



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

TUESDAY 17 JULY 2012

**DAYLESFORD SENIOR CITIZENS ROOM
VINCENT STREET
DAYLESFORD
5:30PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



AGENDA

TUESDAY 17 JULY 2012

Daylesford Senior Citizens Room

Vincent Street, Daylesford

Commencing 5:30PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
17 JULY 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 Jonathan Barrell, Cameron Ward Councillor Neil Newitt, Creswick Ward Councillor Janine Booth, Creswick Ward Councillor Don Henderson, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager 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 19 June 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the *Local Government Act 1989*.
- 5.2 That the Minutes of the Special Meeting of Council held on 4 October 2011 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the *Local Government Act 1989*.

MOTION

- 5.1. *That the Minutes of the Ordinary Meeting of Council held on 19 June 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*
- 5.2. *That the Minutes of the Special Meeting of Council held on 4 October 2011 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

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

6. NOTICES OF MOTION

Nil.

7. ITEM OF URGENT BUSINESS

PROCEDURAL MOTION

7.1.1. *That Council considers an Item of Urgent Business – Leave of Absence.*

Moved: Councillor Janine Booth

7.2. REQUEST FOR LEAVE OF ABSENCE BY COUNCILLOR JANINE BOOTH

MOTION

7.2.1. *That Council grants a Leave of Absence to Councillor Janine Booth from 24 July – 6 August 2012 inclusive.*

Moved: Councillor Janine Booth

Seconded: Councillor Don Henderson

Carried.

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Sebastian Klein, Coliban Ward

Councillors I would like to report a very positive month, engaging with the community and other parties to formulate directions for the future.

To kick things off, I have to congratulate the community of Trentham for attracting none other than Trevor Budge to conduct a town planning exercise in Trentham with graduate students from the masters in town planning course at LaTrobe in Bendigo. This input is a very welcome resource as we witnessed at the budget submissions that such a report may be worth tens if not hundreds of thousands of dollars.

I have also been involved with the CEO and Councillors May and Henderson in negotiating a community project on resilience with Melbourne Uni. Given Creswick's proneness to natural disasters, we hope that this project might see Creswick more prepared and safer in the face of floods, fire or drought, all of which they are susceptible to.

Spoke on a plenary panel on the topic of "Sustainable Communities" at the Students of Sustainability conference at LaTrobe in Bendigo. Had the novel experience of being the most conservative one on the panel, if not the whole conference!

Met with Carmel Thannhauser from the Daylesford Food Bank regarding the need for more appropriate premises and for a soup van.

Met with community members interested in supporting and enhancing the Daylesford Youth Space. Watch this space.

Other Meetings I attended were:

- Ballarat launch of group procurement
- Students of sustainability
- Bridge launch at Pandora Ponds
- Yandoit Recreation Reserve tennis courts opening
- Daylesford Business and Tourism
- Environmental Sustainability Advisory Committee
- Future of Local Government Summit

- Launch of the groups procurement of Bitumen Resurfacing at Ballarat
- Daylesford Secondary College Hall of Fame Induction - Alex Bremner
- Daylesford Rotary Club Changeover Dinner (new President Jan Pengilley)
- Trentham Library Sneak Preview Opening
- Trentham CFA dinner
- Victorian Grants Commission Briefing
- Meeting with a representative from the Daylesford Housing Crisis Action Group
- Trentham Lions Club Changeover Dinner

COUNCILLOR REPORTS

Councillor Neil Newitt, Cameron Ward

On 28 June I attended the Clunes Community Planning session.

It has been 3 years since the first Clunes Community Plan was formulated and around 40 people attended on the night of the 28th to workshop ideas for the next community plan.

It was noted that most of the projects listed in the previous Community Plan have been undertaken or are in the process of being addressed hence the need to revisit and update community plan.

Amongst some of the ideas that came out of the planning sessions were:

- A master plan for the township – involving land zoning, and suitable development in relation to existing heritage and neighbourhood streetscape considerations.
- The need to support Clunes' International Booktown standing along with other ideas around economic development.
- Ways of enhancing and encouraging volunteer support.
- Youth facilities, the creekscape and education were also listed as important to the community.

I look forward to the revised Clunes Community Plan and thank those of the community and the officers who seek to make the new plan as successful as the last.

Councillor Janine Booth, Creswick Ward

Community Planning is on the Agenda. Last night I attended the Creswick Ward Community Committee, an advisory committee of Council charged with the responsibility of implementing the Creswick Community Plan. The Committee is proceeding with a review of that Plan. I attend this meeting along with my fellow ward Councillor Don Henderson.

This morning I chaired a meeting of the Freight Strategy Steering Committee. The meeting considered the draft report and community petitions and submissions received. Project Consultant Robert Stamp lead a discussion about changes proposed. Councillors will receive a briefing and draft recommendations in the future.

Councillor Don Henderson, Creswick Ward

During the last month I have attended all statutory meetings and in addition all briefings.

I have attended the Environmental Sustainability Advisory Committee and Heritage Advisory Committee as well as the Creswick Ward Community Committee.

I attended a meeting of the Creswick Action network.

Arising from this there will be a free Working with Children check session run next week.

This should help those community volunteers who wish to work with children and youth.

It is important to engage with primary school children as it is difficult without a secondary school to stay in touch once the children leave primary school.

To this end, woodwork classes will start at the Creswick Railway Station next Friday with Children from St Augustine's Creswick.

Councillor Bill McClenaghan, Holcombe Ward

The past month started with a Special Board Meeting of the Highlands Regional Waste Management Group. The Board heard that there are still issues with constructing the new Cell "F" at Smythesdale Regional Landfill where EPA rules and regulations are slowing matters down and adding to the cost. The City of Ballarat, which operates the landfill, continues to accept

municipal garbage from neighbouring Shires like Hepburn but has diverted all waste from the commercial and industrial sector to a Melbourne metropolitan landfill that will incur additional transport costs. Another increase in the EPA landfill levy and the impacts of the new Federal Carbon Tax will lead to increased waste management costs across all sectors.

On Thursday 5th July, I chaired a well attended public meeting here on “Smart Meters”. It appears that, from information available, there will be numerous problems with the smart meter roll out. The five power distribution companies are on notice from the State Government to make every effort to complete smart meter installation in every household by 2013 despite the lack of any law that forces anybody to accept a smart meter if they don’t want one. There is already clear evidence that smart meters can cause health problems like headaches and sleeplessness, especially with 3% of the population who are sensitive to electro-magnetic radiation. Smart meters are often fitted to bedroom walls outside dwellings and send pulses throughout the entire house in the electrical wiring. They can measure and record a household’s power use, identify appliances used and send information back to the power companies by wireless signals at certain intervals. They can also be used to reduce power consumption in households by shutting down certain appliances in a prioritised order. Some home owners find that they can no longer live in their own home because of the headaches they get, not only from their own smart meter but from those in adjacent homes. Power companies are fitting smart meters despite home owner protests and are using intimidation and threats of disconnection to force this technology onto everyone. The advice being given now is; “Lock your meter box / encase it in a metal cage but allow a slot for reading the existing analogue meter / refuse all offers and ignore any threats. Electricity is an essential service and you can’t be disconnected if you have paid your power bill.”

On Tuesday 10th July, I attended a meeting of Glenlyon and Upper Loddon Landcare in the Glenlyon Hall. There was an interesting talk on the geology of the area, soil and rock types and how volcanism has affected the landscape and river systems we know today. I then chaired the election of a new Committee at the Annual General Meeting at which long serving President Evan Davis stepped down in favour of another landcare stalwart, John Cable. Unfortunately, the group was unable to find a secretary and so anyone interested in the position should make contact for more information.

Out at Glenlyon recently, there have been works on Barkly St drainage but unfortunately some tree roots were disturbed when clearing leaves and other material. Drainage problems in Eldon Street and Molesworth Street remain an

ongoing issue with new ways to fix the problem being considered. I have been working with local residents and our engineers to find an affordable solution.

Last Friday 13th July, I attended a General Meeting of Timber Towns Victoria at the MAV office in Melbourne where the topic of the day was Transport and Infrastructure. There were three presentations and the first was from the Country Rail Freight Alliance that is seeking to get more commodities, especially bulk commodities, moved by rail instead of large trucks that tear up our roads. The second presentation was from Regional Development Victoria (RDV) that looked at some of the major projects currently being delivered in Victoria like the Western Highway duplication between Ballarat and Ararat. This will involve bypassing the town of Beaufort so Pyrenees Shire can finish their streetscape works without the presence of large trucks and heavy through traffic. The final presentation was from VicRoads about their strategic planning to optimise transportation of various commodities from source to markets.

For example, if you show how wheat and grains are taken by road to market, then show the routes taken by dairy traffic to processing factories and then the routes taken to move timber products to mills and to markets and then superimpose all these routes onto one big map, you get a real spaghetti of freight movements by road. This is used to strategically plan optimal transport routes and determine which roads need upgrading for high volume transports (B-doubles and B-triples). I will be obtaining a copy of the presentation to further brief Council at a later date.

Shortly, I will be meeting with officers of Goulburn-Murray Water to discuss the depletion of groundwater in the Wheelers Hill area at Musk, where water is extracted and removed from this area. This will be to more closely examine how this removal of ground water from the local aquifer might affect Daylesford's major fresh water supply in the Wombat Creek Reservoir.

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. I attended the launch of the new Daylesford Macedon Ranges Regional Wine Touring Guide 28 July 2012. I was delighted to see the enthusiasm of a range of vignerons

across the region for the guide to encourage visitations to more of our regions attractions. I believe this launch foreshadows a new range of support & initiatives across Hepburn Shire.

The Daylesford Streetscape Revitalisation Project continues. The matter is the subject of reports to Council tonight. I have no additional report.

The Daylesford Community Plan Community Reference Group presented to a Councillor Briefing 08/05/2012 and the Plan is now available on Council's webpage at

http://www.hepburn.vic.gov.au/Files/Daylesford_Community_Plan.pdf

The Victoria Park Multi Purpose Facility Consortium no meeting this month

The Freight Strategy Steering Committee met this morning to review the draft report and consider community submissions, much of which I believe will be incorporated in the final report.

I have volunteered to represent Council on its **Municipal Early Years Plan Steering Group**. I am not yet aware of our meeting schedule.

Stanbridge Jinker Project Group met this morning and seeks to develop consensus with the stakeholders to facilitate the display of the Ralli Cart within Daylesford's Historic Precinct.

Councillor Rod May, Birch Ward

Environmental Sustainability Advisory Committee – At last month's meeting the Draft Hepburn Energy Resilience Plan was provided for input. Input into this report is important as it builds on Council's Energy Descent Action Plan. I am quite confident the Resilience report will be presented to Council during this term. I am very pleased to see this important work progressed so well by the community Committee members.

Hepburn Wind Meeting – accompanied CEO to meet with Hepburn Wind and Moorabool Shire Council to discuss some of the issues of noise (infrasound) on residents affected by the wind farm..

Stanbridge Jinker Project Group – attended meeting with Councillor Barrell and I too look forward to the culmination of the public display of this important item.

RECOMMENDATION

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

MOTION

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

Moved: Councillor Jonathan Barrell

Seconded: Councillor Rod May

Carried.

9. 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.

9.1. PETITION - BRITISH HOTEL CRESWICK

SUMMARY

The Business & Tourism Creswick Inc committee and members are very concerned about the deteriorating state of the former British Hotel and its surrounds. The Committee resolved to gauge public opinion on this issue and prepared a petition.

268 people of Creswick and district signed the petition which reads:

“We the undersigned request that the owners of the above vacant property commence appropriate remedial actions to prevent further deterioration of this once iconic establishment which will ensure it houses an operational business once again. Current owners have allowed the building to fall into disrepair without regard to the image it portrays of the town or the role it plays in the heart of the community”.

RECOMMENDATION

That Council:

- 9.1.1 Receives the petition and that it lay on the table for one month.
- 9.1.2 Refers the petition to the General Manager Sustainable Development for consideration.
- 9.1.3 Advises Ms Margaret Giles, Secretary, Business & Tourism Inc of the above process.

MOTION

That Council:

- 9.1.1. Receives the petition and that it lay on the table for one month.*
- 9.1.2. Refers the petition to the General Manager Sustainable Development for consideration.*
- 9.1.3. Advises Ms Margaret Giles, Secretary, Business & Tourism Creswick Inc of the above process.*

Moved: Councillor Janine Booth

Seconded: Councillor Don Henderson

Carried.

9.2. PETITION – OPPOSITION TO PROPOSED USE OF RUTHVEN STREET AND BRIDPORT STREET, DAYLESFORD AS TRUCK ROUTE BYPASS AND RENAMING IT AS BALLAN-DAYLESFORD ROAD

SUMMARY

A Petition has been received from 27 Daylesford residents and/or property owners which reads:

“As residents and/or owners of properties on Ruthven and Bridport Streets and adjacent streets, we have the following objections.

1. **The increase in noise and pollution of the air and environment and health and safety issues** from trucks, including very heavy vehicles (B-doubles and multiple trailer trucks) currently 185 per day and set to increase over the next 2 years. Of particular concern is the noise and hazards generated by large trucks turning on the steep slopes at the corner of Vincent and Ruthven Streets, and also on the corner of Bridport Street and Central Springs Road.
2. **Loss of amenity to residents** to enjoy the current peace and quiet of this area adjacent to Lake Daylesford.
3. **Loss of amenity to Tourists** and loss of income for owners of holiday rental properties in Ruthven, Vincent and Bridport Streets.
4. **Hazards to residents** entering and leaving their properties by car as heavy vehicles congest the corner of Ruthven and Vincent Streets.
5. The potential **for pollution and environmental damage to Lake Daylesford** from a truck losing its load or fuel in Ruthven Street. The corner of Ruthven Street is very close to the lake and any spill would run quickly down the steep slope to the lake.

Daylesford is a unique country town close to Melbourne and is synonymous with Getaways of luxurious pampering, good food and therapeutic mineral waters. As a result it has a significant tourism industry. Why ruin it with trucks and other heavy vehicles passing through residential streets and the centre of the town? Long term solutions, such as bypasses around the town, need to be developed.

Reference: Hepburn Shire Council, Development of Freight Strategy, May 2012, 48 pages.”

RECOMMENDATION

That Council:

- 9.2.1 Receives the petition and that it lay on the table for one month.
- 9.2.2 Refers the petition to the General Manager Infrastructure for consideration as part of the development of the Freight Strategy
- 9.2.3 Advises the petitioners of the above process.

MOTION

That Council:

- 9.2.1. Receives the petition and that it lay on the table for one month.*
- 9.2.2. Refers the petition to the General Manager Infrastructure for consideration as part of the development of the Freight Strategy.*
- 9.2.3. Advises the petitioners of the above process.*

Moved: Councillor Jonathan Barrell
Seconded: Councillor Bill McClenaghan
Carried.

9.3. QUESTIONS

Question 1: From Mr John Baragwanath, Daylesford

I would like to know how much the Hepburn Shire Council currently owes on its super top up fund.

A very concerned ratepayer.

Answered by Mayor Councillor Sebastian Klein

Following a Vision Super Board meeting two weeks ago, and pending finalisation of the Trustee's audit by Ernst & Young, it is anticipated that the aggregate Defined Benefit Plan shortfall for Victorian local government is expected to be approximately \$400 million. This is for all Victorian Councils.

Individual council contributions still won't be known until the Trustee's auditor (Ernst & Young) has signed off both the actuarial review and the proposed distribution methodology (this process is underway). It is likely that the details will be available sometime in July. The MAV is working with Vision Super to ensure they provide this information as soon as possible.

No payments are due in the 2012-2013 financial year. There are a number of possible payment options, including negotiating for repayments to be made over 15 years using a Treasury-backed borrowing facility.

What we have been told is that the call will be significantly more than the 1996 call. To give you some guidance on the quantum of the call, prior calls (excluding contributions tax) have been:

1996	\$1.14M
2003	\$370K
2010	\$258K

**Question 2: From Mr John Goulet,
Daylesford Traders Association**

Has the Hepburn Shire Council or its consultants undertaken an Economic Impact Study to determine the effects on traders should the Streetscape Revitalisation Project be implemented?

If yes, where can it be seen?

If not, why not?

Answered by Mayor Councillor Sebastian Klein

The Daylesford Streetscape Revitalisation Strategy Project does include a requirement for a Market Analysis report. This Economic Analysis report has been completed by Essential Economics and is available on Council's Website.

<http://www.hepburn.vic.gov.au/page/Download.asp?name=EssentialEconomicsAnalysisFinalReport.PDF&size=1382700&link=./Files/EssentialEconomicsAnalysisFinalReport.PDF>

Question 3: From Mr John and Mrs Sonja Rutherford, Daylesford

Approximately ten years ago the proposal to turn Ruthven – Bridport Streets into a Freight Route was rejected by Council.

Q. What circumstance has changed that causes the present Council to review this previous decision?

Answered by Mayor Councillor Sebastian Klein

Council has received your submission to the draft Freight Strategy detailing similar concerns to above and also notes an email reply has been forwarded to you on 15 July detailing the status of this proposal.

In the process of preparing a Freight Strategy, all freight movements and identified areas of concern were reviewed and considered. This may include reviewing previous decisions to ensure a thorough process.

In doing so there were concerns raised with heavy vehicle movements at the Central Springs – Vincent Street roundabout and alternative solutions were explored which resulted in consideration of the Ruthven - Bridport Street route.

As this possible alternate route has been further investigated and community feedback has been gathered, it has been concluded that this route does not provide any advantages over the existing route and this option will not be recommended in the final Freight Strategy.

Question 4: From Mr John and Mrs Sonja Rutherford, Daylesford

- a. **What is Council's time schedule for consultations with residents and the broad community regarding the Freight Strategy?**
- b. **Will this consultation process include;**
 - **Public meetings to explain the Strategy proposals, answer questions and listen to community response?**
 - **Will truck drivers and other interested persons be similarly consulted?**

Answered by Mayor Councillor Sebastian Klein

Council has recently completed the consultation process which included a public meeting held at the Daylesford Senior Citizens building on the evening of the 3rd of May 2012. This was advertised through articles in local newspapers and in the Advocate.

The development of the draft Freight Strategy is being driven by a project Steering Committee which also comprises community representatives selected after a formal nomination process.

All freight operators and larger freight generators known to Council and the Steering Committee have been contacted and their input sought by the consultant preparing the strategy.

The draft freight strategy was on display via Council's web site from late June to 10 July. Media releases and notices were included in *The Advocate* in the preceding 2 editions inviting submissions. It is noted that all of the submissions received are now being considered prior to finalising the draft strategy.

Question 5: From Mr John and Mrs Sonja Rutherford, Daylesford

When will estimated costings for the various proposals be made public?

Answered by Mayor Councillor Sebastian Klein

The costs for the majority of proposed freight routes were included in the draft strategy document for public comment.

Some of the more significant works which require further investigation were not able to be costed at the time the draft was released however will be included in the final draft strategy where possible.

Question 6: From Mr John and Mrs Sonja Rutherford, Daylesford

The Ruthven Street-Bridport Street section of road is an important part of the Daylesford Lake Precinct. It is frequently used for pedestrian and car access to the lake.

The Daylesford Lake is the central attraction for tourists coming to the town. It is the draw card that then invites visitors to frequent the local shops, restaurants and other local attractions.

Turning this stretch of road into a double lane heavy freight route will destroy the pleasant rural amenity of the area, which for decades has been enjoyed by residents and visitors alike, and severely restrict access to the lake.

Q. What was the logic used by Council to arrive at this tourist and environmental deleterious proposal to turn this stretch of road into a freight route?

Answered by Mayor Councillor Sebastian Klein

Response generally as per Question 3

In the process of preparing a Freight Strategy all freight movements and areas of concern were identified for review and considered.

In doing so there were concerns raised with heavy vehicle movements at the Central Springs – Vincent Street roundabout and alternative solutions were explored which resulted in consideration of the Ruthven - Bridport Street route proposal being discussed.

If this bypass option had remained silent in the freight strategy the question of whether his route provided any advantages over the existing route would not have been addressed and thus the strategy arguably may have been considered incomplete.

Questions 7: From Mr Tony Raftes and Ms Annette Leary, Daylesford

What is the economic impact for traders and the larger community of the proposed street revitalisation strategy options? *To be addressed by Annette Leary*

What projected costings have been undertaken to look at potential stage four proposals particularly roads, footpaths and curbing? *To be addressed by Tony Raftes.*

Answered by Mayor Councillor Sebastian Klein

Whilst Council is not able to put a retail cost per proposed treatment, Council has received the Economic Analysis completed by Essential Economics as part of the initial planning works. This is available for viewing on Council's website.

