorises the execution and sealing of the Lease.*

Moved: Councillor Don Henderson

Seconded: Councillor Neil Newitt

Carried.

9.4. RESPECTFUL BEHAVIOURS POLICY GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to update the Equal Opportunity & Bullying and Harassment Policy - Policy No 33:

BACKGROUND

Council Policy No.33 "Equal Opportunity & Bullying and Harassment Prevention Policy" has been in place since January 2003 and was last reviewed in January 2008. The policy is currently due for review.

Changes in Victorian legislation in relation to the definition of 'discrimination' also came into effect in 2011, and the policy has been reviewed to comply with this change.

Under Commonwealth and Victorian legislation, Hepburn Shire Council has a vicarious liability for the actions of its employees and contractors engaged by the organisation. In the event a person in the course of their employment or engagement discriminates, harasses or displays other prohibited conduct, that person and the Employer may be taken to have contravened the Act.

Hepburn Shire Council has a responsibility to ensure that reasonable precautions are taken and implemented to prevent such prohibited behaviours. Ensuring a comprehensive and up to date policy is reviewed and implemented across the organisation is one of the measures that can be taken to minimise the risk of vicarious liability

ISSUE / DISCUSSION

Current Council Policy No. 33 titled "*Equal Opportunity & Bullying and Harassment Prevention Policy*" is included as Attachment 3.

In reviewing the current policy, a Draft Policy has been developed titled "*Respectful Behaviours Policy*" (refer Attachment 4).

Proposed changes of the Draft Policy include:

1. Change in Title of Council Policy:

- The current Council Policy is titled "*Equal Opportunity & Bullying and Harassment Policy*". As the policy is designed to comprehensively cover such topics as: Bullying, Discrimination (direct and indirect, Harassment

(including sexual harassment), Victimisation and Equal Opportunity among other things, the title of "Respectful Behaviours Policy" is proposed to be a more understandable title which adequately covers all topics covered in the Policy.

2. Including an 'Introduction' and 'Purpose' of the Policy:

- This is a requirement under Council's Policy Framework.

3. Further development of the Policy:

3.1 Definitions:

- 'Unfavourable treatment' - This definition within the Equal Opportunity Act was recently amended in 2011. The draft Policy has been updated to comply with this change.
- "Area of Public Life" - Victorian Equal Opportunity Law applies to 8 areas of public life, many of which relate directly to local government. This has been included in the draft Policy.
- Inclusion of the definition of "Victimisation".

3.2 Policy:

- The draft Policy has been developed to include a policy or stance that Hepburn Shire Council takes in relation to inappropriate or prohibited behaviours. The Organisational Values have also been included as a foundation for expected behaviours and conduct of employees, Councillors, contractors and volunteers.
- The Responsibilities of staff, contractors, volunteers and Councillors and Managers in ensuring such prohibited behaviours are not exhibited or condoned are clearly outlined in the draft Policy.
- Information in relation to where Hepburn Shire Council may NOT assist with a complaint has also been included in the draft Policy.
- The importance of maintaining confidentiality in relation to the investigation of a complaint has also been included in the draft Policy.
- The Issue Resolution Procedure has also been further developed, which provides more comprehensive information in relation to formal and informal complaints, as well as a number of frequently asked questions in relation to the manner in which a complaint is managed.
- Information in relation to where a complainant may obtain further advice from external agencies has also been included in the draft Policy.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The existence of and the revision of Council policies is in accordance with Councils commitment of Good Governance.

FINANCIAL IMPLICATIONS

None noted

RISK IMPLICATIONS

Clear concise policies that are communicated and understood reduce the risk of unacceptable behaviour occurring

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No Environmental/Social/Economic Implications to note

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The policy has been reviewed by the Executive Management Team and the Extended Leadership Team

CONCLUSION

The Hepburn Shire Council Equal Opportunity & Bullying and Harassment Policy has been revised

OFFICER'S RECOMMENDATION

9.4.1 That Council approves the revised Respectful Behaviours Policy No 33.

MOTION

9.4.1. That Council approves the revised Respectful Behaviours Policy No 33.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Jonathan Barrell

Carried.

**ATTACHMENT 3 - CURRENT COUNCIL POLICY 33: EQUAL
OPPORTUNITY AND BULLYING & HARASSMENT PREVENTION POLICY**



HEPBURN SHIRE COUNCIL

POLICY NUMBER 33:

EQUAL OPPORTUNITY and BULLYING & HARASSMENT PREVENTION POLICY

Reviewed January 2008

PROGRESSIVE ORGANISATIONS HAVE GOOD POLICIES

Policies help organisations and the public to better understand an organisation's priorities and where it is heading. Hepburn Shire Council is committed to developing and maintaining a comprehensive set of policies to guide the organization towards a better future.

Policies are regularly reviewed and staff input is actively sought in this process. Community input is sought for those policies which have a major public focus.

Comments are also welcomed after policies have been adopted to assist in their continuous review and improvement.

KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
HEPBURN SHIRE COUNCIL

DATE LAST AMENDED: January 2008

DATE OF NEXT REVIEW: January 2010

DATE POLICY LAPSES:

REFERENCES:

- Policy 8 Human Resources
- Policy 37 Councillor / Staff Relationships
- Policy 4 Communication and Consultation
- EO-101 Equal Opportunity Issue Resolution Procedure
- OHS-142 Workplace Bullying & Violence
- Policy 47 Councillor Code of Conduct
- Equal Opportunity Contact Officer Information available on Council's intranet

DATE ADOPTED: January 2003

1. PURPOSE

Hepburn Shire Council is committed to providing a workplace free of all forms of Discrimination, Bullying and Harassment. This policy clearly articulates Council's commitment to a workplace which is free of any sort of harassment of all employees. Any such behaviour is unacceptable.

Hepburn Shire Council is committed to the principles of Equal Opportunity, the prevention of any form of Harassment and Workplace Bullying as espoused in legislation both Federal and State including the Local Government Act (1989), Victorian Equal Opportunity Act 1995 (Vic), The Workplace Relations Act (1996), Occupational Health Safety Act (2004)

2. SCOPE

This policy shall apply to all staff in recruitment, when considering promotion or advancement, training, development or other matters affecting staff in their employment. This policy also applies equally to volunteers, councillors, contractors and community members interacting with Council.

3. POLICY

Hepburn Shire Council is committed to Equal Opportunity and diversity in its workplace and providing a workplace for staff which is free of all forms of harassment. Our aim is to ensure fairness and equity in our organisation where the rights of individuals are upheld and everyone is treated with respect, fairness, equity and dignity. Selection of individuals for employment, promotion or advancement, training and staff development will be on the basis of professional merit, in fair and open competition according to the selection criteria, relevant/appropriate qualifications and knowledge relevant to the position.

Workplace bullying, discrimination, occupational violence and victimisation are unacceptable and illegal. Any complaint of harassment will be treated with the utmost seriousness. Appropriate training and procedures will be put in place to ensure the workplace culture reflects Hepburn Shire Council's commitment to upholding the rights of individuals to be treated with respect, fairness, equity and dignity.

Practices will be adopted to ensure a workplace free of discrimination, where each person has reasonable opportunity to progress to the extent of their ability. These practices will be supported by training to raise awareness for staff in general, but particularly for staff with supervisory responsibilities.

PART ONE:

EQUAL OPPORTUNITY

DEFINITIONS

Legislation provides that there shall be no discrimination, direct or indirect, in employment matters relating to:

Gender	Physical features
Race	Pregnancies
Disability/Impairment (including prior Work Cover claims)	Status as a carer
Marital status	HIV/AIDS status
Status as a parent	Sexual orientation
Political belief or activity	Breastfeeding
Religious belief or activity	Gender identity
Industrial activity	Personal association with someone who has or is assumed to have, one of the above characteristics
Lawful sexual activity	
Age	

DIRECT DISCRIMINATION

Direct discrimination can be intentional or unintentional and come from:

- Rules or practices which specifically exclude people because of their particular personal characteristics (of gender, race, disability, sexual preference etc) or which treat them less favourably;
- Decisions, policies and practices which are based on stereotypical assumptions about an individual.

INDIRECT DISCRIMINATION

Indirect discrimination is the outcome of unreasonable rules, practices and decisions which appear to be neutral, but which in fact have an adverse impact on a particular group or individual. For example, to only offer training and development opportunities to staff members at times that prevents workers who are parents with family responsibilities from attending.

PART TWO:

BULLYING

DEFINITIONS

Bullying

Workplace bullying is usually defined as “repeated, unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety or welfare (including their psychological welfare). A single incident of bullying-style behaviour is not normally considered as constituting workplace bullying.

Managers should develop an alertness to signs and symptoms, such as changes in a staff member’s behaviour, expressed dissatisfaction at work, i.e. increased absenteeism or an increase in grievances or complaints.

Within the definition:

“unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

“behaviour” includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening

“risk to health and safety” includes risk to the mental or physical health of the employee

What types of behaviour could amount to bullying?

Bullying can take many forms. Below are just some examples.

- Practical jokes
- Being sworn at
- Someone insulting you
- Being excessively supervised
- Being constantly criticised
- Being put down in public
- Rumours being spread about you
- Being overloaded with work or not given enough work to do
- Not getting the information you need to do your job
- Your personal effects or work equipment being damaged
- Being threatened with the sack

PART THREE:

HARASSMENT

DEFINITIONS

Harassment

Harassment is any form of inappropriate or improper behaviour which is perceived by the affected person(s) to be personally offensive. It is generally an expression of improper use of power by one person over another, or behaviour which creates a hostile and unproductive work environment. It may occur at work or outside the workplace at functions connected with work. While harassment sometimes can be unconscious or stem from ignorance, it is nevertheless an abuse of power. By its very nature, harassment is unwelcome and unsolicited. It includes:

- Offensive jokes, posters, e-mails, suggestions or derogatory comments about physical appearance or culture;
- Unfair allocation of menial or unpleasant duties or tasks;
- Intimidation, abuse or assault;
- Any form of bullying;
- Unsubstantiated allegations.

Harassment may occur from an individual or a group.

Sexual Harassment

The Human Rights Equal Opportunity Commission and various Equal Opportunity Tribunals have constituted that sexual harassment includes the following:

- Sexual jokes, offensive telephone calls, e-mails, displays of obscene or pornographic photographs, pictures, posters, audio or video tapes, reading matter or subjects;
- Sexual propositions or persistent requests for dates;
- Unwelcome physical contact such as patting, pinching or touching in a sexual way;
- Intrusive remarks, questions or insinuation about a person's sexual or private life;
- Comments about a person's appearance or body;
- Indecent exposure, unfastening of clothing;

- Sexual assault and rape (sexual assault and rape are criminal offences and the victim should report the offence to police);
- Demands that certain sexually suggestive clothing be worn;
- Sexual intercourse under threat of loss of employment.

PART FOUR:

Policy Implementation

1. Minimising harassment, bullying and discrimination

Council's tool for managing workplace bullying can be found within our OHS manual at Procedure OHS-142 *Workplace Bullying & Violence*. This procedure outlines the appropriate measures to eliminate the potential for exposure to workplace bullying.

This procedure outlines Councils' commitment to creating;

- awareness of the issue amongst employees, managers and supervisors through regular training.
- independent advice and counsel through the appointment of appropriately trained staff as contact officers.
- a well understood issue resolution procedure.
- and ensuring that all managers respond immediately when they observe or become aware of any issue that may be considered to constitute harassment, bullying discrimination and/or harassment .
- also developing an alertness to signs and symptoms, such as changes on behaviour, expressed dissatisfaction at work i.e. increased absenteeism or an increase in grievances or complaints. This means that even one-off or seemingly minor incidents need to be addressed by management as soon as they are reported or noticed, so as to
 - a) check whether they are part of a previously unnoticed pattern, and
 - b) ensure they do not escalate and become major problems.

2. What you can do, if as a member of staff you feel you are being harassed, bullied or discriminated against?

You should:

- Not ignore your feelings;
- Inform the offender that the behaviour is offensive, unacceptable and against Council policy;
- Discuss the issue with your Manager who, if the situation is not immediately able to be rectified, will involve either the Payroll / Human Resources Officer; or Council's Equal Opportunity Contact Officers who are available for advice, assistance and support.
- Choose to involve the Human Resources unit directly, who will investigate and try to resolve the matter. The Manager Human Resources will advise the CEO if a satisfactory outcome is not likely to be achieved in a reasonable amount of time;
- Access the **Issue Resolution Procedure, EO – 101**, from the Staff Pages on Council's Intranet.
- seek advice and assistance from the Inquiries Officer, Equal Opportunity Commission, 3rd Floor, 380 Lonsdale Street, Melbourne 3000, phone: (03) 92817100, if necessary or
- The Australian Services Union 116 Queensberry Street, Carlton South VIC 3053 (03)93423400; or
- In matters which might involve a criminal offence, the Police.

3. What will happen if you make a complaint?

The process outlined in the EO – 101 Equal Opportunity Issue Resolution Procedure will be followed.

4. *Role of the Equal Opportunity Contact Officer*

The Equal Opportunity Contact Officer (Contact Officer), often a peer, will be an employee who has received appropriate training. Staff may find these people preferable to speak to, at least initially, with any concerns they may have regarding harassment. The role of the Contact Officer is defined in detail in the Equal Opportunity Contact Officer Information document available on Council's intranet. The names of Contact Officers are also listed in that document.

5. *If a complaint is substantiated what will occur?*

If an employee is found to be harassing another employee(s), depending on the seriousness of the breach and surrounding circumstances, the consequences could range from counselling to formal disciplinary action which could include dismissal. In some circumstances criminal or civil action could be initiated.

Any disputes arising out of the application of this policy through relevant procedure(s), will be settled in accordance with the Grievance & Discipline Procedure outlined in the Hepburn Shire Council Enterprise Agreement.

Policy End

**ATTACHMENT 4 - REVISED POLICY 33 - RESPECTFUL BEHAVIOURS
POLICY**



POLICY NUMBER 33

RESPECTFUL BEHAVIOURS POLICY

DATE AMENDED: February 2012

DATE OF NEXT REVIEW: February 2014

DATE ADOPTED:

RESPONSIBLE OFFICER: Manager Human Resources

REFERENCES:

- Policy 57: Employee Code of Conduct
- Policy 37: Councillor / Staff Relationships
- Policy 4: Communication and Consultation
- Policy 47: Councillor Code of Conduct
- EO-101: Issue Resolution Procedure
- OHS-142: Workplace Bullying & Violence

RELEVANT LEGISLATION

Victorian

- Disability Act 2006
- Equal Opportunity Act 2010
- Occupational Health and Safety Act 2004
- Racial and Religious Tolerance Act 2001

Commonwealth

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

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.

PETER REEVE
Chief Executive Officer

Introduction

Hepburn Shire Council aims to provide a vibrant and diverse work environment where employees are able to develop both professionally and personally. Hepburn Shire Council is committed to providing a workplace free of all forms of discrimination, bullying and harassment.

Inappropriate behaviour such as discrimination, harassment, sexual harassment, bullying, victimisation and vilification is misconduct and will not be tolerated by Hepburn Shire Council. Staff found to have either committed or condoned such behaviour in the workplace will be subject to disciplinary action which may include the termination of employment.

Scope

This policy applies to all employees of Hepburn Shire Council (permanent, casual and temporary).

This policy equally applies to Councillors, volunteers and contractors of Hepburn Shire Council as well as community members interacting with Council.

Purpose

The Respectful Behaviours Policy is a commitment that all individuals receive fair and consistent treatment in a workplace that is free from harassment, discrimination, bullying and unfair treatment.

This commitment is based, in part, on the need to ensure that our organisation complies with equal opportunity and occupational health and safety laws. At all times we will work in accordance with our statutory requirements under the Victorian and Commonwealth legislation:

- Occupational Health and Safety Act 2004.
- Equal Opportunity Act 2010
- Human Rights and Equal Opportunity Commission Act 1986
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992
- Age Discrimination Act 2004

We are also committed to providing a safe and pleasant working environment for all employees and encouraging good working relationships between employees, contractors, volunteers, Councillors and the community.