With regards to the asset renewal works for road and footpath pavement and the stone drains, Council is currently reviewing its 5 year capital works program and these assets in Vincent Street will be included in this review.

In addition, Council has been reviewing its maintenance standards for Vincent Street and other major townships in order to increase the general appearance in these areas.

PROCEDURAL MOTION

9.3.1. *That Council allow an additional question.*

Moved: Councillor Don Henderson

Carried.

Question 8: From Mr Warwick Howland, Daylesford

Given the research indicates the majority of the freight vehicles likely to use the Ruthven / Bridport St bypass neither originate nor terminate in the shire and hence provide little or no economic value, has the Council plan to undertake a comprehensive cost-benefit analysis of the proposed change against the existing route via Vincent Street and

Central Springs Road and alternate routes including one that will bypass the town completely?

Answered by Mayor Councillor Sebastian Klein

Council has received your submission to the draft Freight Strategy detailing similar concerns to above and also note an email reply has been forwarded to you on the 15 July detailing the status of this proposal.

The Freight Strategy Steering Committee discussed alternatives and potential bypass routes around Daylesford which included the Ruthven Street alternative. As further investigations progressed there were no viable options worthy of a detailed cost analysis and the committee concluded that the existing route was appropriate.

Questions 9-11: From Mr Lachlan Torquati, Ms Cathryn Ryan, Ms Karen White, Daylesford

Not present at meeting.

Draft Freight Strategy: Proposal of Bridport - Ruthven Streets Truck bypass

My name is Lachlan Torquati. I am an 11 year old boy and I walk along Bridport Street to catch my school bus each day. I have concerns about my safety if they turn Bridport Street into a truck route, due to the increase in traffic and risk of accidents. I am also concerned about the pollution and the effect this may have on my asthma.

My question is has the impact of the trucks been looked at for the safety of the school children accessing the private buses and also the access to the back entrance of Daylesford Primary School?

Would you please be able to reply in writing to my question, as I can't attend the Council meeting on Tuesday the 17h July at 5.30pm.

My name is Cathryn Ryan. I live in Stanbridge Street Daylesford, and the access road to my house is via Bridport or Ruthven Street. My concern is that a lot of towns around the Macedon region have amazing Mounts and great places to eat but Daylesford has the added advantage of our beautiful Lake Daylesford, which brings tourist dollars to our town. Ruthven and Bridport streets provide 2 access points to this lake, parking spaces and great location for people to have picnics.

My question to the council is has the impact of this proposal been investigated of having less access to the lake and parking with which to enjoy this tourist spot?

My name is Karen White I live in Stanbridge Street Daylesford. My question to Council is has there been consultations with the Farmers' Market organisers and stall holders, which showcases our local and regional produce, and also brings in a lot of tourist dollars to our town? Have other parking options been looked into for these occasions, as many people use Ruthven Street.?

Answered by Mayor Councillor Sebastian Klein

Council has received the submission from Ms Ryan to the draft Freight Strategy and an email response has been forwarded on 15 July.

As further investigations and more community feedback has been gathered, it has been concluded that the alternative of Ruthven and Bridport Streets does not provide any advantages over the existing bypass route and this option will not be recommended in the final freight strategy.

The safety of the school children at the school crossing and general pedestrian access in front of the school has been considered and to remove trucks from the Ballan road in front of the school may improve the safety of pedestrians and vehicles dropping off school children in the front of the school.

In the initial discussions on this alternative one benefit of a redeveloped road may provide more parking and may provide more and improved access to the lake area. Any proposed development of a bypass road would need to provide additional parking as a benefit of any changes.

The consideration of parking for the Farmers Market in the school grounds has not been a part of the freight strategy.

Question 12: From Mr Joan and Mr Graeme Rattray, Glenlyon

Question: The answer to our question at the last Council meeting 19 June 2012 stated:

Answer 1: The proposed farming sustainability rebate will be considered as part of the 2012-2013 proposed budget which is item 9.2 on tonight's agenda.

Details of the farming sustainability rebate will be developed following adoption of the budget.

How did this \$200 rebate originate?

How can you have a sustainable budget plan when it hasn't been developed?

You don't know how many people will attract the rebate, how much will it cost to implement and to oversee it.

There was no plausible answer from the officer during the debate at the last meeting answering the councillors' questions, and yet it has now been passed.

Answered by Mayor Councillor Sebastian Klein

Council adopted a rating strategy in May 2011, section 4 (c) of the rating strategy provides strategic support for a rebate to be made available to encourage sustainable land management. During the 2012-2013 budget process, a proposal was raised to provide a sustainability rebate to farmers. The rebate will provide an annual and reviewable rebate of \$200 to owners of land satisfying the criteria of consistency with principals of sustainable land management.

When Council adopted the 2012-2013 budget, Council's motion stated that:

The adoption of the proposed sustainability rebate is subject to Council adopting an assessment process in due course.

The assessment process is currently being developed in conjunction with Councillors and the Environmental Sustainability Advisory Committee. Until the assessment process is finalised, it is not possible to quantify the cost of the rebate in terms of the actual rebate and the administration of the process.

Question 13: From Mr Clive Rutherford, Daylesford

Is it a coincidence that Council called for comments on the Draft Freight strategy when the Daylesford Primary School, a key stakeholder if the Bridport-Ruthven Street Bypass was to be implemented, was on holidays?

Answered by Mayor Councillor Sebastian Klein

The timing of the public comment period on the draft Freight Strategy was directly linked to Council receiving the draft strategy from our Consultant.

Council is intending to liaise with the School on this draft strategy this week.

Question 14: From Mr David Endacott, Daylesford

Preamble

It is noted that:

The project brief (Request for Expression of Interest March 2011) on which the contract was issued to the current consultants does not have one mention (apart from in the stakeholder names Section 8) of history, heritage or like terms. Nor is there even an implication that history and heritage in a Heritage Precinct should be relevant considerations for the consultants.

The last Reference Committee saw the first attendance by the Council's Heritage Advisory. At this point there had not been made available any reports or recommendations emanating from the Heritage Advisory. Indeed, it seemed apparent that the Heritage input had been minimal or non-existent and that no reports existed. This same meeting incidentally saw for the first time presentation of an overall proposal. One would have thought that plans would have been based on specialist reports and professional interactions rather than coming after the event!

Question:

Is it correct that a comprehensive Heritage report or like advice was not obtained until after the recommendations were formulated and presented to the last Reference Committee meeting, and, why did Council see fit to approve a brief that contained no reference to heritage and its significance in a Heritage Planning Zone?

Answered by Mayor Councillor Sebastian Klein

On the assumption that this question relates to the Daylesford Streetscape Revitalisation Project.

It is confirmed that whilst the project brief may not have included the referenced terms specifically, it does reference Daylesford's built form and a requirement to consult with Council's Heritage Advisory Committee.

The Community Reference Group also has two representatives from the Heritage Advisory Committee who participated in the Community Reference Group meetings and provided input to the process and an ongoing conduit to Council's Heritage Advisory Committee.

Question 15: From Mr Ron Hull, Daylesford

As the owner of a tourist facility in Daylesford, I am concerned about the negative impact of the increasing truck freight traffic passing through the centre of town. The draft proposal to redirect truck traffic down Bridport and Ruthven Streets into the Lake precinct does not appear to offer any net benefit.

Therefore, are long term strategies being considered by Council, including out of town by passes, to preserve the amenity of our unique town?

Answered by Mayor Councillor Sebastian Klein

Council has received your submission and petition to the draft Freight Strategy and an email reply has been forwarded to you on 15 July.

The preparation of the Freight Strategy is being finalised with due consideration of the long term expected freight demands and impacts on local amenity.

It will include a list of priority road upgrades and treatments designed to deter movements where they are undesirable and will assist heavy vehicle operators to navigate the most appropriate routes through Hepburn Shire.

Whilst these recommendations are not likely to include a formal town by-pass, they do include treatments to facilitate heavy vehicles away from the town centre.

Question 16: From Ms Stephanie Hodgins-May, Blampied

When will Council finally plant trees in the main street of Daylesford?

Answered by Mayor Councillor Sebastian Klein

The planting of street trees through Vincent Street and other boulevards is one of the concepts being considered under the Draft Streetscape Revitalisation Project. It is subject to Council determination which is expected to be considered at the September Ordinary Meeting of Council.

10. OFFICERS' REPORTS

10.1. PETITION – DAYLESFORD STREESCAPE REVITALISATION PROJECT GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is to inform Council of the matters raised in the petition received from the Daylesford Traders Association regarding the Daylesford Streetscape Revitalisation Project, tabled at the Ordinary Meeting of Council on 19 June 2012,

BACKGROUND

Council has received a petition with 1012 signatories from the Daylesford Traders Association, requesting Council to adopt the following items as part of the Streetscape Revitalisation Project:

- Car parking within central Vincent Street not be reduced;
- Trees not be planted within the central Vincent Street precinct;
- The Burke Square section of Albert Street not be closed to traffic;
- That the road surface within the area be improved and properly maintained to the highest standard;
- That adequate regular maintenance and cleaning of the central business district be implemented and sustained;
- The War memorial not be moved.

ISSUE / DISCUSSION

The preparation of a Daylesford Streetscape Revitalisation Strategy is identified as a key objective in the Council Plan and has been made possible with grant funding of \$300,000 from RDV (Sustainable Small Towns Development Fund) and Council's contribution of \$100,000 towards the project.

Following extensive community consultation, a number of concepts were prepared for consideration and community input which included Vincent Street and a number of other township locations.

The project Steering Committee have reviewed much of the feedback received and agreed that a number of amendments should be made to the draft concepts including removing the proposal to relocate the War Memorial.

The possible reduction of car parking spaces in central Vincent Street is dependent on the planting of street trees along the road centre and the inclusion of a town square. The four options put forward ranged from essentially doing nothing through to planting 10 additional street trees and which has a progressive impact on current parking in Vincent Street.

These four concepts have not yet been formally considered by Council and have been prepared based on community feedback during the development of the draft Revitalisation Strategy.

The draft strategy which includes options for Vincent Street is to be formally presented at the July Ordinary Meeting of Council for consideration.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council's Meeting Procedures Local Law No 1 states that a petition presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

FINANCIAL IMPLICATIONS

The final Daylesford Streetscape Revitalisation Strategy will identify many initiatives that may be implemented over many years subject to available funding.

The balance of current grant funding will provide scope to implement some of the initiatives and is expected to be in the order of \$275,000. However until the strategy is complete and adopted it is not known exactly what initiatives will be implemented.

RISK IMPLICATIONS

There are no identified risk implications associated with this report

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

There are no identified environmental, social or economic implications associated with this report.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The development of the draft Strategy and concepts included significant community engagement which included:

- Walk the Beat place audit
- Workshop with Councillors
- Walk the beat – engagement with traders x2

- Listening Posts community open day
- Traders workshop
- Regular Fact Sheets (also hand delivered to traders)
- Community Survey
- Invitations to email directly to project officers
- Community reference group meetings
- Council website
- Blog created for uploading photos – “love, lose, ban, bring”
- Community Open Day

CONCLUSION

Council has received a petition with 1012 signatories from the Daylesford Traders Association requesting Council to consider a number of actions in relation to the Daylesford Streetscape Revitalisation Strategy.

Following extensive community consultation, a draft Streetscape Revitalisation Strategy has been prepared which includes a range of options for Vincent Street.

The strategy and thus all of the concepts have not yet been formally considered by Council and so no decision has been reached. The draft strategy is expected to be formally presented at the July Ordinary Meeting of Council for consideration.

OFFICER’S RECOMMENDATION

That Council:

- 10.1.1 Receives and notes the report which responds to the matters raised in the petition received from the Daylesford Traders Association; and
- 10.1.2 Continues to consider the items raised in the petition as the Daylesford Streetscape Revitalisation Project is finalised.
- 10.1.3 Writes to the Daylesford Traders Association to advise of the above actions.

MOTION

That Council:

- 10.1.1. Receives and notes the report which responds to the matters raised in the petition received from the Daylesford Traders Association; and*
- 10.1.2. Continues to consider the items raised in the petition as the Daylesford Streetscape Revitalisation Strategy is finalised.*
- 10.1.3. Writes to the Daylesford Traders Association to advise of the above actions.*

Moved: Councillor Rod May

Seconded: Councillor Neil Newitt

Carried.

10.2. DAYLESFORD STREETScape REVITALISATION PROJECT GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is to present the Daylesford Streetscape Revitalisation Strategy for Councils consideration. Council has pursued the preparation of the Streetscape Revitalisation Strategy as a key objective in the Council Plan 2009-2013.

BACKGROUND

The preparation of main street revitalisation plans for key towns is one of the key objectives identified by Council in the Council Plan 2009-2013. The preparation of the Daylesford Streetscape Revitalisation Strategy fits within this objective and began in the latter part of 2010. This was made possible through receipt of \$300,000 grant funding from RDV as part of the Sustainable Small Towns Development Fund and Council also contributed \$100,000 towards the project.

Following a formal procurement process, Council engaged Village Well to work with Council and our community to prepare a streetscape revitalisation strategy. The project has been guided by a Project Steering Committee, Community Reference Group and a Local Design Committee each of which worked with Village Well and their professional teams and sub consultants closely during the project.

The Strategy (comprising stages 1A & 1B) has been completed following extensive community consultation and engagement in accordance with the Community Engagement Plan and detailed in Project Fact Sheets during the process and culminated in a community open day on the 19 May 2012.

The feedback from the Community Open Day resulted in a broad range of comments which are summarized as follows:

- Support for Burke Square development was high,
- Promoting and Improving laneway access to main street was popular,
- Design Options 2, 3 & 4 were more popular than option 1,
- There was support for being 'creative' and 'brave'
- Support and opposition to trees in Vincent Street,
- Support for focusing on surrounding streets,
- Concerns that 'No Action' would result.

The Project Steering Committee considered this feedback and agreed to make a number of amendments to the draft concepts including:

- Removing the reference to relocation of the war memorial,
- Prioritising individual laneway access improvements,
- Staging Burke Square works and inclusion of horse trough.

ISSUE / DISCUSSION

Strategy overview

The strategy endeavours to provide a range of recommendations to enhance the current strengths of Daylesford under the following 5 principles. Within these principles there are some examples of the areas where opportunities may exist under each of the principles.

Connected

Focussing on enhancing Burke Square and civic space around the Town Hall and create spaces for gathering and conversations

Stories of Place and History embodied

Promotion of grants programs to restore Historic buildings and promoting the story of historic buildings and stories of Daylesford through art

Undertaking a makeover

Welcoming

Encouraging events and creating partnerships with trader groups & artists and improving entrances into the town centre.

Promoting Daylesford's rich cluster of healers & health professionals

Accessible

Promoting and improving universal access to all areas and improving seating & shade and looking at traffic calming opportunities

Improving access to information technology

Green Reflecting the Beauty of the Surrounds

Greening Vincent Street and promoting & sharing Daylesford knowledge of permaculture & sustainability including sustainable accommodation and sustainable food outlets.

Potential impact on parking

The strategy identifies opportunities for greening Vincent Street which includes potential for street tree plantings.

This initiative is likely to have an impact on available parking within Vincent Street however there are other opportunities that should be explored along with the implementation of this initiative. These may include alternative parking layouts for Vincent Street to minimise parking losses and opportunities to increase parking efficiency and level of utilisation in adjacent streets such as Duke Street.

Heritage considerations

Concerns have been raised with Council through the consultation and Community Reference Group around the impact of street tree plantings in the central part of Vincent Street impacting on the heritage significance of the streetscape. This view is supported by Councils Heritage Advisor and is based on the potential reduction of sight lines from pedestrians at street level to the built form and that Vincent Street's historic character is as a hard paved open streetscape and tree plantings will alter the street character as outlined in the Chris Dance report. These views have been presented to and discussed by the Community Reference Group and the Project Steering Committee on several occasions.

It should be noted that works under this project are currently exempt from a Town Planning Permit requirement due to the State Governments exemption for Local Government Works up to \$1million.

KEY ISSUES

The primary issue and challenge for Council remains the timely completion of this strategy and implementation of stage one works under the existing funding agreement with RDV. Given the delays in finalising the strategy document Council officers are currently working with RDV to seek a formal extension to a number of the project milestones and reporting requirements.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This project aligns with objective 32 of the Council Plan 2009-2013 which states 'We will foster a more prosperous Shire by:- 'Preparing main street revitalisation plans for our key towns and completing as a priority the rejuvenation of Vincent Street, Daylesford'.

FINANCIAL IMPLICATIONS

Council currently has a project budget of \$400,000 of which part has been allocated for the development of the strategy and the balance expected to be in the order of \$275,000 is being allocated to the implementation of the small wins identified in stage 1A of the project and the implementation of some of the more significant works identified in the final strategy document.

The implementation of future works identified in the strategy will be subject to Council securing additional funds to progress their implementation.

RISK IMPLICATIONS

Any potential risks associated with the implementation of works recommended in this strategy will be considered and addressed as the detail design works proceed from the recommendations in the strategy.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Council recognises the wide variety of community views on the initial revitalisation concepts put forward during the development of the strategy and how difficult it is to meet the expectations of all parts of our community. The strategy has been prepared based on strengths of the Daylesford township and endeavours to identify a number of recommendations to further enhance these strengths.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Strategy (comprising stages 1A & 1B) has been completed following extensive community consultation and engagement in accordance with the community Engagement Plan and detailed in Project Fact Sheets during the process. This consultation included the following:

- Walk the Beat & Place Audit 6 June 2011
- Workshop with Council 7 June 2011
- Community Economic meeting workshop 30 Aug 2011
- Walk the beat – engagement with traders 9 & 10 Sept 2011
- Listening Posts community open day 9 & 10 Sept 2011
- Traders workshop 14 Sept 2011
- On line Community Survey 11 Oct - 15 Nov 2011
- Blog created for uploading photos 18 Oct - 11 Nov 2011
- Community Open Day 19 May 2012
- Regular Fact Sheets
- Invitation to email directly to project officers
- Community reference group meetings
- Council website

CONCLUSION

The preparation of the Daylesford Streetscape Revitalisation Strategy was identified by Council as a key objective in the Council Plan and has been prepared following a community engagement process. The resulting strategy

document has now been tabled for Councils consideration with key points detailed in the report above.

OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Endorses the Daylesford Streetscape Draft Revitalisation Strategy and Master Plan and agrees to advertise the strategy for public comment.
- 10.2.2 Considers a further report to the Ordinary Meeting of Council on 18 September 2012 detailing submissions received.
- 10.2.3 Considers a further report to the Ordinary Meeting of Council on 18 September 2012 to determine the adoption of the Daylesford Streetscape Revitalisation Strategy and Master Plan.

MOTION

That Council:

- 10.2.1. Receives the Daylesford Streetscape Draft Revitalisation Strategy and Master Plan and agrees to advertise the strategy for public comment.*
- 10.2.2. Considers a further report to the Ordinary Meeting of Council on 18 September 2012 detailing submissions received.*
- 10.2.3. Considers a further report to the Ordinary Meeting of Council on 18 September 2012 to determine the adoption of the Daylesford Streetscape Revitalisation Strategy and Master Plan.*

Moved: Councillor Don Henderson
Seconded: Councillor Bill McClenaghan
Carried.

**ATTACHMENT 1 - DAYLESFORD STREETScape REVITALISATION
PROJECT – DRAFT REVITALISATION STRATEGY AND MASTER PLAN
Prepared by Village Well
(Issued under Separate Cover)**

10.3. AGREEMENT FOR WINDING UP OF THE CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to recommend that Council authorise the execution of the Agreement for winding up of the Central Highlands Regional Library Corporation.

BACKGROUND

The Board of the Central Highlands Regional Library Corporation resolved to wind up the Corporation on 10 October 2011 and appointed Dennis M Foley and Associates as the liquidator.

ISSUE / DISCUSSION

Heinz and Partners, acting for the liquidator of the Corporation has written to the CEO enclosing a prepared Agreement (refer Attachment 2) which records the basis on which various assets and liabilities of the Corporation will be dealt with and requesting execution of the Agreement.

Parties to the Agreement are the former members of the Corporation - Ararat Rural City Council, Ballarat City Council, Central Goldfields Shire Council, Hepburn Shire Council, Moorabool Shire Council, Pyrenees Shire Council, Southern Grampians Shire Council and Denis Michael Foley in his capacity as liquidator.

Equity

The Agreement recognises each Council's equitable entitlement in the assets of the Regional Library, based on the 2010-2011 Corporation budget, which will determine distributions from the liquidator. Hepburn's equitable entitlement is 11.62%.

In consideration of Ballarat City Council's contribution of \$330,000 to the Corporation for solvency purposes and providing library services and book stock of \$845,000 to the other Councils it assigns the whole of the Regional Library's equitable interest in the Ballarat Library and Car Park to Ballarat free from encumbrances. The value of services and book stock is set out in the Agreement (Hepburn \$98,189.00 i.e. 11.62%) and is to be provided at mutually agreed times and no later than 30 June 2015.

Employee Entitlements

In executing the Agreement Council agrees that it has employed and is responsible for remuneration of staff who chose to accept employment with Hepburn Shire Council and retain accrued leave entitlements. Continuity of service is also recognised by Council.

Distribution of Surplus, if any

If any surplus remains following final liquidation this will be distributed in proportion to Council's equitable entitlement.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Central Highlands Regional Library Corporation was established by an agreement made under Section 196 of the *Local Government Act 1989*. The Central Highlands Regional Library Corporation agreement clause 13.1 allows for the corporation to be dissolved by agreement of at least two thirds of the parties to the agreement.

FINANCIAL IMPLICATIONS

The Agreement ensures that Hepburn will receive a share of the equitable interest in the Ballarat Library and Car Park.

RISK IMPLICATIONS

The Agreement sets out a dispute resolution processes for resolution of any issues arising between Councils or between Council and the liquidator.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

This is the final step in the process of winding up the Central Highlands Regional Library Corporation. Extensive information has been provided to the community about new arrangements, now in place.

OFFICER'S RECOMMENDATION

- 10.3.1 That Council authorises the signing and sealing of the Agreement for winding up of the Central Highlands Regional Library Corporation.

MOTION

10.3.1. That Council authorises the signing and sealing of the Agreement for winding up of the Central Highlands Regional Library Corporation.

Moved: Councillor Rod May

Seconded: Councillor Janine Booth

Carried.

**ATTACHMENT 2 - AGREEMENT FOR THE WINDING UP OF THE
CENTRAL HIGHLANDS LIBRARY CORPORATION**



Heinz & Partners

LAWYERS

HEPBURN SHIRE COUNCIL

File No: Eccl10/3188

Rec'd Date: **14 JUN 2012**

Rec'd By: RS

Action By: K Brannigan

Reg No:

Date: 13 June 2012

Our Ref: LMD:11.16.0290

Your Ref:

COA Van Esmond

ABN 88 477 947 125

6 Dawson Street North
Ballarat Victoria 3350
P.O. Box 722 Ballarat 3353
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Accredited Business Law Specialist

Peter Heinz LL.B. B.COMM.
Accredited Family Law Specialist

Graham Hills LL.B. B.COMM.
Accredited Personal Injury Law Specialist
Accredited Mediation Specialist

Luke Dunne B.A., LL.B.
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Senior Associates

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LLM, LLB(Hons.) BA

Legal Executives

Richard Blanchfield F.Inst.L.Ex.

Gerard McCarty F.Inst.L.Ex.

Practice Manager

Brett Holloway B.Bus., AACs, CA



Mr P Reeve
Chief Executive Officer
Hepburn Shire Council
PO Box 21
Daylesford Vic 3460

Dear Sir,

Re: Central Highlands Regional Library Corporation

We act for the Liquidator of the Central Highlands Regional Library Corporation.

As a requirement of finalising the liquidation, we have been instructed to prepare an Agreement which records the basis on which various assets and liabilities of the Corporation will be dealt with.

I enclose one (1) part of that Agreement for execution and return at your earliest convenience.

In order for the liquidation to be finalized at the earliest possible opportunity, and preferably by 30 June 2012, we request that you give this matter your urgent attention by arranging for execution and return at your earliest convenience.

In order to expedite matters, the Agreement will be executed in counterparts, and each other member of the Corporation has received one part of the Agreement for execution under copy of a similar letter. Once we have received parts back from all of the members of the corporation, we will arrange for execution by the Liquidator, and we will collate one fully signed part of the Agreement and forward to you for the Council's records.

We look forward to your cooperation in this matter to bring the affairs of the Corporation to an end as soon as possible.

Yours faithfully,
HEINZ & PARTNERS

Luke Dunne
Accredited Business Law Specialist
Law Institute of Victoria

Agreement for winding up of the Central Highlands Regional Library Corporation



Heinz & Partners

LAWYERS

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Reference Table

Item 1:	Date of Agreement:	day of	2012
Item 2:	Parties:	<ol style="list-style-type: none">1. Ararat Rural City Council of Vincent Street, Ararat, Victoria 3377 (Ararat)2. Ballarat City Council of 25 Armstrong Street South, Ballarat, Victoria 3350 (Ballarat)3. Central Goldfields Shire Council of 2 Neill Street, Maryborough, Victoria 3465 (Central Goldfields)4. Hepburn Shire Council of Corner Duke & Albert Streets, Daylesford, Victoria 3460 (Hepburn)5. Moorabool Shire Council of 15 Stead Street, Ballan, Victoria 3342 (Moorabool)6. Pyrenees Shire Council of 5 Laurence Street, Beaufort, Victoria 3373 (Pyrenees)7. Southern Grampians Shire Council of 111 Brown Street, Hamilton, Victoria 3300 (Southern Grampians) <p>(together called the Councils)</p> <ol style="list-style-type: none">8. Dennis Michael Foley of Level 3, 17 Lydiard Street North, Ballarat, Victoria 3350 in his capacity as liquidator for the Central Highlands Regional Library Corporation (Liquidator)	

Agreement

This Agreement is made on the date set out in Item 1 of the Reference Table between the parties named in Item 2 of the Reference Table.

Recitals

- A. The Central Highlands Regional Library Corporation (**Regional Library**) was established by the Councils on or about 2 April 1997, by an agreement made under section 196 of the *Local Government Act 1989 (Vic)* (**Local Government Act**), which agreement was substituted by an Agreement to Operate the Regional Library dated 9 January 2006, which was amended by a Supplementary Agreement dated 1 July 2006 (**Current Agreement**).
- B. Pursuant to clause 13.1 of the Current Agreement, and subject to section 197G of the Act, the Regional Library may be dissolved by agreement of at least two thirds of the parties to the Current Agreement.
- C. The Councils have agreed to dissolve the Regional Library and have appointed the Liquidator.
- D. The Parties enter into this Agreement to record the terms and conditions upon which the Regional Library will be wound up, its assets distributed and its liabilities assumed by the Councils.

Operative Part

1. Interpretation

1.1. Definitions

In this Agreement:

- (a) terms that are defined in the Reference Table have the same meaning given to them in the Reference Table; and
- (b) **Agreement** means this Agreement including the Reference Table, the Recitals, the Operative Part and all Schedules and Annexures;
- (c) **Annexure** means an annexure to this Agreement;
- (d) **Corporations Act** means the *Corporations Act 2001(Cth)*;
- (e) **Financial Year** means each period between 1 July and the following 30 June;
- (f) **GST** means goods and services tax within the meaning of *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;
- (g) **Item** means a numbered item in the Reference Table;
- (h) **Reference Table** means the Reference Table set out at the front of this Agreement; and
- (i) **Schedule** means a schedule to this Agreement.

1.2. Interpretation

In this Agreement unless the contrary intention appears:

- (a) the singular includes the plural and vice versa;
- (b) a reference to any gender includes a reference to all other genders;
- (c) a reference to a document or instrument, including this Agreement, includes that document or instrument as novated, altered or replaced from time to time;
- (d) a reference to any legislation or to any provision of any legislation includes a reference to any modification or re-enactment of or any provisions substituted for such legislation or provisions;
- (e) an agreement, representation or warranty made by two or more persons is made by them jointly and by each of them severally;
- (f) where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning;
- (g) an agreement, representation or warranty made in favour of two or more persons is made for the benefit of them jointly and for each of them severally;
- (h) if an act required to be done under this Agreement on or by a given day is done after 5:00 p.m. on that day, it is taken to be done on the following day;
- (i) a reference to a person includes a reference to that person's legal representative for the time being;
- (j) a party that is a trustee is bound both personally and in its capacity as trustee;
- (k) all monetary amounts are in Australian dollars; and
- (l) headings are inserted for convenience only and do not affect the interpretation of this Agreement.

2. **Agreement to wind up**

- (a) The Councils hereby record, for the purposes of clause 13.1 their unanimous agreement to dissolve and wind up the Regional Library, with effect the date the Liquidator was appointed, namely 10 October 2011.
- (b) The Councils acknowledge and agree that the winding up of the Regional Library must be undertaken in accordance with parts 5.5 and 5.6 of the Corporations Act (as modified by the provision of the Local Government Act), and that this Agreement must be read subject to those provisions.

3. **Equitable entitlement**

The Councils acknowledge and agree that:

- (a) they each have an equitable entitlement in the assets of the Regional Library, in the percentages set out in Schedule 1, which are based on the 2010-2011 Budget Plan for the Regional Library; and
- (b) their respective equitable entitlements will determine the extent to which they

receive distributions (if any), from the Liquidator.

4. **Assets**

4.1. Ballarat Library and Car Park

- (a) In about 1992, the Regional Library's predecessor contributed funds towards the construction of a library and administration building (**Ballarat Library**) and a multi-level car park (**Car Park**) on Crown Land which was part of the Civic Hall Precinct, and was granted a 25% equitable interest in the Ballarat Library and an 8.4% equitable interest in the Car Park.
- (b) In consideration for Ballarat:
 - (i) contributing the sum of \$330,000.00 (including GST) to the Regional Library (which the Liquidator acknowledges has been paid); and
 - (ii) providing library services and book stock in accordance with clause 4.3,

the Liquidator, with the consent of the Councils, hereby assigns and Ballarat hereby accepts the whole of the Regional Library's equitable interest in the Ballarat Library and the Car Park to Ballarat, free from all encumbrances.

4.2. Book stock

- (a) The Councils acknowledge and agree that, subject to clause 4.3:
 - (i) each of them has taken possession of the Regional Library's book stock located at the branch libraries located within their respective municipal boundaries; and
 - (ii) Ballarat has taken possession of the remainder of the Regional Library's book stock.
- (b) The Liquidator, with the consent of the Councils, hereby assigns the whole of the Regional Library's book stock to each of the Councils in accordance with paragraph (a) above.

4.3. Provision of services and book stock

- (a) Ballarat will provide library services and book stock to an aggregate value of \$845,000.00 (excluding GST) to each of the Councils in proportion to their respective equitable entitlements.
- (b) For the avoidance of doubt, the value of services and book stock to be provided by Ballarat to each of the Councils is set out in Schedule 2.
- (c) The services and book stock to be provided by Ballarat shall be:
 - (i) provided at times mutually agreed by Ballarat and each other Council; and
 - (ii) accounted for by Ballarat; and
 - (iii) reconciled between Ballarat and each other Council annually following the end of each Financial Year.
- (d) Although it is intended that the full value of services and book stock will be supplied by Ballarat by no later than 30 June 2015, the Councils

acknowledge and agree that the timeframe may vary depending on need and availability.

4.4. Other assets

- (a) The Councils acknowledge and agree that each of them has taken possession of the Regional Library's other tangible assets permanently located at the branch libraries located within their respective municipal boundaries.
- (b) The Liquidator, with the consent of the Councils, hereby assigns the whole of the Regional Library's tangible assets to each of the Councils in accordance with paragraph 4.2(a) above.

5. **Employees**

Each of the Councils acknowledges and agrees that, with effect from 1 July 2011:

- (a) each Council has employed and is responsible for the remuneration and entitlements (including entitlements accrued prior to 1 July 2011) of those employees employed in their respective branch libraries (as set out in Schedule 3);
- (b) Ballarat has employed and is responsible for the remuneration and entitlements (including entitlements accrued prior to 1 July 2011) of those employees referred to in Schedule 3 as "Admin" or "Mobile" employees,

(Transferring Employees); and

- (c) each Transferring Employee will retain all accrued statutory entitlements (that is, annual leave, personal leave and long service leave) and continuity of service will be recognised by the employing Council (that is, the Transferring Employee's service will be calculated from the first day of employment with the Regional Library);
- (d) each Council severally indemnifies both the Liquidator and each other Council against each loss or claim against any of them by or in respect of Transferring Employees employment by either the Regional Library or the employing Council, regardless of the date on which the loss or claim arises.

6. **Assumption of liabilities**

Without limiting any other provision of this Agreement, each Council hereby assumes liability for and indemnifies each other Council and the Liquidator against any cost, expense, claim or other liability arising from or in relation to liabilities incurred by the Regional Library, but only to the extent of each Council's equitable entitlement, as set out in Schedule 1.

7. **Final Distribution**

Subject to and following:

- (a) the requirements of the Corporations Act;
- (b) the sale by the Liquidator of all assets not otherwise dealt with in accordance with the terms of this Agreement;
- (c) payment of all costs and expenses incurred by the Liquidator (including the liquidator's fees); and
- (d) there being a surplus remaining,

the Liquidator will distribute any such surplus to the Council's in proportion to their respective equitable entitlements, as set out in Schedule 1, in full and final settlement of all claims.

8. Releases & indemnities

8.1. This Agreement constitutes full and final settlement of all claims which each Council has or may have in relation to the Regional Library, and without limiting the foregoing:

- (a) each Council accepts the distributions and assignments made by the Liquidator to each of them in full satisfaction and discharge of the claims of the Council against the Regional Library and the Liquidator;
- (b) the debts and claims of all Councils against the Regional Library and the Liquidator shall be extinguished and discharged;
- (c) no Council shall commence or prosecute any proceeding against the Regional Library (or the Liquidator) or levy any execution or otherwise enforce or seek to enforce any judgment against the Regional Library (or the Liquidator); and
- (d) this Agreement may be pleaded as a bar and will operate as a stay of such proceeding, execution or action.

8.2. The Councils hereby authorise the Liquidator to hold in reserve such moneys as the Liquidator thinks necessary to provide for claims of a contingent, prospective or uncertain nature against the Regional Library or the Liquidator, and any moneys not applied for the purposes for which they were so held shall be distributed in accordance with clause 7 when in the discretion of the Liquidator they are no longer required for such purpose.

8.3. The Councils hereby jointly and severally release and indemnify the Liquidator, and the Liquidator is entitled to be indemnified from the assets of the Regional Library from against liability reasonably and properly incurred in the course of exercising the powers of the Liquidator or carrying out the duties of the Liquidator pursuant to this Agreement or any applicable law, provide however that the Liquidator shall not be entitled to be so indemnified in respect of any liability that by law would otherwise attach to the Liquidator in respect of any negligence, default, breach of duty or breach of trust of which the Liquidator may be guilty.

9. Disputes

9.1. Disputes between Councils

If a dispute arises between any of the Councils regarding any matter relating directly or indirectly to this Agreement, a Council must not commence proceedings (other than for urgent interlocutory relief) without first following the procedure set out in clause 14 of the Current Agreement.

9.2. Disputes involving the Liquidator

If a dispute arises between any parties and the Liquidator regarding any matter relating directly or indirectly to this Agreement (**Dispute**):

- (a) a party must not commence proceedings (other than for urgent interlocutory relief) in respect of such Dispute until the procedures set out in the remainder of this clause have been exhausted; and

- (b) any party may commence the procedure set out in this clause by giving written notice of the Dispute the other party to the Dispute (**Dispute Notice**).

9.3. Consultation

Within 7 days of the service of the Dispute Notice, the parties involved in the Dispute must meet in good faith and use their best endeavours to resolve such Dispute to their mutual satisfaction.

9.4. Mediation

If a Dispute cannot be resolved through good faith discussions pursuant to clause 9.3 within a further 7 days of the meeting then:

- (a) any party to the dispute may refer the matter to mediation conducted by a mediator appointed:
 - (i) by mutual agreement within a further 7 days; or
 - (ii) failing agreement within that period, by the President of the Ballarat Law Association on the application of either party; and
- (b) the mediation must be conducted in accordance with the Law Institute of Victoria's Code of Practice for Mediation as amended from time to time or its successor code.

9.5. Costs

The parties involved in a Dispute will bear their own costs incurred pursuant to this clause 9 except that they will share equally the costs relating to any mediator appointed under this clause relating to the Dispute.

10. **Notices**

10.1. Method of notice

Where notice must be given under this Agreement it must be in writing and may be sent:

- (a) by post;
- (b) by facsimile;
- (c) by electronic communication as defined in the *Electronic Transactions (Victoria) Act 2000*; or
- (d) by delivery.

10.2. Addressee

A notice must be sent or delivered to the last known business, postal or email address or facsimile number.

10.3. Time of delivery

- (a) Posted notices will be taken to have been received 72 hours after posting unless proved otherwise.
- (b) Notices:
 - (i) sent by facsimile; or

- (ii) delivered,
 - (iii) after 5.00 PM shall be taken to have been received the next day.
- (c) Section 13 of the *Electronic Transactions (Victoria) Act 2000* shall apply to determine when notices delivered by electronic communication are taken to be received.

11. Governing Law

The laws of the State of Victoria apply to this Agreement.

12. Miscellaneous

12.1. Legal costs

- (a) The costs of preparing this Agreement will be borne by the Liquidator out of the funds of the Regional Library.
- (b) Each Council must pay its own costs of negotiating, preparing and executing this Agreement and performing its obligations under this Agreement.

12.2. Recitals

The parties acknowledge that the Recitals are true and correct and form part of this Agreement.

12.3. Time

Subject to any provision of this Agreement permitting any time period to be extended, time is of the essence in regard to this Agreement.

12.4. Further steps

Each party agrees to promptly do all things necessary or desirable to give full effect to this Agreement.

12.5. Successors and assigns

This Agreement shall endure to the benefit of and be binding upon each of the parties and their respective successors, authorised assigns, attorneys and legal personal representatives.

12.6. No waiver or variation

A provision of or a right created under this Agreement may not be waived or varied except in writing signed by the party or parties to be bound by the waiver or variation.

12.7. Partial exercise of rights

No single or partial exercise by any party of any right, power or remedy under this Agreement shall preclude any other or further exercise of that or any other right, power or remedy.

12.8. Nature of obligation

- (a) Any provision in this Agreement which binds more than one person binds all of them jointly and each of them individually.
- (b) Each obligation imposed on a party by this Agreement in favour of another is

a separate obligation.

12.9. Severance

If any provision of this Agreement is judged invalid or unenforceable for any reason whatsoever by a court of competent jurisdiction, such invalidity or unenforceability (unless deletion of such provision would materially adversely affect one of the parties) will not affect the operation or interpretation of any other provision of this Agreement to the intent that the invalid or unenforceable provision will be treated as severed from this Agreement.

12.10. Assignment

This Agreement is for the benefit of the parties and no party may assign this Agreement or any of its rights, powers or remedies under this Agreement without the prior written consent of each other party.

12.11. Counterparts

This Agreement may be signed in any number of counterparts. All signed counterparts taken together constitute one Agreement.

12.12. No merger

On completion or termination of the transactions contemplated by this Agreement, the rights and obligations of the parties set out in this Agreement will not merge and any provision that has not been fulfilled remains in force.

12.13. Powers of Attorney

In the event that this Agreement is executed under power of attorney, each of the Attorneys executing this Agreement hereby warrants that he has at the time of executing this Agreement no notice of revocation of the power of attorney under the authority of which he executes this Agreement.

Execution

Executed as a deed by

The Common Seal of Ararat Rural)
City Council was affixed this)
day of 2012 in the)
presence of:)

Mayor

Councillor

Chief Executive Officer

The Common Seal of Ballarat City)
Council was affixed this day of)
2012 in the)
presence of:)

Mayor

Councillor

Chief Executive Officer

The Common Seal of Central)
Goldfields Shire Council was affixed)
this day of)
2012 in the presence of:)

Mayor

Councillor

Chief Executive Officer



The Common Seal of Hepburn Council was affixed this 2012 in the presence of:)
)
)
)

X

Mayor

X

Councillor

X

Chief Executive Officer

The Common Seal of Moorabool Shire Council was affixed this 2012 in the presence of:)
)
)
)

Mayor

Councillor

Chief Executive Officer

The Common Seal of Pyrenees Shire Council was affixed this 2012 in the presence of:)
)
)
)

Mayor

Councillor

Chief Executive Officer

The Common Seal of Southern Grampians Shire Council was affixed this 2012 in the presence of:)
)
)
)

Mayor

Councillor

Chief Executive Officer

Signed sealed and delivered by)
Dennis Michael Foley in his capacity)
as liquidator of the Central Highlands)
Regional Library Corporation the)
presence of:

Dennis Michael Foley

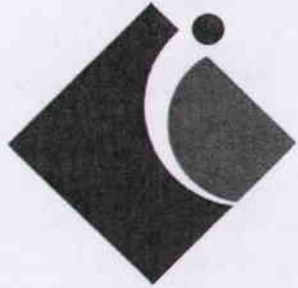
Signature of witness

Name of witness (print)

Schedule 1

Equitable Entitlements

Ararat	8.29%
Ballarat	44.20%
Central Goldfields	7.41%
Hepburn	11.62%
Moorabool	9.92%
Pyrenees	4.81%
Southern Grampians	13.75%
Total	100.00%



Central Highlands
Regional **Library** Corporation

AGREEMENT

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**AGREEMENT TO OPERATE THE
CENTRAL HIGHLANDS REGIONAL
LIBRARY CORPORATION**

THIS AGREEMENT is made on _____ 2005.