Definitions

PART 1. EQUAL OPPORTUNITY

The Equal Opportunity Act, Victoria's anti discrimination law, protects people from discrimination and harassment in a wide variety of settings, including workplaces, schools and goods and services provision. Equal opportunity is about giving and getting a fair go. It does not assume everyone is the same and it does not mean treating everyone the same.

DISCRIMINATION

Discrimination is unfavourable treatment of a person in an area of public life (for example, at work) due to one of their personal characteristics. The Equal Opportunity Act 2010 details two types of discrimination:

- Direct discrimination
- Indirect discrimination

Direct Discrimination is when a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably, because of that personal characteristic. Direct discrimination often happens because people make unfair assumptions about what people with certain personal characteristics can and cannot do. Direct discrimination can be intentional and unintentional.

Indirect discrimination is also against the law and refers to situations where treating everyone the same is unfair. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up either actually, or potentially, disadvantaging someone with a personal characteristic protected by the law.

UNFAVOURABLE TREATMENT

For discrimination to be against the law, there needs to have been (or proposed to be) some unfavourable treatment. In the area of employment, unfavourable treatment may include:

- bullying or harassment
- being denied or refused a benefit that is made available to others
- unfair allocation of tasks
- unfair rostering
- exclusion from essential communications

AREA OF PUBLIC LIFE

Victorian Equal Opportunity Law applies to eight areas of public life, including:

- employment (and all work-related matters)
- provision of goods or services (whether paid or free)
- education
- accommodation
- sport
- disposal of land (selling land by auction or public sale)
- clubs and club membership
- local government

PERSONAL CHARACTERISTICS PROTECTED BY LAW

In the areas of public life listed above, it is against the law in Victoria to treat someone unfavourably because they have, or are assumed to have, a personal characteristic protected by the law.

It is also against the law to treat someone unfavourably because they do not have, or are assumed not to have, a personal characteristic protected by the law:

- Disability
- Lawful sexual activity
- Parental and Carer status
- Political belief or activity
- Age
- Sex
- Pregnancy & breastfeeding
- Race
- Industrial activity
- Physical features
- Sexual orientation
- Marital status
- Religious belief
- Employment activity
- Personal association

VICTIMISATION

Victimisation is subjecting, or threatening to subject, someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is against the law. An example of victimisation is where an employer terminates a person's employment after they complain of sexual harassment.

PART 2. BULLYING

Under the Occupational Health and Safety Act 2004, bullying is defined as follows: "Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety or welfare (including psychological welfare)."

"Unreasonable behaviour" means behaviour that is victimisation, humiliation, undermining or threatening. "Repeated" refers to the persistent nature of the behaviour and if an established pattern can be identified.

According to the definition, a single incident of bullying-style behaviour does not constitute workplace bullying, however Hepburn Shire Council has a general duty of care to provide a safe workplace and safe systems of work and therefore single incidents will not be ignored or condoned.

Bullying usually occurs inside a workplace, for example, one employee may bully another employee, or a group of employees may bully an individual. However, customers, clients and contractors may also bully employees.

Examples of bullying may include:

- Verbal abuse
- Practical jokes
- Being sworn at
- Being excessively supervised
- Your personal effects or work equipment being damaged
- Intimidation

- Excluding or isolating employees
- Psychological harassment
- Assigning meaningless tasks unrelated to a job
- Giving employees impossible assignments
- Deliberately withholding information that is vital for effective work performance
- Deliberately changing work rosters to inconvenience particular employees
- Being threatened with the sack

The above list is not exhaustive. Other types of behaviour may constitute bullying.

Differences of opinion and occasional conflict are a normal part of working life. Often a person may impact on others in ways they don't intend. Lack of intention to bully does not change the impact. Workplace counselling or discipline that is fair and addresses genuine problems with performance in a constructive manner is not considered bullying.

PART 3. HARASSMENT

Harassment is any form of inappropriate or improper behaviour which is perceived by the affected person(s) to be personally offensive, and is not wanted, not asked for and not returned or is likely to cause a hostile or uncomfortable workplace by:

- Intimidation, abuse or assault
- Any form of bullying
- Seriously embarrassing or offending someone
- Offensive jokes, posters, e-mails, suggestions or derogatory comments about physical appearance or culture
- Unsubstantiated allegations

Harassment may occur from an individual or a group. It may occur at work or outside the workplace at functions connected with work.

SEXUAL HARASSMENT

The Human Rights Equal Opportunity Commission and various Equal Opportunity Tribunals have constituted that sexual harassment includes the following:

- Sexual jokes, offensive telephone calls, e-mails, displays of obscene or pornographic photographs, pictures, posters, audio or video tapes, reading matter or subjects;
- Sexual propositions or persistent requests for dates;
- Unwelcome physical contact such as patting, pinching or touching in a sexual way;
- Intrusive remarks, questions or insinuation about a person's sexual or private life;
- Comments about a person's appearance or body;
- Indecent exposure, unfastening of clothing;
- Sexual assault and rape (sexual assault and rape are criminal offences and the victim should report the offence to police);
- Demands that certain sexually suggestive clothing be worn;
- Sexual intercourse under threat of loss of employment.

Harassment may occur from an individual or a group. It may occur at work or outside the workplace at functions connected with work.

Policy

Hepburn Shire Council is committed to Equal Opportunity and diversity in its workplace and providing a workplace for staff which is free of all forms of discrimination, bullying and harassment. Our aim is to ensure fairness and equity in our organisation where the rights of individuals are upheld and everyone is treated with respect, fairness, equity and dignity.

Hepburn Shire Council's Values are:

- Accountability
- Respect
- Excellent
- Trust
- Fun

On the foundation of these shared values we provide services to our community, a sustainable organisation and work to achieve excellent outcomes. Our ultimate goal is to respect each other in all aspects of employment, training and service.

Selection of individuals for employment, promotion or advancement, training and staff development will be on the basis of professional merit, in fair and open competition according to the selection criteria, relevant/appropriate qualifications and knowledge relevant to the position.

Workplace bullying, discrimination, harassment and victimisation are unacceptable and illegal. Any complaint of discrimination, bullying or harassment will be treated with the utmost seriousness. Appropriate training and procedures will be put in place to ensure the workplace culture reflects Hepburn Shire Council's commitment to upholding the rights of individuals to be treated with respect, fairness, equity and dignity.

Practices will be adopted to ensure a workplace free of bullying, harassment and discrimination, where each person has reasonable opportunity to progress to the extent of their ability. These practices will be supported by training to raise awareness for staff in general, but particularly for staff with supervisory responsibilities.

Responsibilities

All employees, contractors, Councillors and volunteers have a legal responsibility to care for their own health and safety and that of others in the workplace, and therefore must not engage in acts which constitute bullying or discriminatory behaviour. In addition, employees, are required to follow instructions given by their supervisor/manager relating to the prevention of workplace injuries and illnesses. This applies to measures to prevent workplace bullying, harassment and

discrimination which includes monitoring the work environment to ensure acceptable standards of conduct are observed at all times.

Therefore, all staff, Councillors, contractors and volunteers are responsible for promoting this policy by ensuring they:

- Comply with, and demonstrate a commitment to, the Respectful Behaviours Policy.
- Treat others with respect and courtesy.
- Discuss any issues or concerns you may have about equal treatment with your manager/supervisor.
- Understand how our behaviour and attitudes can impact on others.
- Report incidences of bullying, harassment or discrimination to the appropriate manager or supervisor.
- Fully participate in any investigation into an incident of bullying, discrimination or harassment and maintain strict level of confidentiality.

If you observe an incident in which another employee is being bullied, discriminated against or harassed, you have a responsibility to bring it to the attention of your Manager/Supervisor.

If a complaint of bullying, discrimination or harassment has been made about you, you are responsible for ensuring that you:

- Cooperate with the investigation and resolution processes.
- Provide a written or verbal response to the complaint which has been made.
- Provide all relevant facts to the person conducting the investigation.

Management responsibility

It is the responsibility of the manager/supervisor to be alert to any practices, attitudes or behaviour/s that disadvantage others or create an atmosphere where inequality, harassment or bullying can occur.