BETWEEN:

Ararat Rural City Council, Vincent Street, Ararat VIC 3377
Ballarat City Council, 25 Armstrong Street South, Ballarat VIC 3350
Central Goldfields Shire Council, 2 Neill Street, Maryborough VIC 3465
Hepburn Shire Council, Cnr Duke & Albert Streets, Daylesford VIC 3460
Moorabool Shire Council, 15 Stead Street, Ballan VIC 3342
Pyrenees Shire Council, 5 Laurence Street, Beaufort VIC 3373

RECITALS:

- A.** The Central Highlands Regional Library Corporation (**the Regional Library**) was established by the Councils on or about 2 April 1997, by agreement made under section 196 of the Local Government Act 1989 (**the Original Agreement**).
- B.** The Councils have decided to substitute this Agreement for the Original Agreement.
- C.** The Regional Library will continue to service the area comprising the members Councils' municipal districts.
- D.** The Regional Library will operate in accordance with the requirements of Section 196 of the Act.
- E.** The Councils have agreed to contribute certain sums of money annually for the purposes of the Regional Library

AGREEMENT

1 DEFINITIONS

In the interpretation of this Agreement, including the Recitals, except where the context otherwise requires -

(a) the following words shall have the following meaning -

"Act" means the *Local Government Act 1989*;

"Board" means the governing body of the Regional Library established under Clause 3.1;

"Budget" means the annual budget of the Regional Library Corporation which has been approved by each Council in accordance with Clause 8;

"Chief Executive Officer" means the person appointed as Chief Executive Officer of the Regional Library in accordance with the Act;

"Council" means a party to this Agreement;

"Dispute" means any dispute or difference between a Council and the Regional Library or between any of the Councils which arises out of this Agreement or concerns the Regional Library;

"Local Law" means a Local Law made in accordance with Part 5 of the Act;

"Minister" means the Victorian Government Minister responsible for administering the Act;

"Original Agreement" means the agreement described in Recital A, as subsequently amended;

"Regional Library" means the regional library corporation established under this Agreement; and

"Senior Officer" has the same meaning as in the Act.

(b) words denoting the singular shall include the plural and vice versa;

(c) words denoting any gender include all genders; and

(d) headings are for convenience only and shall not affect the interpretation of this Agreement.

2 REGIONAL LIBRARY CORPORATION

The **Regional Library** is established under section 196 of the Act to:

- (a) provide, subject to any conditions attached to any State government library subsidies and grants to the Regional Library or the Councils, a regional library service for the Councils' municipal districts as determined by the Board;
- (b) make Local Laws relating to the Regional Library;
- (c) provide resources and programs aimed at meeting the information, recreation, educational and cultural needs of the diverse communities of Ararat Rural City Council, Ballarat City Council, Central Goldfields Shire Council, Hepburn Shire Council, Moorabool Shire Council and Pyrenees Shire Council;
- (d) perform any other functions which are conferred on the Regional Library under this Agreement or the Act, including defining overall policy objectives, developing strategic policy and approving a Library Plan and a Strategic Resource Plan; and
- (e) do all things necessary or expedient in accordance with this Agreement and the Act for the carrying out of its functions.

3 MEMBERSHIP OF THE BOARD

- 3.1 The Board of the Regional Library shall consist of one Councillor appointed by each Council as soon as practicable after that Council's general election.
- 3.2 A Council may appoint a Councillor or Senior Officer to act as a deputy in place of one its appointed members.
- 3.3 A member and deputy shall hold office until the term of his/her appointment expires, until removed or until the person resigns or ceases to be a Councillor or Senior Officer (as the case may be), whichever occurs first.
- 3.4 A Council may remove from office its appointed member or deputy.
- 3.5 A Council must fill a vacancy in its appointed member or deputy as soon as possible and notify the Board in writing of the new member or deputy.
- 3.6 The office of an appointed member automatically becomes vacant if he/she is absent for three consecutive meetings without the leave of the Board.

4 ROLE AND OBJECTIVES OF THE BOARD

- 4.1 The role or purpose of the Board is to:
 - (a) plan and provide library resources and services on behalf of the Councils;
 - (b) advise and encourage the Councils to provide appropriate library service point facilities throughout the six municipalities;

- (c) ensure the library resources and services provided are appropriate for the community and that the resources and services are managed efficiently and effectively; and
 - (d) ensure compliance with statutory requirements.
- 4.2 In seeking to undertake its role or purpose the Board's objectives will include:
- (a) strategic direction and planning;
 - (b) appointing and monitoring the performance of the Chief Executive Officer;
 - (c) Budget approval;
 - (d) organisational performance;
 - (e) promoting the Regional Library;
 - (f) understanding community expectations;
 - (g) identifying and providing solutions in the case of risk management; and
 - (h) setting (base) levels of standards and form service types
- 4.3 Subject to section 89 of the Act, Board meetings will be open to members of the public.

5 PROCEEDINGS OF THE BOARD

- 5.1 The Board shall hold an ordinary meeting at least once in every three months.
- 5.2 If a special meeting is called, it must be called by the Chief Executive Officer on the request of the Chairperson or any four (4) members of the Board.
- 5.3 The Board shall elect a member to be Chairperson of the Board and a member to be Deputy Chairperson of the Board and they shall hold office for 12 months, unless he/she goes out of office earlier in accordance with Clause 3.3 of this Agreement.
- 5.4 The Chairperson, or in the absence of the Chairperson, the Deputy Chairperson, shall preside at a meeting of the Board.
- 5.5 In the absence of the Chairperson and a Deputy Chairperson from a Board meeting, the remaining members of the Board may elect one of their number to preside at that meeting.
- 5.6 Notice of motion to recommend amendment of this Agreement and notice of motion for the adoption or amendment of any Local Law by the Board shall be given in writing to Councils at least one month before the meeting of the Board at which the notice of motion is to be discussed.
- 5.7 The Board shall make Local Laws governing the conduct of meetings for the Board.
- 5.8 Each Council agrees to indemnify the Regional Library in respect of any liability incurred as a consequence of the operation of Section 76 of the Act in relation to each of its appointed members.

6 CHIEF EXECUTIVE OFFICER

- 6.1 The Board shall appoint a Chief Executive Officer of the Regional Library.
- 6.2 In addition to any responsibilities imposed on a Chief Executive Officer under the Act, the Chief Executive Officer shall be responsible to the Board for the finances and day to day administration and operation of the Regional Library, including the implementation of the Library Plan and the Strategic Resource Plan, delivery of the service and administrative support for the Board and any other duties specified.

7 EQUITY AND OPERATING COSTS

- 7.1 Each Council has:
 - (a) since the formation of the Original Agreement made the financial contributions to the Regional Library set out in Schedule 1; and
 - (b) at the formation of this Agreement the equity in the Regional Library set out in Schedule 1.
- 7.2 Each Council listed in Schedule 2 respectively licenses the Regional Library to occupy the relevant land listed in that Schedule, and agrees that the Regional Library may use any plant and equipment located in any building or buildings on that land.
- 7.3 All book stock and computer equipment located in any library occupied by the Regional Library are vested in the Regional Library.
- 7.4 If a Council wishes to transfer assets to the Regional Library or make additional assets available to the Regional Library for its use, the assets to be transferred or made available must be set out in a statement executed by the Councils and the Chief Executive Officer.
- 7.5 The Chief Executive Officer shall maintain a register of the assets provided for the use of the Regional Library by Councils. This register must indicate which Council owns each asset.
- 7.6 The Chief Executive Officer shall maintain a register of the assets owned by the Regional Library.
- 7.7 A Council must, unless otherwise agreed by the Board, give 12 months' notice in writing to the Chief Executive Officer of its intention to withdraw assets from the use of the Regional Library.
- 7.8 The Regional Library shall, unless otherwise agreed by the Board, be responsible for the maintenance, repair, and replacement and operating costs of assets owned by the Regional Library.

- 7.9 Each Council shall, unless otherwise agreed by the Board, be responsible for the maintenance, repair, and replacement and operating costs of assets owned by it but provided for the use of the Regional Library.
- 7.10 The Regional Library shall, unless otherwise agreed by the Board and subject to Clauses 7.7 and 7.8, be responsible for its own operating costs.
- 7.11 The parties acknowledge that, notwithstanding anything else contained in this Agreement, the Regional Library has a beneficial interest in the:
- 7.11.1 premises located at and known as 178 Doveton Street, Ballarat, in a proportion of 25%; and
- 7.11.2 car-park adjacent to the premises located at and known as 178 Doveton Street, Ballarat, in a proportion of 8.4%.

8 STRATEGIC PLANNING

- 8.1 A Library Plan (including a Strategic Resource plan) will be prepared and approved in accordance with the section 197D of the Act.
- 8.2 The Chief Executive Officer shall no later than 1 June each year prepare and provide each Council with a proposed Strategic Resource Plan for the financial year commencing 1 July.
- 8.3 The Strategic Resource Plan shall include a program for the delivery of services by the Regional Library which identifies the nature and extent of proposed services and an estimate of the costs of the provision of those services.
- 8.4 The Regional Library must adopt a Library Plan and an Strategic Resource Plan by the date specified in the Act for the adoption of its annual Budget.

9 ANNUAL BUDGET

- 9.1 The Chief Executive Officer shall no later than 1 March each year provide each Council with a draft copy of the Regional Library's proposed annual Budget, and shall no later than 1 June each year provide each Council with a copy of the Regional Library's proposed annual Budget as endorsed by the Board prepared in accordance with Section 127 of the Act.
- 9.2 The proposed annual Budget shall include -
- (a) the amount of funds currently held by the Regional Library;

- (b) the amount of each Council's proposed financial contribution to the Regional Library for the financial year commencing 1 July; and
- (c) the amount of funds to be received from any other source by the Regional Library in the financial year commencing 1 July.

10 ANNUAL FINANCIAL CONTRIBUTIONS

- 10.1 The amount to be contributed to the Regional Library by each Council during each financial year shall be the sum of -
- (a) the amount specified for the Council in the Regional Library's adopted annual Budget;
 - (b) all State Government library subsidies and grants received by the Council; and
 - (c) funds received by the Council from any other source for the Regional Library's services.
- 10.2 The Councils must agree on a funding formula for the purpose of making annual financial contributions to the Regional Library under Clause 10.1 (a)
- 10.3 Each Council's financial contribution under Clause 10.1 to the Regional Library shall be paid in advance in quarterly instalments on the first day of July, October, January and April of each year.
- 10.4 The first instalment may be the same amount paid by the Council in the previous quarter, in which case the second instalment shall include any adjustment necessary to ensure the two instalments together equal half the amount to be paid by that Council for that financial year.
- 10.5 All other Council contributions under Clause 10.1 (b) and (c) shall be paid within one month of receipt of the monies by the Council, or as otherwise agreed.
- 10.6 A Council shall be responsible for the Regional Library's costs in providing any additional service to it or resources requested by the Council and such costs are to be paid within 30 days of the Council receiving an invoice from the Regional Library, or as otherwise agreed.
- 10.7 Interest shall be paid on any amount payable under this Clause 10 which is not received by the Chief Executive Officer within 14 days of the due date at the rate referred to in

Section 172 of the Act and calculated monthly from the date the amount became due until the date it is received by the Chief Executive Officer.

11 ANNUAL REPORTING AND ACCOUNTS

- 11.1 The Chief Executive Officer shall, within three months of the end of each financial year, provide each Council with a copy of the Regional Library's Annual Report prepared in accordance with Section 131 of the Act.
- 11.2 The books of accounts and all other financial records of the Regional Library shall be available for inspection at all reasonable times by any Councillor or person authorised by a Council or by any person authorised by the Secretary of the Department responsible for administering State Government library subsidies and grants from which the Regional Library or Councils receive funds.
- 11.3 The Chief Executive Officer shall provide the Board and Councils with quarterly financial reports which include an operating statement reporting the Regional Library's performance to Budget and other performance indicators as detailed in the Strategic Resource Plan.

12 ENTRY AND EXIT OF PARTIES

- 12.1 A Council which is not a party to this Agreement may, by supplementary agreement with the Councils, be admitted as a party to this Agreement and, subject to the provisions of the supplementary agreement, shall have the same rights, duties and obligations of the Councils under this Agreement.
- 12.2 A Council may withdraw from this Agreement, in which case that Council must, unless otherwise agreed by the Board, give not less than twelve months' notice in writing to the Chief Executive Officer of its intention to withdraw from this Agreement.
- 12.3 A Council which has given notice under Clause 12.2 must, unless otherwise agreed by the Councils, withdraw from this Agreement on 30 June in any year.
- 12.4 A Council which withdraws from this Agreement shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from this Agreement, less an amount which represents the full costs to the Regional Library of the withdrawal, unless otherwise agreed by the Board.
- 12.5 The portion of net assets to which a Council is entitled under Clause 12.4 -

- (a) shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;
- (b) shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement; and
- (c) may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.

12.6 A Council which withdraws from this Agreement shall be liable for a portion of the liabilities , including contingent liabilities, of the Regional Library as at the date of its withdrawal from this Agreement; and

12.7 The portion of the liabilities and contingent liabilities for which a Council is liable under Clause 12.6 -

- (a) shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited financial statements and reports, and any notes attached to them; and
- (b) shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement.

13 DISSOLUTION OF REGIONAL LIBRARY

13.1 Subject to Section 197G of the Act, the Regional Library may be dissolved by agreement of at least two thirds of the parties to this Agreement, including those admitted as a party by supplementary agreement.

13.2 If the Regional Library is dissolved under this Clause -

- (a) each Council shall be entitled to a portion of the Regional Library's assets in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement; and
- (b) each Council shall be liable for a portion of the liabilities and contingent liabilities of the Regional Library in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of the Original Agreement and this Agreement.

14 DISPUTE RESOLUTION

- 14.1 If any Dispute arises which cannot be resolved by the Board, the Councils must use their best endeavours, and act in good faith, to settle the Dispute.
- 14.2 If the Councils are unable to settle the Dispute, the Councils must agree to the appointment of an independent mediator. If the Councils are unable to agree on a person to act as an independent mediator, the mediator will be appointed by the President of the Law Institute of Victoria. The parties to a mediation shall:
- (a) be responsible for their own mediation costs; and
 - (b) share the mediator's costs equally.
- 14.3 The function of the mediator is to mediate not arbitrate. The mediator will not have the power to make any decisions. If the Dispute is not resolved through mediation, the Councils may proceed to arbitration in accordance with Clause 14.5.
- 14.4 A party must not commence proceedings pursuant to Clause 14.5 in respect of a Dispute unless:
- (a) the Dispute has first been referred to a mediator; and
 - (b) the Dispute remains unresolved.
- 14.5 If there is a Dispute the matter shall be determined under the *Commercial Arbitration Act 1984* and the arbitrator's decision shall be final and binding on the parties to the dispute.
- 14.6 The parties to the arbitration shall:
- (a) be responsible for their own arbitration costs; and
 - (b) unless otherwise determined by the arbitrator, share the arbitrator's costs equally.

15 AGREEMENT AMENDMENT

An amendment to this Agreement has no effect unless it is -

- (a) in writing and signed by all parties to the Agreement; and
- (b) approved by the Minister by notice published in the Government Gazette.

16 AGREEMENT REVIEW

The parties shall, together with the Board, review the operation of this Agreement at least once in every five years.

17 CESSATION OF ORIGINAL AGREEMENT

17.1 Subject to Clause 17.2, the Original Agreement ceases on the day on which this Agreement takes effect.

17.2 Any:

(a) right accrued; or

(b) obligation incurred

by reason of the Original Agreement will continue to exist notwithstanding the cessation of the Original Agreement.

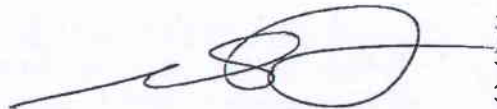
18 CONDITIONS PRECEDENT

This Agreement has no effect as between the parties unless it is approved by the Minister in accordance with Section 196(2) of the Act.

EXECUTED as an agreement.

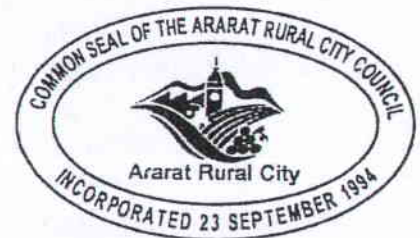
IN WITNESS WHEREOF

THE COMMON SEAL of the Ararat Rural City Council
was hereunto affixed on in the presence of -



Chief Executive Officer

in accordance with a resolution made by the Council on this
9th day of January, 2006



THE COMMON SEAL of the Ballarat City Council
was hereunto affixed on in the presence of -



Chief Executive Officer

in accordance with a resolution made by the Council on this
23rd day of March, 2006



THE COMMON SEAL of the Central Goldfields Shire
was hereunto affixed on in the presence of -



[Handwritten signature]
Chief Executive Officer

in accordance with a resolution made by the Council on this
30th day of March, 2006

THE COMMON SEAL of the Hepburn Shire Council
was hereunto affixed on in the presence of -



[Handwritten signature]
Chief Executive Officer

in accordance with a resolution made by the Council on this
20th day of December, 2005

THE COMMON SEAL of the Moorabool Shire Council
was hereunto affixed on in the presence of -

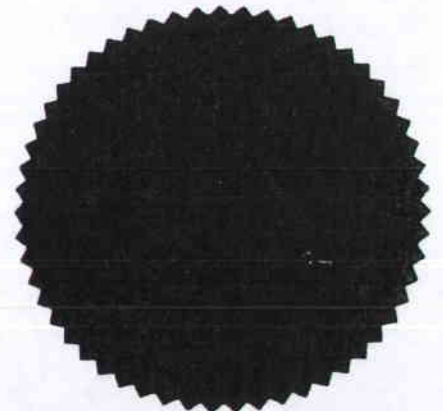
Robert Selinger
Chief Executive Officer



in accordance with a resolution made by the Council on this
14th day of *May*, 2006

THE COMMON SEAL of the Pyrenees Shire Council
was hereunto affixed on in the presence of -

Stephen Crowl
Chief Executive Officer



in accordance with a resolution made by the Council on this
22nd day of *May*, 2006

CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION

SCHEDULE 1

STATEMENT OF EQUITY AND FINANCIAL CONTRIBUTIONS

Municipality Contribution	96/97	97/98	98/99	99/00	00/01	2001/02	2002/03	2003/04	2004/05 Budgeted	Total	Equity %
Ararat Rural City	80,000	90,176	96,104	99,000	110,000	108,732	132,678	168,484	171,179	1,056,353	10.38%
Ballarat City	438,874	387,791	442,643	459,731	521,213	544,649	605,452	762,028	867,204	5,029,585	49.44%
Central Goldfields Shire	44,956	73,899	78,955	88,986	102,518	95,813	106,365	148,955	162,517	902,964	8.88%
Hepburn Shire	72,831	97,013	104,768	107,674	122,030	116,794	150,754	173,437	206,556	1,151,857	11.32%
Moorabool Shire	128,508	127,498	137,547	142,902	156,849	153,281	164,362	193,636	217,630	1,422,212	13.98%
Pyrenees Shire	36,453	50,264	53,143	53,600	58,967	49,508	86,418	102,501	120,203	611,057	6.01%
Total	801,622	826,641	913,160	951,893	1,071,577	1,068,777	1,246,030	1,549,041	1,745,289	10,174,030	100.00%

SCHEDULE 2

STATEMENT OF COUNCIL ASSETS

Each council agrees to provide the following assets for the use of the Regional Library.