Your manager/supervisor should address inappropriate behaviour or comments by:

- Having an informal discussion about values, rules and behaviour directly with the person or indirectly at a staff meeting.
- Reminding staff about Council's 'Respectful Behaviours' policy.

If an employee brings an allegation of bullying, discrimination or harassment to your attention:

DO NOT

- Ignore the complaint.
- Tell the employee making the complaint to sort it out themselves.
- Make a judgement about whether the complaint is true or not.
- Say that the employee should put up with the bullying.
- Talk to anyone about the issue except those involved in the investigation and resolution of the complaint.
- Prejudge the merits of the complaint.

DO

- Behave consistently with the Respectful Behaviours Policy.
- Resolve the complaint as quickly as possible.
- Be sympathetic, sensitive and serious; the complaint is obviously serious to the person making it.
- Enquire into the matter within 2 working days, and attempt to resolve it as soon as possible.
- Take preventative measures in the workplace (eg. staff education).

Hepburn Shire Council may not assist you to deal with a complaint where:

- The complaint has been satisfactorily dealt with or resolved previously (unless another bullying/discriminating/harassing incident has occurred since).
- The complaint is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter.
- The complaint is frivolous, vexatious or malicious, for example where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution. (Note: Depending on the circumstances, these types of complaints could lead to disciplinary action including dismissal action being taken against the person making the complaint).
- The complaint does not constitute bullying, discrimination or harassment as defined by the policy.

The Role of the Equal Opportunity Contact Officer

Our EO Contact Officers are available in different locations to provide support and information to employees on matters relating to discrimination, harassment and/or bullying. Staff may find these people preferable to speak to, at least initially, with any concerns they may have regarding inappropriate workplace behaviours. A Contact Officer can give you confidential information about the best way to tackle your problem and where you can go if you need more help. It is not the role of the Contact Officer to investigate or resolve your complaint but to provide advice.

The role of the Contact Officer is defined in detail in the Equal Opportunity Contact Officer Information document available on Council's intranet. The names of Contact Officers are also listed in that document.

Confidentiality

Anyone involved in a complaint of bullying, discrimination or harassment, or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution, or have a 'need to know'. In particular, it is important that staff who either make a complaint, or may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

What process do I follow if I have a complaint?

It is essential that all employees across Hepburn Shire Council understand the relevant legislation and the commitment that we have to its intent. At the Hepburn Shire Council, discrimination, harassment or bullying of any kind is unacceptable and treated seriously.

The Issue Resolution Procedure

If you believe that you have been discriminated against, harassed, bullied or unfairly treated, you may follow the issue resolution procedure steps outlined below.

STEP 1

If you feel comfortable enough, you should ask that the person responsible to stop the unwelcome behaviour.

STEP 2

Where this is difficult or not possible, you should refer the complaint of harassment or unfair treatment to your manager/supervisor.

STEP 3

Where this is not satisfactory or is inappropriate, you should take the concern to one of the EO Contact Officers or Human Resources who can provide you with advice. You may also consult an Occupational Health and Safety Representative if an incident of bullying has occurred.

STEP 4

At any time you may seek confidential counselling and advice through the Hepburn Shire Council Employee Assistance Program (contact number: 1800 337 068). You can refer to the intranet for further information or speak to your manager/supervisor or a Human Resources for details.

Using internal procedures may save time and minimise emotional trauma and financial expense. It may also be more sensitive to all people involved. If you do not wish to use these procedures, you may speak with the Victorian Equal Opportunity & Human Rights Commission or Worksafe (in the instance of bullying).

Your Union or staff association may also be contacted for advice.

For further information, refer to Council's Issue Resolution Procedure.

What is an Informal Resolution?

In many instances, the issue will be informally resolved after discussions with the people involved. In such cases, a formal investigation procedure need not take place.

Your manager/supervisor, another manager/supervisor within Hepburn Shire Council or Human Resources is able to provide advice to:

- Help you to clarify whether the behaviour creating concern could constitute discrimination or harassment.

- Explore possible strategies to resolve the difficulty with or without intervention by your manager/supervisor, another manager/supervisor within Hepburn Shire Council or Human Resources.
- Advise you of your rights under the relevant legislation, including the right to refer the matter to the Victorian Equal Opportunity & Human Rights Commission, and also to receive advice or assistance from the Employee Assistance Program or relevant union.

What is a formal investigation?

If initial consultation does not solve the problem, you may agree to the complaint being formally investigated by Human Resources. This will involve all parties being separately interviewed, with the aim of establishing whether there is sufficient evidence to substantiate the allegations.

The investigation of your concern does not in any way imply that Hepburn Shire Council agrees that harassment, discrimination or bullying has taken place.

Only in cases of very serious allegations (eg breach of criminal law) is an investigation instigated without your consent and the matter referred to an appropriate external body.

How can I ensure confidentiality?

Your complaint must be handled by as few people as necessary and confidentiality strictly observed. Any information given during a formal investigation remains confidential and is released only on a “need to know” basis.

In order for ‘natural justice’ to be observed and to assist complaint resolution the particulars of a complaint may need to be divulged to the individual who is the subject of the allegations. However you will be advised if this is necessary.

Will I be victimised as a result of raising a complaint?

Managers/supervisors are responsible for ensuring that if you raise a complaint, you are not victimized in any way.

What happens when a complaint is substantiated?

If your complaint is substantiated, immediate action is taken to eliminate the behaviour that caused the complaint. Your manager/supervisor and Human Resources representative will jointly decide the appropriate disciplinary action. However the particulars of any disciplinary action will not normally be divulged to the complainant. Disciplinary measures could include:

- Counselling about the misconduct.
- Requirement to make an apology.
- Verbal or written warnings
- Recommendation to the CEO that the employee responsible be dismissed.

What happens if a complaint is not substantiated?

If the case is not substantiated, the reasons need to be explained to you and the other party. Where any of the parties are not satisfied with the results of the investigation, the option of escalating the complaint either internally or with the relevant external authority is available.

What happens if I am unhappy with the way a complaint is, or has been, managed/resolved?

If you are unhappy or unsatisfied with the manner in which your complaint is being managed or resolved you can:

- Appeal to the manager/supervisor handling the complaint
- Appeal to the CEO, General Manager or Manager Human Resources
- Refer to Council's Enterprise Agreement: Prevention & Settlement of Disputes

You may also obtain advice from any relevant external agency such as:

- Your Union
- The Victoria Human Rights and Equal Opportunity Commission
- WorkSafe Victoria

Review

This policy should be reviewed every 2 years by the Responsible Officer; Manager Human Resources.

**9.5. PETITION RECEIVED – OUTDOOR TABLES AND SEATING – FRANGOS & FRANGOS – JIMMY’S BAR – 82 VINCENT STREET, DAYLESFORD
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 to provide Council with an update on the status of the petition received regarding the outdoor chairs and tables at Frangos & Frangos – Jimmy’s Bar in Vincent Street Daylesford.

BACKGROUND

A petition was received by Council at its meeting of 20 March 2012, and it was agreed that it lay on the table for one month.

ISSUE / DISCUSSION

The petition received regarding the chairs and tables at the front of Frangos & Frangos – Jimmy’s Bar in Vincent Street Daylesford requests that Council uses its powers to leave the chairs and tables as they are. The petition was received by Council administration on 7 March 2012, contains 220 names and was formally received by Council at its meeting of 21 March 2012.

The owner of the adjoining food premises had sought and been granted a permit under Council’s local laws for outdoor chairs and tables. Under the local law the tables and chairs are not to be fixed in anyway, however, as these are permanently in place a local law permit is not the appropriate approval. As the site is within a Heritage Overlay, a planning permit is required.

The options available to the owner were to remove the chairs and tables or to at least make them more portable so that they can be taken inside when the business is not operating. This is consistent with other operators in the street. The owner has since lodged an application for planning permit to allow the chairs and tables to remain. The local laws permit previously issued should be cancelled as it is not the appropriate approval.

Council has also received a number of complaints regarding the size, location and issues with access around the current layout. These issues will be part of any further assessment of an application.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The petition received has been presented to Council.

FINANCIAL IMPLICATIONS

The financial implications of the petition will be considered when the item is presented to Council in more detail.

RISK IMPLICATIONS

The risk implications of the petition will be considered when the item is presented to Council in more detail.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The environmental, social and economic implications of the petition will be considered when the item is presented to Council in more detail.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The community and stakeholder implications of the petition will be considered when the item is presented to Council in more detail.

CONCLUSION

The report provides an update on the petition that currently lays on the table.

OFFICER'S RECOMMENDATION

That Council:

- 9.5.1 Considers and notes the matters raised in the petition regarding the outdoor chairs and tables at Frangos & Frangos - Jimmy's Bar in Vincent Street, Daylesford.
- 9.5.2 Notes that the matter is the subject of a current planning permit application before Council.
- 9.5.3 Writes to the petitioners informing them of the outcome of Council's determination.

MOTION

That Council:

- 9.5.1. *Considers and notes the matters raised in the petition regarding the outdoor chairs and tables at Frangos & Frangos - Jimmy's Bar in Vincent Street, Daylesford.*
- 9.5.2. *Notes that the matter is the subject of a current planning permit application before Council.*
- 9.5.3. *Writes to the head petitioner informing them of the outcome of Council's determination.*

Moved: Councillor Jonathan Barrell

Seconded: Councillor Rod May

Carried.

Councillor Don Henderson called for a division.

Councillors that voted in favour of the motion: Councillor Jonathan Barrell, Councillor Rod May, Councillor Neil Newitt, Councillor Janine Booth, Councillor Sebastian Klein.

Councillors that voted against the motion: Councillor Don Henderson, Councillor Bill McCleghan.

**9.6. THE GREAT TRENTHAM SPUDFEST - MEMORANDUM OF UNDERSTANDING
GENERAL MANAGER COMMUNITY SERVICES**

In providing this advice to Council as the Manager Community Development, I Adam McSwain have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider entering into a Memorandum of Understanding (MOU) with the Great Trentham Spudfest and allocating funding to the event.

BACKGROUND

At its January 2012 meeting Council resolved to:

- Consider a budget allocation for the Trentham Spudfest in its 2012-2013 budget.
- Request officers to develop a draft Memorandum of Understanding (MOU) in conjunction with the Trentham Spudfest organising committee.
- Request Officers to provide a further report to Council

A draft MOU has been developed in conjunction with the Trentham Spudfest organising committee (refer Attachment 5).

ISSUE / DISCUSSION

The event is run by a local organising committee and auspiced by Trentham Neighbourhood Centre (letter of confirmation attached – Attachment 6). As explained in the letter the current agreement is for one year but the Neighbourhood Centre has indicated it is willing to enter into a three year agreement. The draft MOU includes a clause requiring the Spudfest to demonstrate it is either incorporated or auspiced by an incorporated association.

The organising committee are seeking to make the event more professional at the same time retaining the 'local rustic warm feel that it has'. The Committee considers that Spudfest has an important role in driving positive community engagement, tourism and business development in Trentham.

They have requested that Council enter into an MOU with the Great Trentham Spudfest that sets out the event and Council's responsibilities and requested an allocation of \$10,000 per year for a 3 year period from Council.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan (2009-13) Initiative 31: "Supporting various drawcard events like ChillOut and Booktown which draw large numbers of visitors to Hepburn Shire".

FINANCIAL IMPLICATIONS

The Great Trentham Spudfest is seeking an annual allocation of \$10,000 per year for a three year period - 2013, 2014 and 2015. An amount of \$5,000 has been allocated to the Spudfest in the 2012-2013 prepared budget.

RISK IMPLICATIONS

That without financial support the Great Trentham Spudfest will be unable to grow.

Providing this funding will assist the Great Trentham Spudfest in becoming a professionally run event that provides a safe and accessible environment.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Great Trentham Spudfest provides economic, tourism and community strengthening benefits.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Trentham Community Plan (2009) states:

The community recognises the importance of tourism as a key economic driver for the regional and local economy and contributes to its promotion through a voluntary Visitor Information Centre and several events. Spudfest is probably the most uniquely authentic event in Trentham as both an attraction for visitors and engaging a wide spectrum of the local community.

CONCLUSION

That Council approve the draft MOU between Hepburn Shire Council and the Great Trentham Spudfest and provide funding for the event in the 2012-2013 budget.

OFFICER'S RECOMMENDATION

That Council:

- 9.6.1 Approves the Memorandum of Understanding between The Great Trentham Spudfest and Hepburn Shire Council for the 2013, 2014 and 2015 events.
- 9.6.2 Approves a financial contribution of \$5,000 for the 2013, 2014 and 2015 events.
- 9.6.3 Authorises the Interim Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Council.

MOTION

That Council:

- 9.6.1. Approves the Memorandum of Understanding between The Great Trentham Spudfest and Hepburn Shire Council for the 2013, 2014 and 2015 events.*
- 9.6.2. Approves a financial contribution of \$5,000 for the 2013, 2014 and 2015 events.*
- 9.6.3. Authorises the Interim Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Council.*

Moved: Councillor Jonathan Barrell

Seconded: Councillor Neil Newitt

Carried.

**ATTACHMENT 5 - THE GREAT TRENTHAM SPUDFEST – DRAFT
MEMORANDUM OF UNDERSTANDING**

DRAFT Memorandum of Understanding Between Hepburn Shire Council and the Great Trentham Spudfest

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

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

Term: This MOU is for a 3 year period (2013, 2014 and 2015 events) to be reviewed on an annual basis.

Parties: Spudfest – refers to The Great Trentham Spudfest
Council – refers to Hepburn Shire Council

1. Hepburn Shire Sponsorship Support

The Council will provide an annual sponsorship sum of \$5,000 (funding) and up to \$2,000 of in-kind contribution towards the 2013, 2014 and 2015 Spudfest events, subject to the requirements and provisions of this Memorandum of Understanding (MOU).

Spudfest is an annual festival in Trentham which attracts thousands of visitors. Spudfest brings the Trentham and surrounding community, businesses as well as visitors together and is filled with fun, music, spud food, entertainment, a spudtacular dinner, spudtastic games and lots of activities celebrating the potato-growing heritage of the area. It attracts business and tourism to the area as well as engaging people of all ages.

The funding will be provided by the Council for Spudfest to assist with conducting a safe, accessible and professionally run event.

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

Payment – of \$5,000 (100%) (Plus GST) to be paid *not before 28 July 2012 (for 2013 event), and not before 28 July 2013 (for the 2014 event) and not before 28 July 2014 (for the 2015 event).*

2. In-kind Support provided by Council

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

2.1 Waste Management

- a. Spudfest will develop a Waste Management Plan in conjunction with Council, outlining the type and amount of wastes generated, waste management strategies and responsibilities.
- b. Council will provide up to 30 bins and as many bin caps as are available from Council for Spudfest weekend. The bins and bin caps will be delivered to Trentham on the Friday prior to the event and collected on the Monday following the event by Council. The bins will be delivered to a site negotiated between Hepburn Shire Council and Spudfest.

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

- c. Spudfest agrees to work with Council to conduct a Waste Wise event in Trentham.
- d. Council will fund and supply one rubbish skip for use during the event. Spudfest must ensure waste from the smaller bins is emptied into the skips throughout the event.
- e. Spudfest is responsible to ensure event locations are left in a clean and tidy condition as per the Waste Management Plan.
- f. A review of the Waste Management Plan will be conducted annually within 8 weeks of the conclusion of the Festival.

2.2 Traffic, Parking, Signage, Pedestrian and Transport Management Plans

- a. Spudfest is responsible for developing a Traffic Management Plan (TMP) incorporating parking, pedestrian management and the road closures required for the weekend.
- b. Spudfest must participate in event planning meetings with Council and relevant emergency authorities to assist in reviewing and developing the plan. Planning must commence in December to ensure timely and sufficient notice of traffic management requirements, the Traffic Management Plan is to be completed at least 8 weeks prior to the event.
- c. Road closure signs and equipment for the road closures will be provided by Council, including their installation, delivery and collection in accordance with the time schedule as outlined in the TMP.
- d. Suitably qualified and experienced personnel (including Traffic Controllers where indicated in the TMP) to assist in implementing and maintaining the TMP throughout the event weekend must be provided by Spudfest. All event marshals and traffic controllers must be familiar with the TMP and implement it in accordance with the Plan and instructions from relevant authorities (including Victoria Police).
- e. Spudfest must develop a Parking and Pedestrian Plan for the event weekend. It is Spudfest's responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to Spudfest in the development of the Plans.
- f. Council will provide and deliver agreed signage (portable parking signs including disabled parking) for the event weekend. Directional and other signs required for the

Parking Plan will be provided by Spudfest (or Council where available and negotiated in advance).