1. LAND AND BUILDINGS

Ararat Rural City Council

Ararat Library, Barkly Street, Ararat

Ballarat City Council

Ballarat Library, 178 Doveton Street North, Ballarat
Sebastopol Library, Albert Street, Sebastopol
Wendouree Village Library, Gillies Street, Wendouree

Central Goldfields Shire Council

Maryborough Library, Tuaggra Street, Maryborough

Hepburn Shire Council

Clunes Library, Fraser Street, Clunes
Creswick Library, Albert Street, Creswick
Daylesford Library, Crm Bridport & Albert Streets, Daylesford

Moorabool Shire Council

Bacchus Marsh Library, Main Street, Bacchus Marsh

Pyrenees Shire Council

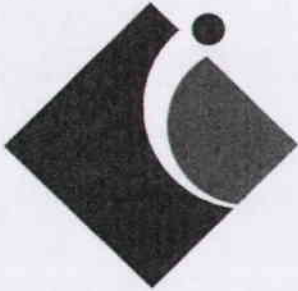
Avoca Library, Cambridge Street, Avoca
Beaufort Library, Lawrence Street, Beaufort



Maddocks

| 1st July 2006

Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666
Email info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne



Central Highlands
Regional **Library** Corporation

Supplementary Agreement

ARARAT RURAL CITY COUNCIL

and

BALLARAT CITY COUNCIL

and

CENTRAL GOLDFIELDS SHIRE COUNCIL

and

HEPBURN SHIRE COUNCIL

and

MOORABOOL SHIRE COUNCIL

and

PYRENEES SHIRE COUNCIL

and

SOUTHERN GRAMPIANS SHIRE COUNCIL

[5139773: 4549302v1]

Affiliated offices
Adelaide, Brisbane, Colombo, Dubai,
Hong Kong, Jakarta, Kuala Lumpur,
Manila, Mumbai, New Delhi, Perth,
Singapore, Sydney, Tianjin

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- 1. **Definitions and Interpretation 2**
- 2. **Southern Grampians Admission..... 2**
- 3. **New Schedule 1 2**
- 4. **New Schedule 2 2**
- 5. **Confirmation 2**

Supplementary Agreement

AN AGREEMENT made on 1st July 2006

BETWEEN

ARARAT RURAL CITY COUNCIL,
having its Municipal Office in Vincent Street, Ararat, Victoria
(Ararat)

AND

BALLARAT CITY COUNCIL,
having its Municipal Office at 25 Armstrong Street South, Ballarat, Victoria
(Ballarat)

AND

CENTRAL GOLDFIELDS SHIRE COUNCIL,
having its Municipal Office at 2 Neill Street, Maryborough, Victoria
(Central Goldfields)

AND

HEPBURN SHIRE COUNCIL,
having its Municipal Office on the corner of Duke and Albert Streets, Daylesford, Victoria
(Hepburn)

AND

MOORABOOL SHIRE COUNCIL,
having its Municipal Office at 15 Stead Street, Ballan, Victoria
(Moorabool)

AND

PYRENEES SHIRE COUNCIL,
having its Municipal Office at 5 Lawrence Street, Beaufort, Victoria
(Pyrenees)

AND

SOUTHERN GRAMPIANS SHIRE COUNCIL,
having its Municipal Office at 111 Brown Street, Hamilton, Victoria
(Southern Grampians)

RECITALS

- A. Ararat, Ballarat, Central Goldfields, Hepburn, Moorabool and Pyrenees are parties to an Agreement made on 14th June 2006 (the **Primary Agreement**) which provides for the operation of the Central Highlands Regional Library Corporation (the **Corporation**).
- B. Clause 12.1 of the Primary Agreement provides for the admission of other councils to membership of the Corporation.

- C. South Grampians wishes to become a member of the Corporation, and a party to the Primary Agreement.
- D. Ararat, Ballarat, Central Goldfields, Hepburn, Moorabool and Pyrenees are willing to admit Southern Grampians to membership of the Corporation, and are willing to add Southern Grampians as a party to the Primary Agreement.
- E. This Agreement sets out the terms on which Southern Grampians is admitted to membership of the Corporation and becomes a party to the Primary Agreement.

OPERATIVE PROVISIONS

1. Definitions and Interpretation

In the interpretation of this Agreement, except where the context requires otherwise:

the Corporation means Central Highlands Regional Library Corporation.

Effective Date means 1st July 2006

Primary Agreement means the Agreement referred to in Recital A.

Southern Grampians means Southern Grampians Shire Council.

2. Southern Grampians Admission

On and from the Effective Date, Southern Grampians is:

- (a) a party to the Primary Agreement, as if it were expressly named as such; and
- (b) by reason of becoming a party to the Agreement, a member of the Corporation.

3. New Schedule 1

On and from the Effective Date, the form of Schedule 1 to the Primary Agreement is deleted and Schedule 1 to this Agreement is substituted for it.

4. New Schedule 2

On and from the Effective Date, the form of Schedule 2 to the Primary Agreement is deleted and Schedule 2 to this Agreement is substituted for it.

5. Confirmation

In all other respects, the parties to the Primary Agreement confirm the provisions of the Primary Agreement.

EXECUTED as a Deed on the date earlier specified.

THE COMMON SEAL of ARARAT RURAL CITY COUNCIL was affixed this 18th day of July 2006 in the presence of:



[Signature]
.....
Mayor

[Signature]
.....
Councillor

[Signature]
.....
Chief Executive Officer

THE COMMON SEAL of BALLARAT CITY COUNCIL was affixed this 14th day of December 2006 in the presence of:



[Signature]
.....
Mayor

[Signature]
.....
Councillor

[Signature]
.....
Chief Executive Officer

THE COMMON SEAL of CENTRAL GOLDFIELDS SHIRE COUNCIL was affixed this 7 day of August 2006 in the presence of:



[Signature]
.....
Mayor

[Signature]
.....
Councillor

[Signature]
.....
Chief Executive Officer

THE COMMON SEAL of HEPBURN SHIRE COUNCIL was affixed this 30 day of January 2006 in the presence of:

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Mayor

.....
Councillor

.....
Chief Executive Officer

THE COMMON SEAL of MOORABOOL SHIRE COUNCIL was affixed this 23rd day of June 2006 in the presence of:

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Mayor

.....
Councillor

.....
Chief Executive Officer

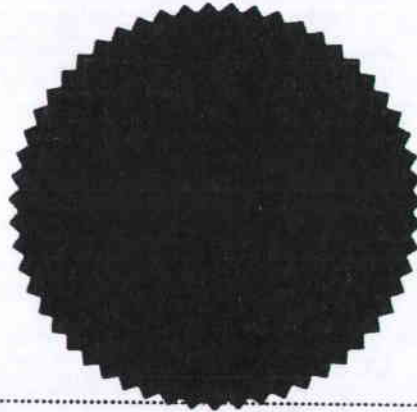
THE COMMON SEAL of PYRENEES SHIRE COUNCIL was affixed this 27 day of April 2006 in the presence of:

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)
)
)

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Mayor

.....
Councillor

.....
Chief Executive Officer



THE COMMON SEAL of SOUTHERN
GRAMPIANS SHIRE COUNCIL was
affixed this day of 2007
in the presence of:

)
)
)
)



[Handwritten Signature]
.....

Mayor

[Handwritten Signature]
.....

Councillor

[Handwritten Signature]
.....

Chief Executive Officer

SCHEDULE 1

Municipality Contribution	96/97	97/98	98/99	99/00	00/01	2001/02	2002/03	2003/04	2004/05	2005/06	Total	Equity %
Ararat Rural City	80,000	90,176	96,104	99,000	110,000	108,732	132,678	168,484	171,179	186,337	1,242,691	9.93%
Ballarat City	438,874	387,791	442,643	459,731	521,213	544,649	605,452	762,028	867,204	926,277	5,955,862	47.60%
Central Goldfields Shire	44,956	73,899	78,955	88,986	102,518	95,813	106,365	148,955	162,517	162,361	1,065,325	8.51%
Hepburn Shire	72,831	97,013	104,768	107,674	122,030	116,794	150,754	173,437	206,556	217,729	1,369,586	10.95%
Moorabool Shire	128,508	127,498	137,547	142,902	156,849	153,281	164,362	193,636	217,630	235,165	1,657,377	13.25%
Pyrenees Shire	36,453	50,264	53,143	53,600	58,967	49,508	86,418	102,501	120,203	125,344	736,401	5.89%
Southern Grampians Shire										485,824	485,824	3.88%
Total	801,622	826,641	913,160	951,893	1,071,577	1,068,777	1,246,030	1,549,041	1,745,289	2,339,037	12,513,066	100.00%

SCHEDULE 2

STATEMENT OF COUNCIL ASSETS

Each council agrees to provide the following assets for the use of the Regional Library.

1. LAND AND BUILDINGS

Ararat Rural City Council

Ararat Library, Barkly Street, Ararat

Ballarat City Council

Ballarat Library, 178 Doveton Street North, Ballarat

Sebastopol Library, Albert Street, Sebastopol

Wendouree Village Library, Gillies Street, Wendouree

Central Goldfields Shire Council

Maryborough Library, Tuaggra Street, Maryborough

Hepburn Shire Council

Clunes Library, Fraser Street, Clunes

Creswick Library, Albert Street, Creswick

Daylesford Library, Cnr Bridport & Albert Streets, Daylesford

Moorabool Shire Council

Bacchus Marsh Library, Main Street, Bacchus Marsh

Pyrenees Shire Council

Avoca Library, Cambridge Street, Avoca

Beaufort Library, Lawrence Street, Beaufort

Southern Grampians Shire Council

Hamilton Library, 105 Brown Street Hamilton

10.4. DOUG LINDSAY RECREATION RESERVE COMMUNITY FACILITY INTERIM FEES AND CHARGES 2012-2013 GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Recreation Co-ordinator, I Laura Campbell have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend interim fees and charges for the Doug Lindsay Recreation Reserve Community Facility.

BACKGROUND

The Doug Lindsay Reserve and Community Facility Management Advisory Committee was formed in late 2011 with the aim of advising Council about future management arrangements for the Doug Lindsay Reserve and Community Facility.

At its April meeting Council resolved to endorse the Doug Lindsay Reserve and Community Facility Management Advisory Committee's recommendation for a single overall incorporated Committee to manage the Doug Lindsay Facility within Council guidelines. The Advisory Committee is currently working on finalising the rules for Incorporation prior to submitting a report to Council in September. In the interim, Council staff are managing the facility, including taking bookings and hiring the facility.

ISSUE / DISCUSSION

The facility is now being well utilised and requires set fees and charges to contribute to operating expenses. There have been in excess of 10 external booking requests to use the facility along with a considerable number of user group bookings. These external bookings have been a mix of not for profit community groups and private bookings for events such as funerals and parties.

The proposed fees and charges are based on the fees for hire of the Creswick Town Hall (refer Attachment 3).

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

Approval of these interim fees and charges will assist in meeting operating expenses of the Doug Lindsay Recreation Reserve Community Facility.

RISK IMPLICATIONS

Nil identified

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Fees and charges have been set in accordance with the 2012-2013 fees and charges for the Daylesford Town Hall and the Creswick Town Hall (refer Attachment 3). These fees and charges will assist with offsetting the operating costs of the facility while still making it an affordable venue for community groups and the community to use.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The proposed fees and charges were presented to the Doug Lindsay Reserve and Community Facility Management Advisory Committee at their meeting on Monday 2 July 2012, for information.

CONCLUSION

That the interim fees and charges proposed for the Doug Lindsay Recreation Reserve Community Facility are fair and reasonable and will maintain the Doug Lindsay Recreation Reserve Facility as a community facility available to all during the period of time that they are in effect.

OFFICER'S RECOMMENDATION

10.4.1 That Council approves the Doug Lindsay Recreation Reserve Community Facility interim fees set out below.

Use	Fees 2012-2013 (inc GST)
Meetings	\$106.00
Functions	\$126.00
Functions with alcohol	\$148.00
Kitchen use	\$57.00
Insurance (Only if no Certificate is provided and hirer is eligible)	\$40.00

Bonds	
Meetings*	\$100.00
Functions	\$200.00
Functions with alcohol	\$500.00
Special Conditions	
*Hepburn Shire Community Not for Profit (bond and insurance, if applicable must be paid).	\$0.00

MOTION

10.4.1. That Council approves the Doug Lindsay Recreation Reserve Community Facility interim fees set out below:

Use	Fees 2012-2013 (inc GST)
Meetings	\$106.00
Functions	\$126.00
Functions with alcohol	\$148.00
Kitchen use	\$57.00
Insurance (Only if no Certificate is provided and hirer is eligible)	\$40.00
Bonds	
Meetings*	\$100.00
Functions	\$200.00
Functions with alcohol	\$500.00
Special Conditions	
*Hepburn Shire Community Not for Profit (bond and insurance, if applicable must be paid).	\$0.00

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

**ATTACHMENT 3 - EXTRACT - FEES/CHARGES SCHEDULE 2012-2013
DAYLESFORD TOWN HALL, CRESWICK TOWN HALL,
PROPOSED INTERIM FEES - DOUG LINDSAY RECREATION RESERVE
COMMUNITY FACILITY**

FEES / CHARGES SCHEDULE

*All bookings for hall hire etc must be paid one week prior to the function date (including insurance and bonds).
Any function not submitted with set up requirements and paid one week prior will be cancelled.*

DAYLESFORD TOWN HALL

Use	Fees 2012/2013 (Incl. GST)
Rehearsals	\$48.00
Meetings	\$173.00
Functions	\$205.00
Functions with alcohol	\$248.00
Set up day	\$86.00
Senior Citizens Rooms	\$86.00
Senior Citizens Crockery	\$58.00
PA System	\$38.00
Insurance (Only if no Certificate is provided and hirer is eligible)	\$41.00
Bonds	
Keys*	\$50.00
Meetings*	\$100.00
Functions*	\$200.00
Functions with alcohol*	\$500.00
Functions with alcohol > 200 People*	\$1,000.00
Special Conditions	
*Hepburn Shire Community Not For Profit (bond and insurance, if applicable must still be paid).	\$0.00

CRESWICK TOWN HALL

Use	Fees 2012/2013 (Incl. GST)
Rehearsals/Regular User	\$33.00
Meetings	\$109.00
Functions	\$129.00
Functions with alcohol	\$152.00
Insurance (Only if no certificate is provided)	\$41.00
Bonds	
Keys*	\$50.00
Meetings*	\$100.00
Functions*	\$200.00
Functions with alcohol*	\$500.00
Special Conditions	
*Hepburn Shire Community Not For Profit (bond and insurance, if applicable must still be paid).	\$0.00

DOUG LINDSAY RECREATION RESERVE COMMUNITY FACILITY

Use	Fees 2012/2013 (Incl. GST)
Meetings	\$109.00
Functions	\$129.00
Functions with alcohol	\$152.00
Kitchen Use	\$58.00
Insurance (Only if no Certificate is provided and hirer is eligible)	\$41.00
Bonds	
Keys*	\$50.00
Meetings*	\$100.00
Functions*	\$200.00
Functions with alcohol*	\$500.00
Special Conditions	
*Hepburn Shire Community Not For Profit (bond and insurance, if applicable must still be paid).	\$0.00

10.5. DRAFT LODDON HIGHLANDS WATER SUPPLY PROTECTION AREA GROUNDWATER MANAGEMENT PLAN GENERAL MANAGER SUSTAINABLE DEVELOPMENT

In providing this advice to Council as the Natural Resource Management Officer, I, Dale Tonkinson have no interests to disclose in this report.

PURPOSE

The purpose of this report is to provide a recommended response to the Groundwater Management Plan, currently on exhibition, for Council's consideration.

BACKGROUND

The Loddon Highlands Water Supply Protection Area (WSPA) covers much of the western half of the Hepburn Shire in addition to parts of the City of Ballarat and Central Goldfields and Pyrenees Shires. Groundwater use within the WSPA for Hepburn Shire is concentrated in the Newlyn, Blampied and Mollonghip areas where it supports horticultural enterprises with much of the focus on potato production.

The Draft Groundwater Management Plan should provide certainty and clarity around entitlements, usage and trading of entitlements for water users, albeit at the expense of added complexity (much of the document is dedicated to explaining this complexity).

The Loddon Highlands WSPA incorporates the former Spring Hill Groundwater Supply Protection Area. Submissions close Tuesday 17 July 2012.

ISSUE / DISCUSSION

Key points in the response relate to:

- insufficient evidence provided in the Plan to assess the sustainability of groundwater usage
- knowledge gaps around the interaction between groundwater and surface water
- knowledge gaps on the location of groundwater dependent ecosystems and the extent to which groundwater extraction may impact on these systems
- no risk analysis is presented to guide the Plan in the face of these knowledge gaps
- proposed early notification to users of 100% seasonal allocation where seasonal conditions allow this to be

- minor changes to zone boundaries that could have implications for some landholders ability to trade water entitlements appear not to have been drawn to the attention of these landholders and the maps in the report fail to provide sufficient detail for these changes to be obvious
- an interim response has been provided with advice that a formal response will be provided following the Council Meeting of 17 July 2012

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

None.

FINANCIAL IMPLICATIONS

No direct implications.

RISK IMPLICATIONS

Not applicable.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Groundwater allocations are critical to horticultural enterprises in the western half of the Shire.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Not applicable.

CONCLUSION

Hepburn Shire Council broadly supports the Plan's objectives to protect the resource, enable equitable access to the resource, and be effective and transparent in communication of the Plan, with several reservations as outlined above.

OFFICER'S RECOMMENDATION

That Council:

- 10.5.1 Endorses the submission attached to this report.
- 10.5.2 Provides a copy of the endorsed submission to Goulburn-Murray Water.

MOTION

That Council:

10.5.1. Endorses the submission attached to this report.

10.5.2. Provides a copy of the endorsed submission to Goulburn-Murray Water.

Moved: Councillor Rod May

Seconded: Councillor Neil Newitt

Carried.

**ATTACHMENT 4 - HEPBURN SHIRE COUNCIL SUBMISSION IN
RESPONSE TO THE DRAFT LODDON HIGHLANDS WATER SUPPLY
PROTECTION AREA GROUNDWATER MANAGEMENT PLAN**

Background:

The Loddon Highlands Water Supply Protection Area covers much of the western half of the Hepburn Shire in addition to parts of the City of Ballarat and Central Goldfields and Pyrenees Shires. Groundwater use in this part of the Shire is concentrated in the Newlyn, Blampied and Mollonghip areas where it supports horticultural enterprises with much of the focus on potato production.

The Draft Groundwater Management Plan should provide certainty and clarity around entitlements, usage and trading of entitlements for water users, albeit at the expense of added complexity (much of the document is dedicated to explaining this complexity).

Hepburn Shire comments:

The prescriptions (management rules) presented in the Plan are considered to be consistent with the stated objectives of the Plan to i) protect the resource, ii) enable equitable access to the resource, and iii) effective and transparent communication of the Plan. We therefore broadly support the Plan; however there is insufficient evidence provided in the Plan (it may be hidden in technical documents that are referenced) to be convinced that the Permissible Consumptive Volume (cap on annual usage) is indeed sustainable.

Environmental Concerns

Significantly, the impact of groundwater extraction on groundwater dependent ecosystems and the interaction between ground and surface water systems are acknowledged as knowledge gaps, however no risk analysis is presented to justify existing or permitted extraction regimes. Furthermore the Plan provides no indication what will occur when the Trigger Level is below the lower threshold for 50% allocation – presumably a further reduction in extraction would occur, but not even this is stated. See Prescription 2(b).

Is a more cautious approach to extraction in dry periods therefore appropriate?

The suggested referral of potential impacts on groundwater dependent ecosystems (GDEs) to the North Central CMA is supported; however the draft NCCMA Regional Catchment Strategy fails to mention groundwater or GDEs and therefore provides no basis for their input. Some of these GDEs may in fact be listed ecological communities under the Commonwealth Environment Protection and Biodiversity Conservation Act, especially the *Critically*

Endangered Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains.

User Concerns

Early information on limits to extraction is critical to landholders' ability to make informed land use decisions across their property. The system outlined in the Plan seems to be appropriate except where 100% allocation is clearly going to be possible, notification should be made earlier than in the timetable provided in Prescription 2.

Procedural Issues

Where existing or potential groundwater users have been affected by boundary changes to management zones, these landholders should have been formally notified. Such changes may impact on a landholder's ability to trade and the relatively small changes to boundaries are evidently (from comments at the Ascot meeting in June) not immediately apparent from the maps provided with the Plan.

10.6. HUMAN RIGHTS 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 current Human Rights Charter as a Council Policy

BACKGROUND

Since 1 January 2008, Public Authorities, including local Councils, are required to act compatibly with the Charter of Human Rights legislation.

The Charter of Human Rights and Responsibilities places a specific responsibility on local councils in Victoria to respect human rights in the way they go about their work and how they deliver their services.

As a public authority, local councils have an obligation to ensure that:

- all council decisions give proper consideration to human rights;
- all actions, policies and services are compatible with human rights;
- local laws are interpreted and applied consistently with human rights;
- people who work on their behalf do so in a way that respects human rights.

Under the four basic principles of Freedom, Respect, Dignity and Equality, the Charter gives legal protection to 20 fundamental human rights, such as the right for people to have a fair trial, the right to say what they think, the right to join groups and meet freely, and the right to enjoy their culture.