2.3 Venue and Venue Infrastructure

- a. Spudfest will provide adequate toilet and wash room facilities (including accessible toilets) in accordance with the requirements of the relevant section of Council (Environmental Health and/or Building). The following toilet facilities are already available and maintained (cleaned and restocked with toilet paper) throughout the event:
 - Public Toilets Quarry St Reserve
 - Public Toilets in Market St

2.4 Marketing and Communications

- a. Council will provide promotion of Spudfest at the Daylesford Regional Visitor Information Centre and Creswick Interpretative Centre and on www.visittrentham.com.au including one free display cube. This will be on-going as assessed by the Visitor Services Coordinator.
- b. Council will allocate Spudfest the events signage frames at key entry points to Trentham eight weeks prior to the Spudfest event. Spudfest will supply, install and remove the signs during the approved period.
- c. Council will provide links to Spudfest's website on Council's website and will include Spudfest in event calendar listings. Spudfest is required to submit all information required for these listings.
- d. Where possible, Council will support the marketing activities of Spudfest.
- e. Spudfest agrees to provide recognition to Council via the following mechanism:
 - Recognition of the Hepburn Shire Council as a Major and/or Government Partner (or equivalent) in all information relating to Spudfest including its website, marketing material, media releases and communications. The usage of Council's logo must be in accordance with the directions provided by the Hepburn Shire.
 - Provide Councillors and Council officer's invitations to official Spudfest functions, events and launches.
 - Provision of a stall throughout Spudfest weekend. Council must inform Spudfest before March 1st with confirmation of the need for a stall
 - Logo placement on Program & advertisement if required

3. Occupational Health and Safety, Risk and Compliance

- a. Spudfest must comply with all of Council and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. Spudfest must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other

authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.

- c. Spudfest must participate in Councils Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 8 weeks prior to the event. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. Spudfest must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

4. Indemnity and Insurance

- a. Spudfest must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of Spudfest.
- b. Spudfest and/or its auspice must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$10 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in advance of the event date. Stallholders and contractors involved with the event should also have Public Liability Insurance. Note: Spudfest is under the Auspice of the Trentham Neighbourhood Centre
- c. Spudfest agrees that if there is any loss or damage to Council land or property as a result of the event, Spudfest will immediately notify Council by making contact with the Events Officer (or other Council officer if Events Officer is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. Spudfest agrees to remain auspiced throughout the term of this MOU and/or maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981.

5. Strategic and Business Planning

- a. Spudfest agrees to develop a Business Plan and an operational Event Management Plan to be reviewed and updated annually. The Business Plan will include the key objectives for the Festival and specific performance indicators. It must be provided to Council at least four months prior to the event date.

6. Review and Evaluation

- a. Council will assess the achievements against the outcomes within this MOU, and the key objectives contained in Spudfest's Business Plan with input from Spudfest.
- b. Spudfest will attend a post event evaluation meeting with Council and other authorities following the conduct of the event.

- c. Spudfest will provide a preliminary report to Council within 8 weeks of the conclusion of the event providing estimates of the information below. Within 16 weeks Spudfest will provide Council with a complete report containing detailed findings of the items below.
 - i. Attendance numbers for Spudfest
 - ii. Details of the origin and estimated length of stay of visitors to Spudfest.
 - iii. Estimates of the economic and tourism impact of the festival applying a Council approved methodology used to produce these results.
 - iv. Impact assessment on the Hepburn community (positive and negative impacts).
 - v. Media and marketing obtained for the Hepburn Shire region as a result of the event.
 - vi. Detailed event budget, including estimates of direct spend and fundraising contribution to the local community.
 - vii. Details of specific event operational and other issues associated with the event including recommendations for improvements in future years.

7. Dispute resolution

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

8. Termination of MOU

- a. If Spudfest is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship and in-kind support provided to the event.
- b. If Council or Spudfest is in breach of the terms of this MOU this MOU may be terminated in writing by the Chief Executive Officer of Council.

MOU between Hepburn Shire Council and Spudfest

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

_____ Signature of authorised officer	_____ Title of authorised officer	_____ Date
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_____ Witness signature	_____ Witness name	_____ Date
----------------------------	-----------------------	---------------

Signed for and on behalf of **Spudfest**:

_____ Signature of authorised officer	_____ Title of authorised officer	_____ Date
--	--------------------------------------	---------------

_____ Witness signature	_____ Witness name	_____ Date
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Appendix A: Estimate of Hepburn Shire Council's In-Kind Support

Support provided	Details	Estimated Cost to Council
Waste Management	Supply, delivery, collection of rubbish bins and lids –locations to be in waste management plan	\$500
Road Closures	Provision of equipment, signage, delivery and installation for road closures	\$300
Visitor Services	Provision of Visitor Information Centre Cube display	\$300
Cleaning	Contractor to clean public toilets in Trentham throughout weekend	\$200
	Total estimated in-kind support value	\$1,300

Additional in-kind support provided by Council's Recreation Officer, Council's Economic and Tourism Development Manager and other officers (details below). The value of this support has not been costed.

- Advice on development of event memorandum of understanding
- Advice on development of Traffic Management Plan for Road Closures
- Advice on development of Risk Management Plan for Event
- Advice on development of an Emergency Management Plan
- Inspection (if required) on Saturday of event by an Environmental Health Officer to ensure all temporary food premises have relevant permits.

**ATTACHMENT 6 - THE GREAT TRENTHAM SPUDFEST – LETTER OF
CONFIRMATION – AUSPICE AGREEMENT**

To whom it may concern
Hepburn Shire Council
P O Box 21
Daylesford
VIC 3460

4 April 2012

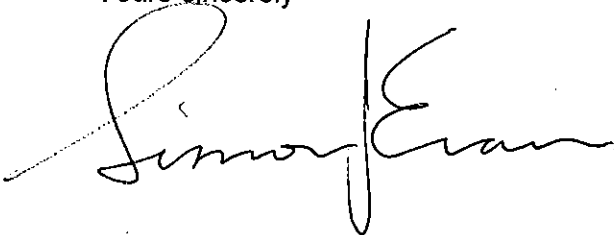
To whom it may concern

The Great Trentham Spudfest auspice agreement

Trentham Neighbourhood Centre is a not-for-profit which encourages community development through a number of different means within our local community. One of the ways we do this is to offer auspice agreements with local groups who wish to start a new enterprise, but not go through the process of Incorporation. This agreement gives the groups the opportunity to grow under our umbrella, apply for grant money and gives them the protection of our insurance cover.

I am writing to you to inform you that we have such an auspice agreement with The Great Trentham Spudfest committee. This agreement is currently for one year but we are willing to sign it for three years as required by you, the Council.

Yours sincerely



Simon Evans
Chair
Trentham Neighbourhood Centre

9.7. RECORD OF ASSEMBLIES OF COUNCILLORS – MARCH 2012
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 summarises Assemblies of Councillors for March 2012.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

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

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

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

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

Assemblies of Councillors		
Date	Location	Committee Name
6 March 2012	Council Chamber, Daylesford	Councillor Briefing
13 March 2012	Council Chamber, Daylesford	Councillor Briefing
14 March 2012	Doug Lindsay Community Facility	Doug Lindsay Reserve and Community Facility Management Advisory Committee
19 March 2012	Creswick RSL	Creswick Ward Community Committee
20 March 2012	Clunes Town Hall	Councillor Meeting
20 March 2012	Clunes Town Hall	2012-12013 Budget Briefing
20 March 2012	Clunes Town Hall	Pre Council Meeting

ISSUE / DISCUSSION

1. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be reported at an Ordinary meeting of the Council.
2. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil.