Essentially, in applying the legislation Hepburn Shire Council must give proper consideration to each of these rights in our decision making and Council must act compatibly with the rights when providing services to our community.

Council Policy No 49 titled "Human Rights Charter" has been in place since November 2008 and the policy is currently due for review.

On 12 June 2012, Councillors and the Executive Management Team received a briefing from the Victorian Equal Opportunity and Human Rights Commission introducing the Charter of Human Rights and Responsibilities and obligations under the Act.

ISSUE / DISCUSSION

The commitment that Hepburn Shire Council currently makes is stated in the current Council Policy titled "*Human Rights Charter*" (refer Attachment 5).

In reviewing the current policy, a new Policy has been developed titled "*Our Commitment to the Human Rights Charter*" (refer Attachment 6).

Proposed features of the Draft Policy include:

1. Change in Title of Council Policy:

- The current Council Policy is titled "Human Rights Charter". This is in fact the title of the legislation, so it is recommended that the title of this policy be amended to "Our Commitment to the Human Rights Charter".

2. Explicitly stating whom the Policy applies to:

- The current policy neglects to do this and this is a requirement under Council's Policy Framework.
- Includes volunteers and other third parties who provide a Council service e.g. contractors

3. Including an 'Introduction' and redefining the 'Purpose' of the Policy:

- This is a requirement under Council's Policy Framework

4. Further development of the Policy:

- This includes the development of proposed commitment statements towards the Human Rights Charter
- The intention of this is to provide more tangible ways in which Hepburn Shire Council might demonstrate its commitment to the Human Rights Charter.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Since 1 January 2008, Public Authorities, including local Councils, are required to act compatibly with the Charter of Human Rights legislation.

FINANCIAL IMPLICATIONS

No financial implications noted

RISK IMPLICATIONS

The adoption of a Human Rights Policy will provide the organisation with guidance around individuals Human Rights and mitigate against breaches of these rights

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Human Rights Policy demonstrates to the community Hepburn Shire Council's commitment to Human Rights in everything Council does.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

Council endorse the revised Our Commitment to the Human Rights Charter Policy.

OFFICER'S RECOMMENDATION

That Council

- 10.6.1 Adopts Policy 49 – Our Commitment to the Human Rights Charter.
- 10.6.2 Places the policy on the Hepburn Shire Council website for public information.

MOTION

That Council:

- 10.6.1. Adopts Policy 49 – Our Commitment to the Human Rights Charter.*
- 10.6.2. Places the policy on the Hepburn Shire Council website for public information.*

Moved: Councillor Bill McClenaghan
Seconded: Councillor Jonathan Barrell
Carried.

**ATTACHMENT 5 - CURRENT COUNCIL POLICY 49 : HUMAN RIGHTS
CHARTER**



POLICY NUMBER: 49

HUMAN RIGHTS CHARTER

ADOPTED: November 2008

LAST AMENDED:

AMENDED:

NEXT REVIEW: October 2010

RESPONSIBLE OFFICER: Manager Organisational Development

REFERENCES: Policy 33 Equal Opportunity
Policy 37 Councillor / Staff Relationships
Policy 4 Communication and Consultation
Policy 24 Risk Management

RELEVANT LEGISLATION: Victorian

- Children, Youth and Families Act 2005
- Crimes Act 1958
- Disability Act 2006
- Equal Opportunity Act 1995
- Freedom of Information Act 1982
- Information Privacy Act 2000
- Mental Health Act 1986
- Occupational Health and Safety Act 1985
- Racial and Religious Tolerance Act 2001

Commonwealth

- Age Discrimination Act 2004
- Crimes Act 1914
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

Purpose

Victoria has become the first Australian State to enshrine basic human rights in one Act of Parliament with the adoption of the Charter of Human Rights and Responsibilities Act 2006.

From January 1, 2008 the Charter will be fully operational and from that date onwards Council will be required to comply and have regard for human rights in its day to day operations. The purpose of the Charter is to protect and promote human rights by recognizing that all people are born free and equal in dignity and rights.

The Charter introduces standards to ensure that Council considers human rights when making laws and decisions and when providing services.

It also provides a framework to help public authorities to strike a balance between protecting the rights of Victorians and other competing public interests. For example, a person's right to freedom of expression would need to be balanced with another person's right to privacy.

Scope

Council's new responsibility is to act compatibly with the Charter and give proper consideration to human rights when making decisions. This responsibility is set out in the Charter and the Public Administration Act 2004.

The Charter reinforces existing sound work practices and states our commitment to a human rights culture within government.

Policy

Hepburn Shire Council is wholly committed to the principles within the Charter of Human Rights and Responsibilities and will ensure that it is taken into consideration when making laws, setting policies and providing services.

Council is committed to respecting, protecting and promoting human rights in all its spheres of influence and will avoid complicity in abuses of human rights.

Council will have regard for human rights in its day to day operations by ensuring that it considers the 20 rights and 4 basic principles of:

Freedom

- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Right to peaceful assembly and freedom of association
- Property rights
- Right to liberty and security of person
- Fair hearing
- Rights to criminal proceedings
- Right not to be tried or punished more than once
- Protection from retrospective criminal laws

Respect

- Right of life
- Protection of families and children
- Cultural rights, including recognition of the distinct cultural rights of the Aboriginal people of Victoria

Equality

- Recognition and equality before the law
- Entitlement to participate in public life

Dignity

- Protection from torture and cruel, inhuman or degrading treatment
- Protection of privacy and reputation
- Humane treatment when deprived of liberty
- Appropriate treatment of children in the criminal process

Implementing the Charter

Council will ensure that all new policies will make explicit reference to the above rights and that existing policies will be progressively reviewed to ensure explicit reference to the Charter is contained in the Policy revision.

Council will progressively review and ensure appropriate links are developed to other relevant internal and external laws, policies, codes and guidelines such as equal opportunity, health and safety, funding agreements, departmental policies and other standard frameworks.

Council will develop a complaint –handling process which will provide an efficient, fair and accessible mechanism for resolving user complaints and through the monitoring of complaints, endeavour to improve the quality of services delivered to the Community.

Policy End

**ATTACHMENT 6 - DRAFT REVISED COUNCIL POLICY 49: *OUR
COMMITMENT TO THE HUMAN RIGHTS CHARTER***

DATE AMENDED: JUNE 2012

DATE OF NEXT REVIEW: JUNE 2014

DATE ADOPTED:

RESPONSIBLE OFFICER: MANAGER HUMAN RESOURCES

REFERENCES:

Policy 33:	Respectful Behaviours
Policy 37:	Councillor / Staff Relationships
Policy 4:	Communication and Consultation
Policy 24:	Risk Management
Policy 57:	Employee Code of Conduct
Policy 64:	Complaints Handling

RELEVANT LEGISLATION:

Victorian

- Children, Youth and Families Act 2005
- Crimes Act 1958
- Disability Act 2006
- Equal Opportunity Act 2010
- Freedom of Information Act 1982
- Information Privacy Act 2000
- Mental Health Act 1986
- Occupational Health and Safety Act 1985
- Racial and Religious Tolerance Act 2001

Commonwealth

- Age Discrimination Act 2004
- Crimes Act 1914
- Disability Discrimination Act 1992
- Human Rights and Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Charter of Human Rights & Responsibilities Act (2006)

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.

Introduction

The *Victorian Charter of Human Rights and Responsibilities Act 2006* is a law that protects the human rights of all people in Victoria.

From January 1, 2008 the Charter became fully operational and from this date Council is required to comply and have regard for human rights in its day to day operations.

Hepburn Shire Council has a responsibility to act compatibly with the Charter and give proper consideration to human rights when making decisions. This responsibility is set out in the Charter and the Public Administration Act 2004.

Scope

The Charter requires all public authorities and their employees to act compatibly with human rights in the delivery of services and when making decisions.

This policy therefore applies to Hepburn Shire Council in its entirety; Councillors, employees, contractors, volunteers and other third parties who provide a Council service.

Purpose

The purpose of this Policy is to ensure Council acts compatibly with human rights by having regard to the principles of Freedom, Respect, Equality and Dignity and the 20 basic rights when making laws and decisions. These rights will also be considered when providing services and programs to the community.

Council will provide human rights in so far as is reasonably possible and ensure any limitations are lawful. Council will establish a balance between protecting the rights of its citizens and other competing public interests and create a human rights culture.

Policy

Hepburn Shire Council is committed to the principles within the Charter of Human Rights and Responsibilities and will ensure these are taken into consideration when making laws, setting policies and providing services and programs to the community.

Hepburn Shire Council upholds that every citizen of Hepburn Shire is free and equal in dignity and rights and is entitled to a quality of life that allows them to reach their potential. Through this commitment to the Human Rights Charter, Hepburn Shire Council affirms its commitment to respecting, protecting and promoting human rights in all its spheres of influence and will avoid complicity in abuses of human rights.

Council will have regard for human rights in its day to day operations by ensuring that it considers the 20 rights and 4 basic principles of:

Freedom

- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Right to peaceful assembly and freedom of association
- Property rights
- Right to liberty and security of person
- Fair hearing
- Rights to criminal proceedings
- Right not to be tried or punished more than once
- Protection from retrospective criminal laws

Respect

- Right of life
- Protection of families and children
- Cultural rights, including recognition of the distinct cultural rights of the Aboriginal people of Victoria

Equality

- Recognition and equality before the law
- Entitlement to participate in public life

Dignity

- Protection from torture and cruel, inhuman or degrading treatment
- Protection of privacy and reputation
- Humane treatment when deprived of liberty
- Appropriate treatment of children in the criminal process

Hepburn Shire Council is committed to the principles of Human Rights and building a Shire that supports communities and individuals to fulfill their aspirations. In its efforts towards achieving positive outcomes for all citizens Hepburn Shire will:

- Treat all citizens with respect and without discrimination and provide an environment which is free from all forms of discrimination and harassment.
- Model social justice and respect for human rights within our activities and our dealings with all.
- Promote and integrate principles of human rights and equity into all policies, local laws, procedures and plans including access in the provision of services, programs and opportunities, and facilitate public participation in decision-making.
- Proactively support community initiatives that promote equity and participation in community life and provide support for those that are socially and economically disadvantaged

- Foster a climate of mutual respect through demonstrating a commitment to harmony and diversity
- Work in partnership with key stakeholders and organisations that seek to address disadvantage and promote the commitment to human rights within our communities
- Respond to all concerns raised by members of the community in relation to Human Rights in accordance with Council's Complaints Handling Policy.

Review

This policy will be reviewed within the first 12 months of a General Election in accordance with the Policy Framework or sooner if required by legislative change. The management of this policy is the responsibility of the Manager Human Resources.

10.7. LYONVILLE CFA 'ANNEX' – ROAD CLOSURE 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

At the Ordinary Meeting of Council held 20 March 2012, Council received a report about the proposed road closure of portion of an un-named road reservation between Bremner Avenue and High Street, Lyonville. The road closure is to allow for the establishment of a CFA 'annex' shed which has now had formal approval from the CFA Grampians Regional Director, Don Kelly (refer Attachment 7).

The purpose of this report is to inform Council that under the provisions of the 207A and S223 of the *Local Government Act 1989*, officers have carried out administrative procedures to discontinue part of the aforementioned road reservation.



ISSUE / DISCUSSION

Council advertised its intention to discontinue this section of the road and called for public submissions to the proposal on 28 March 2012 in *The Advocate* newspaper.

Council is advised that no submissions were received in relation to the closure at the end of the advertising period on 30 April 2012.

Officers now request authorisation to proceed to formally close the road in order for the land to be vested in the Minister for Environment and Climate Change. The land will then be reserved under the *Crown Land (Reserves) Act 1978*, or the land can be tenured directly to the CFA under *Section 138 Land Act 1958*.

COUNCIL PLAN /LEGISLATIVE COMPLIANCE

The Council Plan 2009-13 pays particular attention to assisting *“our residents improve the health, safety and vibrancy of our communities.”*

The Plan carries the following strategy:

“49. Involving communities in emergency response preparedness and ensuring our response plans are sufficiently robust to deal with not only the familiar emergencies like bushfire but possible emergency crises like fuel shortages or widespread financial distress.”

If it is accepted that the provision of a CFA ‘annex’ is a safety issue, the following quote from the Council Plan is relevant – *“The need for safe communities has seldom been more obvious after the experiences of the 2009 bushfires.”*

The provision of the CFA ‘annex’ is being driven by the local community.

FINANCIAL IMPLICATIONS

Apart from normal advertising costs there are no financial implications associated with the road closure

RISK IMPLICATIONS

No risk implications have been identified concerning this road discontinuance.

A discontinuance of the road may improve road safety by eliminating a potential intersection.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Under the Hepburn Shire Planning Scheme the land is zoned Township where emergency services facility is an allowable use.

After the road has been discontinued, it would vest in the Minister for Environment and Climate Change who will either reserve it under the *Crown Land (Reserves) Act 1978*, or arrange a *Section 138 Land Act 1958* tenure direct to CFA.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The process for road discontinuance requires the publication of public notices in order that interested persons may make submissions to Council. An advertisement of “Notice of Intention to Discontinue Road” was placed in *The Advocate* on 28 March 2012. No submissions were received.

CONCLUSION

Advertising of Council’s intention to discontinue the road reserve has now been completed and no submissions, questions or rejections were received. Officers now request authorisation to formally discontinue the road under *Section 223 of the Local Government Act 1989*.

OFFICER’S RECOMMENDATION

That Council:

- 10.7.1 Consents to officers placing a form declaration notice of road discontinuance in the local newspaper under Section 206 Schedule 10 of the *Local Government Act 1989* (refer Attachment 8).
- 10.7.2 Authorises the General Manager Corporate Services to formally request the Minister for Environment and Climate Change (through the Department of Sustainability and Environment) to close the road for the purposes of including it in the adjacent reserve under the *Crown Land (Reserves) Act 1978*.

MOTION

That Council:

- 10.7.1. Consents to officers placing a formal declaration notice of road discontinuance in the local newspaper under Section 206 Schedule 10 of the Local Government Act 1989 (refer Attachment 8).*
- 10.7.2. Authorises the General Manager Corporate Services to formally request the Minister for Environment and Climate Change (through the Department of Sustainability and Environment) to close the road for the purposes of including it in the adjacent reserve under the Crown Land (Reserves) Act 1978.*

Moved: Councillor Jonathan Barrell

Seconded: Councillor Rod May

Carried.

**ATTACHMENT 7 - LETTER OF SUPPORT FROM REGIONAL DIRECTOR,
CFA GRAMPIANS REGIONS**

F0011012040

Our Ref:
Enquiries: Don Kelly
Telephone: (03) 5329 5500
Email: d.kelly@cfa.vic.gov.au
Your Ref:

AP K. Ratcliffe
Received by Sue
Moses



24 May 2012

Ms Sue Moses
Community Planning Officer
Hepburn Shire Council
PO Box 21
DAYLESFORD VIC 3460

Dear Sue,

ANNEX OF TRENTHAM FIRE BRIGADE AT LYONVILLE

CFA Grampians Region fully endorse and support the proposal by Trentham Fire Brigade for the community to be involved in fire suppression at Lyonville and the subsequent funding application through the Office of the Emergency Services Commissioner for a fire brigade facility at Lyonville.

This initiative by Trentham Fire Brigade, in partnership with stakeholders, is in response to the community identified need to provide enhanced fire awareness and protection for the community.

This proposal demonstrates a partnership with the Lyonville community and the imperative need for the community to actively participate in and work together to enable them to contribute to a safer and more sustainable community.

CFA Grampians Region will provide guidance throughout the project to ensure that the infrastructure and facilities meet the needs of the community.

I would be happy to discuss my support further if required and can be contacted on telephone 03 5329 5500 or email: d.kelly@cfa.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads 'Don Kelly'.

**Don Kelly
Regional Director
Grampians Region**

GRAMPIANS REGION

Headquarters
19 Learmonth Road, Wendouree VIC 3355
PO Box 222W, Ballarat West VIC 3353
Telephone: (03) 5329 5500 Fax: (03) 5329 5582

www.cfa.vic.gov.au

ATTACHMENT 8 - ADVERTISEMENT - PART DISCONTINUANCE OF A ROAD

ADVERTISEMENT To be published in *The Advocate* 25 July 2012 & Website Public Notices

PART DISCONTINUANCE OF A ROAD

Pursuant to section 206 and schedule 10, clause 3 of the Local Government Act 1989, Hepburn Shire Council at its Ordinary Meeting held on 17 July 2012 resolved to discontinue a section of unnamed road at Lyonville as shown hatched on the Plan below.



The discontinuance will provide a site enabling Trentham Fire Brigade to establish a CFA 'annex' shed near the Lyonville Hall. After the road is discontinued, Department of Sustainability and Environment will be requested to 'reserve' the hatched area.

AARON VAN EGMOND
Chief Executive Officer

10.8. ADOPTION OF PROPERTY VALUATIONS 2012 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 revaluation of properties every two years is a legal requirement.

BACKGROUND

This report outlines the process for the 2012 revaluation and seeks Council's approval to adopt the revaluation to be used for the purposes set out in the Valuation Land Act and *Local Government Act 1989*.

ISSUE / DISCUSSION

Council has previously been given a preliminary briefing relating to the progress and outcomes of the 2012 revaluation. The contracted valuer 'Rating Valuation Services' had officially returned the final revaluation data for use in the 2012-2013 and 2013-2014 rating periods. A report has been sent to the Valuer-General for approval and Council is currently awaiting final sign off.

Council must adopt the 2012 General Revaluation of all rateable properties within the municipality. Attached (refer Attachment 9) is the report received from the valuer, the valuer being an independent contractor Rating Valuation Services Pty Ltd. The valuer's report splits the land into four classifications and explains the reasons behind any increases or decreases.

As the rating structure is based on 9 different property types, the information has been split for the table below for your information. Overall, valuations for rateable properties within the Hepburn Shire Council have increased by 6.5% (2010:6%). Note the 2010 valuation figures include any valuation amendments undertaken during 2010 and 2011.

Type of Property	2012 CIV Total \$'000	Average Property Value 2010 \$	Average Property Value 2012 \$	% Change in Average
Residential	2,060,294	275,825	297,215	8%
Farm	575,733	555,196	566,666	2%
Commercial	387,276	495,710	521,935	5%
Industry	16,206	310,375	337,625	9%
Mixed use	54,594	470,905	505,500	7%
Vacant land rate - township	95,076	118,176	130,599	11%
Vacant land rate - other	138,978	135,723	146,756	8%
Trust for nature	7,164	380,222	398,000	5%
Recreational	5,592	431,692	430,154	0%
Total	3,340,913			

Rate notices are anticipated to be issued in early August 2012. At this point ratepayers will be informed of their new property valuation.

If any ratepayer feels their property has been incorrectly valued, objections can be lodged in the two months after the issue of the rate notice. Initial objections will be considered by the contract valuer with further avenues of appeal to VCAT if the matter remains unresolved.

As discussed during the Budget setting process, a general revaluation in itself does not impact in any way on the total amount of rates that will be raised. Instead of affecting the total amount of rates raised, it will impact on the relative amounts that different property owners are likely to pay.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The revaluation of properties every two years is a legal requirement. The general revaluation of all rateable properties has been completed in accordance with section 13DC(3) of the *Valuation of Land Act 1960*.

FINANCIAL IMPLICATIONS

The new capital improved values have been used as the base for rate calculations in the Budget 2012-2013.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Council appreciates the varying property valuations and demographics of the Shire and consequently sought to keep the increase of revenue to be raised from rates in the 2012-2013 Budget as low as possible, without comprising service.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire Community Engagement Framework level 3 engagement has been undertaken.

Revaluations were a topic discussed during the 2012-2013 Budget setting processes. Council undertook a wide ranging Budget consultation process with a series of information sessions held in each local ward enabling ratepayers to get an insight into the proposed Budget and ask questions of Councillors. This included a presentation of draft valuation figures and movements. A Fact Sheet on Revaluations was produced and is still available on Council's website www.hepburnshire.com.au.

The website also contains general information about rates and charges.

CONCLUSION

The 2012 Revaluation has been completed in accordance with the *Valuation of Land Act 1960*.

OFFICER'S RECOMMENDATION

That Council:

- 10.8.1 Adopts the return of the revaluation from Rating Valuation Services Pty Ltd.
- 10.8.2 Understands that the Valuations so returned be used for those purposes set out in the *Valuation of Land Act 1960* and *Local Government Act 1989*, subject to any subsequent amendment to the valuation permissible under the said Acts.