RISK IMPLICATIONS

There are implications with regards to Council's compliance with the *Local Government Act 1989* (as amended) if written records of Councillor Assemblies are not reported to Council.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

9.7.1 That the information be received.

MOTION

9.7.1. *That the information be received.*

Moved: Councillor Rod May
Seconded: Councillor Janine Booth
Carried.

**ATTACHMENT 7 - RECORD OF ASSEMBLIES OF COUNCILLORS –
MARCH 2012
(Issued Under Separate Cover)**

10. COUNCIL SPECIAL COMMITTEES (SECTION 86)

10.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

Special (Section 86) Committee minutes are tabled for noting and recommendations of Special Committees are presented for consideration by Council.

BACKGROUND

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports of Special and Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from the Creswick Museum Special Committee General Meeting 05/03/2012.
- Minutes from the Glenlyon Recreation Reserve Special Committee General Meeting 07/03/2012.
- Minutes from the Lee Medlyn Home of Bottles Special Committee General Meeting 07/03/2012.
- Minutes from the Lyonville Hall Special Committee General Meeting 10/01/2012.

These minutes have been provided to Councillors under a separate cover.

The following recommendation has been received by Council and is presented for Council to consider adopting:

- **Glenlyon Recreation Reserve Committee**

Murrell Osborne tendered his resignation from the Committee on 31 January 2012. Vacancies on this committee will be advertised.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

That Council

10.1.1 Notes the minutes of the Special Committees (Section 86) listed above which have been distributed under a separate cover.

10.1.2 Accepts Murrell Osborne's resignation from the Glenlyon Recreation Reserve Committee and forwards a letter of thanks for his contribution to this Committee.

10.1.3 Advertises any vacancies on the Glenlyon Recreation Reserve Committee.

MOTION

That Council:

- 10.1.1. Notes the minutes of the Special Committees (Section 86) listed above which have been distributed under a separate cover.*
- 10.1.2. Accepts Murrell Osborne's resignation from the Glenlyon Recreation Reserve Committee and forwards a letter of thanks for his contribution to this Committee.*
- 10.1.3. Advertises any vacancies on the Glenlyon Recreation Reserve Committee.*

Moved: Councillor Jonathan Barrell

Seconded: Councillor Neil Newitt

Carried.

11. COUNCIL ADVISORY COMMITTEES

11.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

Advisory Committee minutes are tabled for noting.

BACKGROUND

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

ISSUE/DISCUSSION

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from International Women’s Day Women’s Honour Roll Organising Committee for:
2012 – 11/01/2012, 1/02/2012, 21/03/2012;
2011 – 14/09/2011, 26/10/2011, 16/11/2011, 30/11/2011.
- Minutes from the Heritage Advisory Committee Meeting 17/02/2012.
- Wombat Hill Botanic Gardens Advisory Committee 21/02/2012
- Doug Lindsay Reserve and Community Facility Management Advisory Committee 14/03/2012
- Minutes from the Creswick Ward Community Committee Meeting 19/03/2012.
- Hepburn Mineral Springs Reserve Advisory Committee 22/03/2012.

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

11.1.1 That Council notes the minutes of the Advisory Committees listed above which have been distributed under separate cover.

MOTION

11.1.1. That Council notes the minutes of the Advisory Committees listed above which have been distributed under separate cover.

Moved: Councillor Rod May
Seconded: Councillor Neil Newitt
Carried.

**11.2. ADVICE FROM DOUG LINDSAY RESERVE AND COMMUNITY FACILITY MANAGEMENT ADVISORY COMMITTEE
GENERAL MANAGER COMMUNITY SERVICES**

This recommendation to Council is based on a resolution by the Doug Lindsay Reserve and Community Facility Management Advisory Committee at its meeting on 14 March 2012.

PURPOSE

The purpose of this report is to provide to Council advice from the Doug Lindsay Reserve and Community Facility Management Advisory Committee.

BACKGROUND

At its meeting on 14 March 2012, the Doug Lindsay Reserve and Community Facility Management Advisory Committee resolved to recommend to Council that a single incorporated Association manage the Doug Lindsay Facility within Council guidelines be formed. The Association would enter into a legally binding agreement with Council to manage the facility.

Prior to making this recommendation the Advisory Committee reviewed management arrangements at a number of local multi-user community facilities. These facilities included Buninyong, Alfredton, Ararat and Beaufort.

ADVISORY COMMITTEE'S RECOMMENDATION

11.2.1 Recommend to Council that a single overall incorporated Committee to manage the Doug Lindsay Facility within Council guidelines be formed. The composition and rules of this would be determined at future meetings.

Moved: Peter Considine
Second: Emma Bennett
Carried.

MOTION

11.2.1. That Council endorses the Doug Lindsay Reserve and Community Facility Management Advisory recommendation for a single overall incorporated Committee to manage the Doug Lindsay Facility within Council guidelines and that Council considers a further report.

Moved: Councillor Janine Booth
Seconded: Councillor Don Henderson
Carried.

**11.3. ADVICE FROM CRESWICK WARD COMMUNITY COMMITTEE - SUPPORT FOR 4 SEASONS FESTIVAL
GENERAL MANAGER COMMUNITY SERVICES**

This recommendation to Council is based on a resolution by the Creswick Ward Community Committee Advisory Committee from a meeting on 19 March 2012.

PURPOSE

The purpose of this report is to provide advice to Council from the Creswick Ward Community Committee, an advisory committee to Council.

BACKGROUND

As well as providing advice to Council on the implementation of the Creswick Ward Community Plan the Committee plays a strategic and facilitative role in working with the community to coordinate implementation of the Plan.

At its December meeting Council resolved to consider support for the Creswick four seasonal festival concept. There have been two meetings about the 4 Seasons Festival and a range of groups have agreed to work to co-ordinate events around the four seasons.

ADVISORY COMMITTEE'S RECOMMENDATION

11.3.1 That the Creswick Ward Community Committee recommends that Council encourages and supports the upcoming bicycle event (mid-winter bike event) as part of the 4 Seasons Festival in third week of May.

Moved: Michael Veal
Seconded: Cr Don Henderson
Carried.

MOTION

11.3.1. *That Council encourages and supports the upcoming bicycle event (mid-winter bike event) as part of the 4 Seasons Festival in third week of May.*

Moved: Councillor Don Henderson
Seconded: Councillor Janine Booth
Carried.

11.4. AUDIT AND RISK ADVISORY COMMITTEE – APPOINTMENT OF EXTERNAL MEMBERS

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to consider the appointment of external members to the Audit and Risk Advisory Committee for a term of three years.

BACKGROUND

In April 2009, Council adopted the revised Audit and Risk Advisory Committee Charter. The Audit and Risk Advisory Committee Charter states that the Committee is to comprise of five members – two Councillors and three external independent members.

The Charter states that the appointment of external members shall be made by Council after public advertisement and be for a term of three years.

This process is separate to the appointment of the two Councillor members, which occurs annually on a calendar year basis.

ISSUE / DISCUSSION

An advertisement seeking Expressions of Interest for the Audit and Risk Advisory Committee was placed in the *The Advocate* newspaper and on Council's website.

Council received the following three nominations:

1. Robert Taylor – Director of aCKTiF Group and former Chair of Committee.
2. Jim Paulyshyn – Co-founder of National Venture Network and former member of Committee.
3. Carol Pagnon - Director, Governance & Risk advisory services at New Gen Consulting.

As the Charter states that the committee is to comprise of three external members, and the members possess a range of relevant skills for the Audit and Risk Advisory Committee, it is recommended that the Council appoints Robert Taylor, Jim Paulyshyn and Carol Pagnon to the committee for a three year period ending 17 April 2015.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Noted under the Good Governance Section of the Council Plan, item 15

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

It is important that we update the members of the committee in line with the timeframes in our Audit and Risk Advisory Committee Charter in the interests of good governance.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nominations to the Committee were publicly advertised in March 2012 in the local newspaper and on Council's website.

CONCLUSION

That Council appoints Robert Taylor, Jim Paulyshyn and Carol Pagnon to the Audit and Risk Advisory Committee for a three year period ending 17 April 2015.