MOTION

That Council:

- 10.8.1. Adopts the return of the revaluation from Rating Valuation Services Pty Ltd.*
- 10.8.2. Understands that the Valuations so returned be used for those purposes set out in the Valuation of Land Act 1960 and Local Government Act 1989, subject to any subsequent amendment to the valuation permissible under the said Acts.*

Moved: Councillor Janine Booth

Seconded: Councillor Neil Newitt

Carried.

ATTACHMENT 9 - FORM 2 - REPORT OF GENERAL VALUATION

FORM 2

Regulation 6

REPORT OF GENERAL VALUATION

Valuation summary

Area	Date valuation was returned to rating authority—	Date of previous valuation returned to rating authority—	Name of Rating Authority—	Basis of rating—
1,470 Sq kms approx	31/05/2011	11/05/2010	SHIRE of HEPBURN	CIV
	Level of value date—	Level of value date of previous valuation—		
	01/01/2012	01/01/2010		

	Residential	Commercial	Industrial	Rural	Other excluding Non Rateable	Total
Number of assessments with buildings	7367	373	75	450	0	8265
Number of assessments without buildings	1867	13	7	400	0	2287
Total Net Annual Value	\$127,173,950	\$15,061,950	\$1,555,200	\$26,896,700	\$0	\$170,687,800
Total Site Value	\$1,293,942,500	\$72,092,000	\$13,760,500	\$447,900,000	\$0	\$1,827,695,000
Total Capital Improved Value	\$2,541,697,000	\$236,870,000	\$24,412,000	\$537,934,000	\$0	\$3,340,913,000

Summary of previous valuation details as amended to the end of the rating year immediately preceding the current valuation

	Residential	Commercial	Industrial	Rural	Other excluding Non Rateable	Total
Number of assessments with buildings	7367	373	75	450	0	8265
Number of assessments without buildings	1867	13	7	400	0	2287
Total Net Annual Value	\$117,933,200	\$13,617,500	\$1,474,400	\$26,484,450	\$0	\$159,509,550
Total Site Value	\$1,189,798,600	\$68,387,000	\$12,946,000	\$441,265,000	\$0	\$1,712,396,600
Total Capital Improved Value	\$2,356,930,000	\$228,023,000	\$22,722,000	\$529,689,000	\$0	\$3,137,364,000

General Comments

1. List and comment on the percentage change between this and the previous revaluation for each of the following land classifications—
 - (a) residential

Group	NoOfProps	ExistingSV	ProposedSV	SV Shift%	ExistingCIV	ProposedCIV	CIV Shift%	ExistingNAV	ProposedNAV	NAV Shift%
Residential	9234	\$1,189,798,600	\$1,293,942,500	109%	\$2,356,930,000	\$2,541,697,000	108%	\$117,933,200	\$127,173,950	108%

Site Value:

The moderate increase in Site Values has been fairly uniform across all the Townships with the buyers mainly being owner-occupiers from the local market. With a healthy stock of vacant sites available this sector of the market has been fairly stable.

It is anticipated that that only moderate increases in Site Values will continue.

C.I.V.:

Increases within the townships have been fairly uniform, with the increase mainly attributable to the increase in the value of the land. It is anticipated that values in these areas will remain fairly flat over the next twelve months,

- (b) commercial

Group	NoOfProps	ExistingSV	ProposedSV	SV Shift%	ExistingCIV	ProposedCIV	CIV Shift%	ExistingNAV	ProposedNAV	NAV Shift%
Commercial	386	\$68,387,000	\$72,092,000	105%	\$228,023,000	\$236,870,000	104%	\$13,617,500	\$15,061,950	111%

Site Value:

The site values increases have remained flat with little demand for the creation of new projects.

N.A.V:

Rental values have shown little increase since the 2010 Re Valuation with rates of return being slightly more than in 2010. This is due to sufficient 'stock' being available with a resultant flat rental market..

(c) industrial

Group	NoOfProps	ExistingSV	ProposedSV	SV Shift%	ExistingCIV	ProposedCIV	CIV Shift%	ExistingNAV	ProposedNAV	NAV Shift%
Industrial	82	\$12,946,000	\$13,760,500	106%	\$22,722,000	\$24,412,000	107%	\$1,474,400	\$1,555,200	105%

This is not a large sector with very little new development. Demand is not great and increases in Site Values reflect the general increase in value of non-residential land. Rents in newer small premises are solid though CIV increases are minimal due to slightly higher returns as reflected in the rest of the market.

(d)rural production.

Group	NoOfProps	ExistingSV	ProposedSV	SV Shift%	ExistingCIV	ProposedCIV	CIV Shift%	ExistingNAV	ProposedNAV	NAV Shift%
Rural	850	\$441,265,000	\$447,900,000	102%	\$529,689,000	\$537,934,000	102%	\$26,484,450	\$26,896,700	102%

This sector has shown little increase and a lack of confidence amongst the primary producers is not only reflected in the sales but a number of properties on the market which cannot attract a purchaser. Some of this is due to the ongoing problems with the Potato Contracts which have been greatly reduced with a resultant pessimism for the future. Little growth if any is anticipated in this sector, and it is expected any future sales will highlight that some sales prior to 2010 were well above market levels.

2. Specify the impact of any amendments to planning schemes, local laws, etc. on the valuation and on the sales of property in years relevant to valuation.

Land zoned Farm Land, which require a Planning Permit, poses valuation problems. In many cases this does not seem a detriment. However many purchasers are not aware of the requirements and it only comes to their attention after purchase.

In cases where land is vacant and a planning permit is required, an allowance has been made in the valuation.

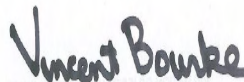
Also vacant land zoned Rural Living Zone with areas less than eight hectares have come into focus with the Water Authority vetoing Council planning permits. This situation has not been reflected in sales evidence but may become an issue in the Objection period.

3. Comment on development in the area of the rating authority, recent trends, geographical, social and other factors influencing general levels of valuation of properties in the area of the rating authority.

The only major development in recent times has been the Rex shopping arcade in the main street of Daylesford. This has not been successful, with a large number of vacancies with many tenancies only remaining for a short time. Demand is not strong for this type of complex.

The tourism market between Daylesford and Trentham coupled with the appeal of lifestyle properties will ensure good growth whilst other smaller townships will rely mainly on the local market for growth.

Signed



Name and Title:

.....
Vincent Bourke
Valuer
Rating Valuation Services

Date: 31st May 2012

**Mayor Councillor Sebastian Klein vacated the Chair at 7:26 pm.
Deputy Mayor Councillor Rod May took up the Chair.
Mayor Councillor Sebastian Klein resumed the Chair at 7:31 pm.**

**10.9. MULCHAYS ROAD PROPOSED SPECIAL CHARGE SCHEME TO
RECONSTRUCT GRAVEL SECTION
GENERAL MANAGER INFRASTRUCTURE.**

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

PURPOSE

To consider the proposal to upgrade Mulchays Road, Trentham under a special charge scheme following a resident survey and public meeting.

BACKGROUND

Council has received various requests from residents and ratepayers dating back to the 1990's, for sealing the gravel section of Mulchays Road. Mulchays Road is sealed from Falls Road for a distance of 360 metres and the remaining 1550 metres is currently a gravelled pavement which requires regular maintenance grading and does not provide the desired level of service sought by the residents. Resident issues include dust created by traffic in dry periods and the road pavement being described as slippery and potholed which can become soft and sloppy during wet conditions. Drainage is generally adequate but would need to be improved in conjunction with any upgrade of the road.

Mulchays Road is a no through road and provides access to properties that front Mulchays Road, Feelys Lane and Puddingstone Road. There is no obvious use from vehicles accessing the forest off Mulchays Road although local information suggests some use by recreational motor bike riders occurs.

Mulchays Road has 25 properties with direct frontage with 7 more allotments that use Mulchays Road as part of their property access. Allotments vary considerably on both area and length of frontage to Mulchays Road with some multiple lot owners.

ISSUE / DISCUSSION

Following a briefing to Council in April 2012 and response to a previous Council motion (July 2009) a written survey was posted to residents in April and a public meeting of landowners and residents was held in Trentham on 30 April 2012. The Special Charge Scheme proposal discussed with

residents was to be a 50% contribution by landowners and a 50% contribution by Council. The estimated cost for the upgrade project is \$578,000 inc GST

Seventeen (17) surveys were returned from the 32 sent to property owners and the following table provides a summary of responses from the public meeting and the survey.

The results from the public meeting of 18 attendees, 17 were opposed to the special charge scheme, 1 attendee was supportive of a scheme in principal but not if the proposed apportionment was used. The consensus from the public meeting is there is no appetite for a special charge scheme. The meeting discussed and was very supportive of Mulchays Road needing to have a good quality gravel road surface that was not slippery when wet and improving the drainage to prevent water pooling and encroaching onto the road surface. There was some very limited support for future discussions on a special charge scheme with different apportionment methods to reduce landowner contributions and increase Council's contribution.

	Total of returns and public meeting responses	Total Percentage of returns and public meeting responses
Opposed to a Special Charge Scheme	18	78%
Agree in Principal but not apportion method of this proposed special Charge Scheme	3	13%
Agreed with Special Charge Scheme with 50-50 split	2	9%
Total in Survey	23	100%

Table 1 Responses from survey and meeting

The above table includes the formal written responses from the survey and verbal responses from the public meeting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Any special Charge Scheme must be undertaken in compliance with section 163 of the Local Government Act and Council's policy 61 *Special Rates and Charges*.

FINANCIAL IMPLICATIONS

Council currently has no specific budget allocation for the construction and sealing of Mulchays Road in the adopted 2012-2013 Council budget.

Council's contribution has therefore been tentatively allocated from the 2012-2013 Country Roads and Bridges Grant program and this advice has been provided in writing to VicRoads. If Council's contribution from the Roads and Bridges Grant was increased to provide additional funding to the Mulchays Road Special Charge Scheme, the amount of road and bridge asset renewal works that could be funded from the Road and Bridges Grant program would be correspondingly reduced.

RISK IMPLICATIONS

There are no risk implications.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The February 2012 traffic count for Mulchays Road was 135 vehicles per day.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Although there have been a number of previous petitions and letters seeking the sealing of the gravel section of Mulchays Road, a survey of residents was conducted in April 2012 finishing with a public meeting held on 30 April 2012 in Trentham both concluding that the upgrade of Mulchays Road through a special charge scheme was not supported. The landowners and residents were keen to continue to discuss the future condition of the gravel road and possible improvements that would provide a "safe and satisfactory" road surface and improved drainage.

CONCLUSION

Council has received regular requests from residents over many years to upgrade Mulchays Road to address concerns of dust and slippery road surface conditions.

Council has considered the upgrade proposal under a special charge scheme and recently completed a consultation process to gauge the level of support.

The results of the survey and the public meeting indicate there is no appetite for a special charge scheme that has a 50% - 50% cost split between the landowners and Council. The landowners were very supportive of Mulchays Road having a good quality gravel road surface that was not slippery when wet and sought works to improve the drainage to prevent water pooling and encroaching onto the road surface. The landowners were not supportive of contributions from landowners toward works for improvements to the road surface or drainage.

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1. Not proceed with the construction of the gravel section of Mulcahys Road, Trentham under a Special Charge Scheme.*
- 10.9.2. Allocates \$35,000 from the 2012-2013 Roads and Bridges Program for drainage works and some minor road alignment improvements to Mulcahys Road to address many of the concerns raised with Council through the consultation process.*

DEFERRAL MOTION

- 10.9.1. That Council defers Item 10.9 for consideration of different funding options and the ramifications of those options on the current budget.*

Moved: Councillor Sebastian Klein
Carried.

10.10. PROPOSED DEVELOPMENT OF COMMUNITY HOUSING UNITS IN CLUNES

GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is for Council to consider the proposed development of community housing units in Clunes.

BACKGROUND

Based on a Council decision in 2007, this project was listed in the 2009-2010 budget with an allocation of \$250,000 to be contributed by the Clunes Community Housing (Cameron Court) Special Committee for construction of 2 new units. The project was carried forward in the 2010-2011 budget with an additional amount of \$70,000 to be contributed by the Special Committee (\$320,000 in total) and \$280,000 to be contributed by Council, from external borrowings - a total project cost of \$600,000.

Plans were prepared for 2 units at Fraser Street, Clunes, however a subsequent geotechnical survey undertaken on the site found a mine shaft which would require expensive excavation and rehabilitation of soil. The site was abandoned to avoid additional costs of around \$150,000. A suitable alternative site was identified which is vacant land owned by Hepburn Health Service (HHS) in Thornton Street, Clunes.

Discussions were held with HHS on 11 August 2011 on-site regarding the possible use of their land for these units and possible leasing arrangements. HHS Board's position is, in principle, that the land would be made available at no cost and at the same time there would be no costs incurred by the HHS. Proposed lease term is 25 years with an option to extend.

An overall development plan for the site has been prepared with up to 8-10 units for a possible staged development. Feature survey and geotechnical reports for site have been completed and indicate the site is suitable for residential development.

ISSUE / DISCUSSION

Community members who have been involved with Clunes Community Housing (Cameron Court) Special Committee for many years are very keen to progress with new units on Hepburn Health Service land and are frustrated by time taken for units to be built.

The management model for Clunes community housing preferred by Clunes community members is for management of existing and any new units to be transferred to Homes for the Aged, another community group which owns and manages housing in Clunes.

The Director of Housing has an equity interest in current Clunes community housing of approximately 80%. The Department of Human Services advises that they would need to approve transfer of management and would require a Registered Housing Agency to manage the properties. Registered housing agencies are not-for-profit organisations that provide affordable rental housing for low income households, registered as either housing associations or housing providers under the Housing Act 1983. This would mean that Homes for the Aged management is not an option.

A recommendation about commencing an Expression of Interest process to transfer ownership and management of all Council's community housing properties is the subject of a further Report to this Council meeting.

The proposal to build 2 units and potentially more on land leased from HHS with funds carried forward since 2009 (\$600,000) complicates potential management options.

An alternative to development of a leasehold asset on HHS land is for Council to incorporate its current budget commitment of \$600,000 for construction of new housing in Clunes into the proposed Expression of Interest process. Eligible agencies would be required to submit a proposal for the construction of new units in Clunes and demonstrate how Council's equity would be secured. This would be one of the selection criteria used to assess Expressions of Interest (EOI).

Former members of the Clunes Community Housing Special Committee and Homes for the Aged Committee members have expressed concerns about any transfer of community housing in Clunes to a Registered Housing provider. In particular, community members consider that the significant and on-going volunteer effort in managing the housing and accumulating funds for construction of new housing is not acknowledged in this arrangement. They have also raised issues about a loss of local control over selection of tenants and concerns that new tenants will not have a connection to Clunes. Specific arrangements about community input mechanisms and tenant selection criteria that address these concerns can be included in the EOI.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Council Plan acknowledges that Central Highlands region priorities will form the basis of its work including increasing the availability of affordable housing and rental properties.

FINANCIAL IMPLICATIONS

The project was carried forward in the 2010-2011 budget with an additional amount of \$70,000 to be contributed by the Special Committee (\$320,000 in total) and \$280,000 to be contributed by Council, from external borrowings - a total project cost of \$600,000.

RISK IMPLICATIONS

Currently, the former special committee members continue to operate the bank accounts of the Special Committee and receive income from the tenants in the units. The former special committee held approximately \$350,000 in cash in the bank as at 30 June 2011, which had been accumulated from retained earnings. Council has no control of these funds.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

An increase in affordable rental housing available in Hepburn will assist in attracting and retaining skilled staff, assist in the retention of young people in the community and provide housing opportunities for older people on fixed incomes.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A meeting was held with former members of the Clunes Community Housing Special Committee and Homes for the Aged on 14 May 2012 to discuss development of new units. Participants were advised that Council was considering transfer of community housing portfolio to a Registered Housing Provider approved by the Department of Human Services, which has an 80% equity in current Clunes community housing.

CONCLUSION

The proposal to include the current budget allocation for new community housing in Clunes into an Expression of Interest process will ensure that new community housing is developed in Clunes and satisfies Council's commitment to development of new units.

OFFICER'S RECOMMENDATION

That Council:

- 10.10.1 Includes in the proposed community housing transfer Expression of Interest process current commitment of \$600,000 for construction of new housing in Clunes, specifying that the funds must be used for new housing in Clunes and that Council's equity be protected.
- 10.10.2 Requests officers to work with the Clunes community members to develop specific arrangements about community input mechanisms and tenant selection criteria to be included in the Expression of Interest.
- 10.10.3 Disbands the Clunes Community Housing (Cameron Court) Special Committee by revoking the Instrument of Delegation dated September 2009.

MOTION

That Council:

- 10.10.1. Includes in the proposed community housing transfer Expression of Interest process its current commitment of \$600,000 for construction of affordable new housing in Clunes, specifying that the funds must be used for new housing in Clunes and that Council's equity be protected.*
- 10.10.2. Requests officers to work with the Clunes community members to develop specific arrangements about community input mechanisms and tenant selection criteria to be included in the Expression of Interest.*
- 10.10.3. Disbands the Clunes Community Housing (Cameron Court) Special Committee by revoking the Instrument of Delegation dated September 2009.*
- 10.10.4. Sends a letter of appreciation acknowledging the commitment made by the volunteers of the former Clunes Community Housing (Cameron Court) Special Committee.*
- 10.10.5. Informs the Clunes community by the most appropriate means on the proposed changes to the delivery and management of the community housing services.*

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

10.11. AFFORDABLE RENTAL HOUSING OPTIONS

GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to clarify Council's objectives in relation to affordable housing in Hepburn Shire and for Council to resolve the future of Council owned and managed community housing. It recommends that Council proceed with the Department of Human Services (DHS) Expression of Interest process to transfer Council's community housing properties to an approved registered housing provider.

BACKGROUND

In the first half of 2012 Councillors Klein, Barrell and May along with members of Business and Tourism Daylesford, a representative from Child and Family Services (Homeless Services) and Council staff met a number of times to consider affordable housing issues in Hepburn Shire. Affordable rental housing is defined as where rental payments are 30% or less of gross household income.

The availability and affordability of rental housing in Hepburn Shire is an identified issue. There is extensive anecdotal evidence of need; a snapshot of the public and private rental market across Hepburn Shire is attached (refer Attachment 10). Child and Family Services (CAFS) report that there are 18 residents (excluding children) in transitional housing properties. Over the 2011-2012 financial year, CAFS dealt with 19 crisis responses i.e. households with nowhere to stay that night and 63 households in housing stress requiring financial and/or other assistance to save a tenancy or need assistance to establish a tenancy.

Local businesses have indicated that the lack of affordable rental housing makes it difficult to attract and retain staff.

The 'Affordable Housing' group defined its mission: *To determine and enact strategies to improve the availability of affordable housing for individuals and groups of all circumstances across Hepburn Shire.*

Council currently owns 15 community housing properties in Clunes, Daylesford and Trentham. The housing was built or purchased under the former Local Government Community Housing Program (LGCHP) and Community Housing Program (CHP). Council's funding agreements for the properties recognise the Director of Housing financial interest in the properties

which is secured either via caveat or mortgage and are seen by DHS as Joint Ventures.

- Smith St, Daylesford (2 X 2 BR units) Built in 1987 - LGCHP
- Gables Bend, North St, Daylesford (4 units x 3 BR) Built in 1993 /1994-CHP
- Albert St, Trentham (3 x 2 BR units) Acquired in 1994 – CHP
- Fraser St, Clunes (6 x 2 BR units);

At 30 June the properties directly managed by Council housed 20 people and approximately 8 people were housed in Clunes Community Housing units.

Total income from community housing rents in 2011-2012 was \$65,415 compared with expenditure of \$28,529 (including DHS rates rebate) plus cost of new retaining wall from building renewal budget. Surplus income from community housing has, historically, been absorbed in general revenue and there is no maintenance reserve for the properties.

ISSUE / DISCUSSION

There are a number of strategies which could be used to increase the availability of affordable housing in Hepburn.

Advocacy:

- Promoting the benefits of landlords providing long term rentals at the general rate (100%) versus holiday rentals at the mixed use rate (116%);
- About the potential to utilise above the shop spaces for residences;
- About the need for low cost seasonal rental accommodation;
- To state and federal government about the need for increased investment in social (public and community housing)

Partnerships with Housing Association(s)

- The opportunity for Council to transfer all current community housing Joint Venture properties to an approved registered housing provider (Housing Association).
- Opportunities for Council to identify vacant land it owns that could be offered to a Housing Association for the development of affordable housing.

The rationale for Council transferring ownership and management of community housing properties is to:

- reduce cost to Council;
- transfer maintenance and future renewal liability;

- provide expert housing management;
- Increase the supply of affordable rental properties in Hepburn Shire.