OFFICER'S RECOMMENDATION

- 11.4.1 That Council appoints Robert Taylor, Jim Paulyshyn and Carol Pagnon to the Audit and Risk Advisory Committee as representatives of the general public (community) for a period of three years ending 17 April 2015.

MOTION

11.4.1. That Council appoints Robert Taylor, Jim Paulyshyn and Carol Pagnon to the Audit and Risk Advisory Committee as representatives of the general public (community) for a period of three years ending 17 April 2015.

Moved: Councillor Neil Newitt
Seconded: Councillor Don Henderson
Carried.

**ATTACHMENT 8 - AUDIT AND RISK ADVISORY COMMITTEE EXTERNAL
MEMBER NOMINATIONS
(Issued under Separate Cover)**

**11.5. ADVICE TO COUNCIL FROM INTERNATIONAL WOMEN'S DAY WOMEN'S HONOUR ROLL ORGANISING COMMITTEE
INTERIM CHIEF EXECUTIVE OFFICER**

This recommendation to Council is based on a resolution by the International Women's Day Women's Honour Roll Organising Committee from a meeting on 1 February 2012.

PURPOSE

The purpose of this report is to provide advice to Council from the International Women's Day Women's Honour Roll Organising Committee (IWD Committee), an advisory committee of Council.

BACKGROUND

Following the assessment process for the 2012 Women's Honour Roll, the Assessment Panel has made the following recommendations in relation to the Application Process and the Pamphlet and Selection Criteria wording.

ADVISORY COMMITTEE'S RECOMMENDATION

11.5.1 That Council accepts the following recommendations from the International Women's Day Women's Honour Roll Organising Committee to be incorporated into the Application Process and the Pamphlet and Selection Criteria wording:

11.5.2 Application Process

- Stress that nominations be written to address the selection criteria
- Evidence and examples must be supplied to support statements and assertions made in the application
- The process needs to be more accessible to the public, especially those who are not computer savvy.
- There needs to be a group of women, (possibly past IWD members) who are willing and available to assist in advising nominators how to complete the application form.

11.5.3. Pamphlet and Selection Criteria Wording

- Removes the word 'interests' from the part about advancing the status of women as this can be interpreted to mean anything and replace it with something that makes it clearer, 'what advancing the status of women' actually means. Something along the lines of expanding the possibilities and horizons of women.
- In the interests of simplification that the point 'Difficulties or challenges overcome' under the heading 'What are the award selection considerations?' could be deleted as it is not necessarily relevant to the issue of the advancement of the status of women, and if there have been difficulties or challenges they wish to mention, these will come out in the candidates own stories.

MOTION

11.5.1. *That Council accepts the following recommendations from the International Women's Day Women's Honour Roll Organising Committee to be incorporated into the Application Process and the Pamphlet and Selection Criteria wording:*

11.5.2. ***Application Process***

- *Stress that nominations be written to address the selection criteria*
- *Evidence and examples must be supplied to support statements and assertions made in the application*
- *The process needs to be more accessible to the public, especially those who are not computer savvy.*
- *There needs to be a group of women, (possibly past IWD members) who are willing and available to assist in advising nominators how to complete the application form.*

11.5.3. ***Pamphlet and Selection Criteria Wording***

- *Removes the word 'interests' from the part about advancing the status of women as this can be interpreted to mean anything and replace it with something that makes it clearer, 'what advancing the status of women' actually means. Something along the lines of expanding the possibilities and horizons of women.*
- *In the interests of simplification that the point 'Difficulties or challenges overcome' under the heading 'What are the award selection considerations?' could be deleted as it is not necessarily relevant to the issue of the advancement of the status of women, and if there have been difficulties or challenges they wish to mention, these will come out in the candidates own stories.*

Moved: Councillor Don Henderson

Seconded: Councillor Rod May

Carried.

11.6. ADVICE TO COUNCIL FROM HERITAGE ADVISORY COMMITTEE MANAGER PLANNING

These recommendations to Council are based on resolutions by the Heritage Advisory Committee from a meeting on 17 February 2012.

PURPOSE

The purpose of this report is to provide advice to Council from the Heritage Advisory Committee, an advisory committee to Council.

BACKGROUND

The Heritage Advisory Committee met on 17 February 2012 and resolved to recommend to Council the following motions.

ADVISORY COMMITTEE'S RECOMMENDATION

That the Hepburn Shire Council Heritage Advisory Committee advises Council:

- 11.6.1. That it endorses the recommendations made by the Cornish Hill Reserve Committee of Management outlined in their letter to Council dated 27/1/2012, in particular their recommendation to name the site of the Daylesford Skate Park and community playground either McLeod Park or Freeman Park.

Moved: Heather Mutimer
Seconded: Lisa Gervasoni
Carried.

- 11.6.2. To advertise the availability of low interest loans as soon as the review has been finalised

Moved: Michael Cheshire
Seconded: Heather Mutimer
Carried.

- 11.6.3. The presence of a heritage overlay / planning permit requirement should be considered before the grant of a local law permit for street furniture.

Moved: Heather Mutimer
Seconded: Michael Cheshire
Carried.

- 11.6.4. The need to make funding available in the 2012-2017 years budgets to adequately fund the upgrade of heritage studies through a heritage gap

study including a thematic history and completion of statements of significance for all places identified, including those currently in the heritage overlay for which no statement of significance has been prepared.

Moved: Heather Mutimer

Seconded: Lisa Gervasoni

Carried.

11.6.5. The Heritage Advisory Committee be consulted and have direct input into the preparation of the Vincent Street Revitalisation Project.

Moved: Heather Mutimer

Seconded: To be confirmed

Carried.

MOTION

11.6.1. That Council receives recommendations 11.6.1 to 11.6.5, excluding recommendation 11.6.2, from the Heritage Advisory Committee for the Council to consider following a report from Council officers.

Moved: Councillor Don Henderson

Seconded: Councillor Jonathan Barrell

Carried.

MOTION

11.6.2. The Council advertises the availability of low interest loans as soon as the review has been finalised.

Moved: Councillor Don Henderson

Seconded: Councillor Janine Booth

Carried.

12. CONFIDENTIAL ITEMS

12.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

RECOMMENDATION

10.1.1 That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:

- 89(2)(d) Contractual matters;

Clunes Caravan Park – Lease Assignment

Daylesford Victoria Caravan Park – New Lease

Tender H301-2012 – Architectural Services - Clunes Community and Interpretive Centre Building Works

Tender H280-2011 – Clunes-Daylesford Road, Ullina – Pavement Construction, Bituminous Surfacing and Associated Works, Ch 7.6 km to Ch 8.6 km; and

12.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

PROCEDURAL MOTION

12.1.1. *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:*

89(2)(d) Contractual matters;

Clunes Caravan Park – Lease Assignment

Daylesford Victoria Caravan Park – New Lease

Tender H301-2012 – Architectural Services - Clunes Community and Interpretive Centre Building Works

Tender H280-2011 – Clunes-Daylesford Road, Ullina – Pavement Construction, Bituminous Surfacing and Associated Works, Ch 7.6 km to Ch 8.6 km; and

12.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

Moved: Councillor Jonathan Barrell

The Meeting closed to Members of the Public at 7:08 pm.

13. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

- 13.1 That Council, having considered the confidential items, re-opens the Meeting to members of the public.

PROCEDURAL MOTION

13.1.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.

Moved: Councillor Rod May

The Meeting re-opened to the Public at 7:20 pm.

In accordance with Council's resolution, the following information is provided to the public on the matter resolved by Council during the confidential section of the Meeting.

That Council:

- 13.2.1. Awards the Tender for Contract No H301-2012 Architectural Services for the Clunes Community and Interpretive Centre Building Works to for the lump sum of \$198,800.00 to Morton Dunn Architects.*
- 13.2.2. Awards the Tender for Contract No H280-2011 Pavement construction, bituminous surfacing and associated works, Ch 7.6 km to Ch 8.6 km, Clunes-Daylesford Road, Ullina for the lump sum of \$391,724.00 to RECivil Pty Ltd.*
- 13.2.3. Authorises the Interim Chief Executive Officer to sign and seal the contract documents when prepared.*

14. CLOSE OF MEETING

The Meeting closed at 7:20 pm.