The DHS Expression of Interest - Selection Process is outlined in Attachment 11. Housing associations expand new housing through construction, purchase or acquisition, using a mix of government funds and private sector investment. They also manage housing portfolios - properties owned by them or leased from other parties, such as the Director of Housing.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Council Plan acknowledges that Central Highlands region priorities will form the basis of its work including increasing the availability of affordable housing and rental properties.

FINANCIAL IMPLICATIONS

Total income from community housing rents in 2011-2012 was \$65,415 compared with expenditure of \$28,529 (including DHS rates rebate) plus costs of a new retaining wall from the building renewal budget. The maintenance and renewal liability is unfunded.

RISK IMPLICATIONS

Registered housing agencies are not-for-profit organisations that provide affordable rental housing for low income households, registered as either housing associations or housing providers under the Housing Act 1983.

All registered agencies must comply with Performance Standards and demonstrate skills, expertise and resources to manage a viable social housing business.

Registered housing agencies:

- own, manage and develop affordable rental housing
- provide a range of housing support and assistance to clients
- are viable businesses partnering with both government and the community
- have met registration criteria and meet ongoing regulatory compliance against performance standards

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

An increase in affordable rental housing available in Hepburn will assist in attracting and retaining skilled staff, assist in the retention of young people in the community and provide housing opportunities for older people on fixed incomes.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Child and Family Services Hepburn and Business and Tourism Daylesford have been engaged through affordable housing meetings. Initial discussions have been held with Department of Human Services (Housing) at a regional level and the Property Portfolio Branch.

CONCLUSION

There are a number of ways that Council can increase the opportunity for local community access to affordable housing including advocacy, transfer of community housing stock to a Housing Association through a DHS mandated Expression of Interest process and identifying vacant land that could be used to partner with a Housing Association for provision of additional affordable housing.

OFFICER'S RECOMMENDATION

That Council:

- 10.11.1 Publicises the need for affordable rental housing in Hepburn Shire and promote the benefits of landlords providing long term rentals.
- 10.11.2 Approves commencement of an Expression of Interest process to transfer management and ownership of Council's community housing to a Housing Association in line with Department of Human Services Selection Process. The Expression of Interest criteria to include growth targets and requirement that any new tenants must have a demonstrated local connection.
- 10.11.3 Requests officers to review Council's vacant land register to identify sites that could provide opportunities for partnerships with Housing Associations to expand provision of affordable rental housing in Hepburn Shire, for the benefit of all.

MOTION

That Council:

10.11.1. Publicises the need for affordable rental housing in Hepburn Shire and promotes the benefits of landlords providing long term rentals.

10.11.2. Approves commencement of an Expression of Interest process to transfer management and ownership of Council's community housing to a Housing Association in line with Department of Human Services Selection Process. The Expression of Interest criteria must include growth targets and requirement that any new tenants should have a demonstrated local connection.

10.11.3. Requests officers to review Council's vacant land register to identify sites that could provide opportunities for partnerships with Housing Associations to expand provision of affordable rental housing in Hepburn Shire, for the benefit of all.

Moved: Councillor Rod May

Seconded: Councillor Jonathan Barrell

Carried.

ATTACHMENT 10 - HEPBURN RENTAL HOUSING DATA

Rental Housing data

Public housing waiting lists

Grampians Region end March 2012 - 1,317

Public Housing Properties and Waiting lists Hepburn LGA Information provided by Department of Human Services (DHS)

Clunes:

11 dwellings (10x3br, 1x4br)

Recently sold 6 bedsit units as amenity not appropriate, demand low.

Noted that permanent residents of caravan parks deemed to be suitably housed.

Creswick:

36 1 br units (Moore St)

27x 3br

48 households on waiting list

Daylesford:

40 dwellings (22 for older people, 10 x2br, 8x3br)

53 households on waiting list.

Noted that this did not accurately reflect demand as single households can't be waitlisted for Daylesford as no 1 br units.

Quarterly median rents x region and LGA - (Dec 2011) Hepburn LGA

4 BR house \$300

2 BR house \$300

3 BR house \$260

2 BR flat \$270

1BR flat \$190

Affordable Lettings x LGA Report (DHS)

Hepburn 26% affordable

Private rental listings (8 July 2012)

AAG - 4 properties Daylesford/ Hepburn; 4 Clunes, 1 Yandoit, 1 Creswick

Hocking Stuart - 2 Daylesford

John Evans Real Estate - 3 Daylesford

Stockdale & Leggo - 3 Daylesford

**ATTACHMENT 11 - DEPARTMENT OF HUMAN SERVICES, HOUSING &
COMMUNITY BUILDING DIVISION, PROPERTY PORTFOLIO BRANCH - INVITED
SUBMISSIONS: JOINT VENTURES – SELECTION PROCESS**

INVITED SUBMISSIONS: Joint Ventures – Selection process

In December 2010 the Director of Housing invited registered housing agencies (agencies) to register their interest in accepting transfer of ownership of properties from joint venture partners in various locations across Victoria. Through this Registration of Interest (ROI) process, agencies have registered their location and stock preferences to facilitate a matching process based on strategic and operational priorities.

Using the ROI as a starting point, the following process will be used to select agencies to take transfer of properties as they become available; it is in keeping with DHS Purchasing & Procurement processes to meet probity and legal responsibilities. The overall process will be overseen by the Project Leader, Housing Joint Venture Review Project.

Preparation

1. Prepare documents in conjunction with partner:
 - Property information – addresses, valuations or estimates, property condition, current tenancies (rent model, target group, manager), maintenance arrangements (responsive and cyclical).
 - Details for property access during submission process – open day or by arrangement.
 - List of criteria for agencies – current presence in location, tenancy management arrangements, tenant support, maintenance and asset management, growth potential (input from Asset Planning and Social Housing Sector may be appropriate) and any other specific arrangements required.
 - Assessment score sheets for panel members
2. Determine panel members:
 - Chair – Housing Joint Venture Review Project, Property Portfolio Branch
 - Partner
 - Regional office
 - Where there is growth potential Property Portfolio Branch may want to include a panel member from Asset Planning or Social Housing Sector, and the partner may want to include an additional panel member with relevant expertise.
3. Send draft documents to all panel members for comment.
4. Finalise EOI submission documents.

Submissions

5. Call for submissions; EOI documents emailed to agencies identified on the ROI Register as interested in the location, the type of property and where appropriate the target group.
6. No submissions will be accepted after the closing date. No amendments to submissions will be accepted after the closing date.
7. The Chair to accept submissions and collate same in preparation for assessment.

Assessment and selection

8. Preliminary assessment, individual scoring:
 - All valid submissions are assessed by individual panel members – each panel member scores each of the criteria, providing rationale for the score and noting any further information that may be required; the scores are then tallied to determine an overall score for each submission.
 - Panel members return scoresheets to the panel Chair by email.
 - Preliminary assessment scoresheets are collated for consideration by all panel members.
 - If the results are conclusive a recommendation as to the preferred agency may be made to the delegate of the Director of Housing.

- Although selection may not be possible at this point, there may be enough clarity within the preliminary assessment that some submissions will not move to the next stage.
9. Final assessment, collective scoring:
 - If the results of the preliminary assessment are inconclusive, further assessment will be required.
 - The panel may choose to collect further information from agencies prior to final assessment, either by email or by interview. The Chair will prepare questions on issues that require clarification in conjunction with other panel members and arrange interviews (if required).
 - The panel will meet to assess submissions as a group – the panel members will discuss the preliminary assessments and assess the further information, then reach agreement for a score for each criterion within each submission, either by majority or consensus (the approach to be decided before the meeting commences).
 - Individual panel members may wish to have noted any concerns they have with the outcome.
 - In the event that a majority or consensus cannot be reached, an independent chair may be appointed to chair the meeting (someone who has a clear understanding of DHS probity requirements and has not been involved in the process so far).
 10. Recommendation of preferred agency:
 - The panel identifies the agency that best meets the criteria.
 - Chair obtains sign off from panel members.
 11. Prepare selection report and briefing for the delegate of the Director of Housing recommending approval for property transfers to selected agency.

Implementation of outcome (post approval)

12. Notification; successful agency and all agencies that submitted.
13. Engage successful agency.
14. Prepare Tripartite Deed (Director of Housing, partner, agency) to effect outcome –
 - Transfer of land
 - Issue of new Certificate of Title
 - Registration of Director's Interest
15. Notify partner, region and Housing Registrar that transfer is completed and the Director's Interest has been registered.

10.12. RECORD OF ASSEMBLIES OF COUNCILLORS – MAY-JUNE 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 May and June 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
24 May 2012	Council Chamber, Daylesford	Hepburn Mineral Springs Reserve Advisory Committee
5 June 2012	Council Chamber, Daylesford	Councillor/CEO Meeting
5 June 2012	Council Chamber, Daylesford	Councillor Briefing
12 June 2012	Council Chamber, Daylesford	Workshop – Management of Groundwater Issues
12 June 2012	Council Chamber, Daylesford	Councillor Briefing
15 June 2012	Daylesford Museum	Heritage Advisory Committee
18 June 2012	Daylesford Secondary College	ARC Advisory Committee

18 June 2012	Creswick RSL	Creswick Ward Community Committee
19 June 2012	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Advisory Committee
19 June 2012	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Annual Stakeholders Meeting
19 June 2012	Council Chamber, Daylesford	Councillor/CEO Meeting
19 June 2012	Council Chamber, Daylesford	Presentation and Pre Council Meeting
26 June 2012	Council Chamber, Daylesford	Environmental Sustainability Advisory Committee

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

10.12.1 That the information be received

MOTION

10.12.1. That the information be received.

Moved: Councillor Jonathan Barrell
Seconded: Councillor Rod May
Carried.

**ATTACHMENT 12 - RECORD OF ASSEMBLIES OF COUNCILLORS –
MAY-JUNE 2012
(Issued Under Separate Cover)**

11. COUNCIL SPECIAL COMMITTEES (SECTION 86)

11.1. COUNCIL 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 04/06/2012.
- Minutes from the Creswick Museum Special Committee General Meeting 02/07/2012.
- Minutes from the Lee Medlyn Home of Bottles Special Committee General Meeting 06/06/2012.
- Minutes from the Glenlyon Recreation Reserve Special Committee General Meeting 12/06/2012.
- Treasurers Report from the Glenlyon Recreation Reserve Special Committee 12/06/2012.
- Minutes from the Clunes Community Centre Special Committee General Meeting 30/01/2012.
- Minutes from the Clunes Community Centre Special Committee General Meeting 14/05/2012.
- Minutes from the Clunes Community Centre Special Committee General Meeting 28/05/2012.

- Minutes from the Clunes Community Centre Special Committee General Meeting 18/06/2012.

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

The following recommendations have been received by Council and are presented for Council to consider adopting:

- The Glenlyon Recreation Reserve Special Committee recommended (at its June 2012 meeting) that three new members Jamie Grant (Glenlyon Junior Cricket CLUB), Sarah Klas (Glenlyon Pony Club) and Colin Johns (Daylesford Field and Game) be approved and added to the Glenlyon Recreation Reserve Special Committee

The Glenlyon Recreation Reserve Special Committee has seven members appointed until 31 July 2013. The instrument of delegation for the committee requires a minimum of seven members. If Council wishes to add Jamie Grant, Sarah Klas and Colin Johns bringing the total number of members up to ten, as recommended by the special committee, a term ending 31 July 2013 would be considered appropriate.

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:

- 11.1.1 Adopts the Glenlyon Recreation Reserve Special Committee's recommendation and appoints Jamie Grant, Sarah Klas and Colin Johns to the Glenlyon Recreation Reserve Special Committee with a term ending on 31 July 2013; and
- 11.1.2 Notes the minutes of the Special Committees (Section 86) listed.

MOTION

That Council:

- 11.1.1. Adopts the Glenlyon Recreation Reserve Special Committee's recommendation and appoints Jamie Grant, Sarah Klas and Colin Johns to the Glenlyon Recreation Reserve Special Committee with a term ending on 31 July 2013; and*
- 11.1.2. Notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.*

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

11.2. APPOINTMENT OF MEMBERS TO DRUMMOND HALL SPECIAL COMMITTEE

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 provides Council with a recommendation for members to be appointed to the Drummond Hall Special Committee.

BACKGROUND

The Drummond Hall Special Committee's Instrument of Delegation was updated in November 2011. At the time, the current committee members were appointed to continue on the committee.

A call for nominations to be appointed to the above Special Committee for a fixed term has been undertaken via a public advertisement on our website, in The Advocate and via a letter to all existing committee members.

This report presents the proposed nominations based on the applications received.

Applications were reviewed by the Manager Risk and Property.

ISSUE/DISCUSSION

The following three nominations (in order of date of receipt of applications) were received by the closing date:

- Mr Kevin Beattie
- Mr George Bakogianis
- Mr Nick Carter

All three of the above applicants are current members of the special committee.

As per the Instrument of Delegation for the Drummond Hall Special Committee, a minimum of five members is required.

As less applications were received than the minimum number of required members, it is proposed to appoint all three as members and to amend the Instrument of Delegation to require a minimum of three members. In addition, we will continue to advertise for further members.

Based on this, and that there are no identified concerns with appointing these applicants, it is proposed to appoint all applicants.

As per Council's resolution on 28 June 2011, it is preferred to have differing durations of appointment to enable continuity of members in future appointments. However, as this is a relatively small committee and all members have significant experience, it is proposed that these three members will all be appointed for a period of three years.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989 – Council has the power to appoint members to Special Committees of Council.

Council Plan 2009-2013 Item 17 - Embracing community knowledge and expertise to help guide decision making and implementation.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK IMPLICATIONS

In order to achieve a fair and equitable appointment of members, a public call was made for nominations.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No significant implications noted. These new members will be empowered to continue the work of the Drummond Hall Special Committee in the administration and control of the Drummond Hall.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The call for nominations to the above Special Committee has been undertaken via a public advertisement on our website, in The Advocate and via a letter to all existing committee members.

All existing committee members have been advised via letter that their current appointment ends after the Annual General Meeting on Friday 31 August 2011.

CONCLUSION

Appointment of the three applicants as committee members and amendment of the minimum number of members in the Instrument of Delegation will enable the Drummond Hall Special Committee to continue to operate in accordance with its Instrument of Delegation. In addition, these applicants are current members, which will enable good continuity of knowledge and processes.

OFFICER'S RECOMMENDATION

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

- 10.2.1 All current members of the Drummond Hall Special Committee shall cease to be members at the end of the Annual General Meeting for the Drummond Hall Special Committee on Friday 31 August 2012.
- 10.2.2 The following persons be appointed as members of the Drummond Hall Special Committee for a period of three years, commencing after the Annual General Meeting on Friday 31 August 2012 until the Annual General Meeting on Friday 28 August 2015:
- Mr Kevin Beattie
 - Mr George Bakogianis
 - Mr Nick Carter.
- 10.2.3 All current members who did not seek reappointment be thanked via letter for their valuable contribution to the Drummond Hall Special Committee.
- 10.2.4 The members of the Committee are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.2.5 The 'Membership of the Committee' section of the Instrument of Delegation for the Drummond Hall Special Committee dated 22 November 2011 be amended to state that the 'Committee shall be comprised of a minimum of three members, comprising community representatives', in an "amended Instrument".
- 10.2.6 The amended Instrument:
- 10.2.6.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.2.6.2 remains in force until Council determines to vary or revoke it, or until 30 September 2013.
- 10.2.7 The amended Instrument of Delegation be sealed.

MOTION

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

- 11.2.1. All current members of the Drummond Hall Special Committee shall cease to be members at the end of the Annual General Meeting for the Drummond Hall Special Committee on Friday 31 August 2012.*
- 11.2.2. The following persons be appointed as members of the Drummond Hall Special Committee for a period of three years, commencing after the Annual General Meeting on Friday 31 August 2012 until the Annual General Meeting on Friday 28 August 2015:*
 - Mr Kevin Beattie*
 - Mr George Bakogianis*
 - Mr Nick Carter.*
- 11.2.3. All current members who did not seek reappointment be thanked via letter for their valuable contribution to the Drummond Hall Special Committee.*
- 11.2.4. The members of the Committee are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 11.2.5. The 'Membership of the Committee' section of the Instrument of Delegation for the Drummond Hall Special Committee dated 22 November 2011 be amended to state that the 'Committee shall be comprised of a minimum of three members, comprising community representatives', in an "amended Instrument".*
- 11.2.6. The amended Instrument:*
 - 11.2.6.1. comes into force immediately the common seal of Council is affixed to the Instrument; and*
 - 11.2.6.2. remains in force until Council determines to vary or revoke it, or until 30 September 2013.*
- 11.2.7. The amended Instrument of Delegation be sealed.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Don Henderson

Carried.

11.3. APPOINTMENT OF MEMBERS TO THE LEE MEDLYN HOME OF BOTTLES SPECIAL COMMITTEE 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 provides Council with a recommendation for members to be appointed to the Lee Medlyn Home of Bottles Special Committee.

BACKGROUND

The Lee Medlyn Home of Bottles Special Committee's Instrument of Delegation was updated in November 2011. At the time, the current committee members were appointed to continue on the committee.

A call for nominations to be appointed to the above Special Committee for a fixed term has been undertaken via a public advertisement on our website, in The Advocate and via a letter to all existing committee members.

This report presents the proposed nominations based on the applications received.

Applications were reviewed by the Manager Risk and Property.

ISSUE/DISCUSSION

The following five nominations (in order of date of receipt of applications) were received by the closing date:

- Mr Stephen Greenwood
- Ms Yvonne Yates
- Ms Jan Turner
- Ms Barbara Webb
- Ms Gayle Smith

In addition, the following application was received after the closing date:

- Ms Janet Rowe

As per the Instrument of Delegation for the Lee Medlyn Home of Bottles Special Committee, a minimum of seven members is required. This number includes the Cameron Ward Councillor and a representative from the Clunes Tourism and Development Association; therefore a minimum of five community representatives are required.

All six of the above applicants are current members on this special committee. This committee meets regularly and is up to date with reporting requirements. Based on this, and that there are no identified concerns with appointing these applicants, it is proposed to appoint all six applicants.

As per Council's resolution on 28 June 2011, half of the members are to be appointed for a period of two years and half of the members for a period of three years, to enable continuity of members in future appointments. A random computer program was used to select the three members to be appointed for three years. The results of the random selection are reflected in the recommendation for appointments below.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989 – Council has the power to appoint members to Special Committees of Council.

Council Plan 2009-2013 Item 17 - Embracing community knowledge and expertise to help guide decision making and implementation.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK IMPLICATIONS

In order to achieve a fair and equitable appointment of members, a public call was made for nominations. All nominations received were from current members and therefore there was no need to assess the relative merits of applications. In order to decide who would be appointed for two years and who would be appointed for three years, a random computer program was used to avoid human bias.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No significant implications noted. These new members will be empowered to continue the work of the Lee Medlyn Home of Bottles Special Committee in managing and communicating the extensive collection in the Lee Medlyn Home of Bottles and Eberhard Factory.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The call for nominations to the above Special Committee has been undertaken via a public advertisement on our website, in The Advocate and via a letter to all existing committee members.

All existing committee members have been advised via letter that their current appointment ends after the Annual General Meeting on Monday 1 August 2011.

CONCLUSION

Appointment of the six applicants as committee members will enable the Lee Medlyn Home of Bottles Special Committee to continue to operate in accordance with its Instrument of Delegation. In addition all six applicants are current members of the committee, which will enable good continuity of knowledge and processes.

OFFICER'S RECOMMENDATION

That Council:

- 11.3.1 Accepts and resolves to appoint the following persons as members to the Lee Medlyn Home of Bottles Special Committee for a period of two years, commencing after the Annual General Meeting on Wednesday 1 August 2012 until the Annual General Meeting on Wednesday 6 August 2014:
 - Ms Barbara Webb
 - Ms Jan Turner
 - Ms Janet Rowe.

- 11.3.2 Accepts and resolves to appoint the following persons as members to the Lee Medlyn Home of Bottles Special Committee for a period of three years, commencing after the Annual General Meeting on Wednesday 1 August 2012 until the Annual General Meeting on Wednesday 5 August 2015:
 - Mr Stephen Greenwood
 - Ms Yvonne Yates
 - Ms Gayle Smith.

- 11.3.3 Pursuant to section 81(2A) of the *Local Government Act 1989*, exempts the above Special Committee members from being required to submit a primary return or ordinary return.

MOTION

That Council:

11.3.1. *Accepts and resolves to appoint the following persons as members to the Lee Medlyn Home of Bottles Special Committee for a period of two years, commencing after the Annual General Meeting on Wednesday 1 August 2012 until the Annual General Meeting on Wednesday 6 August 2014:*

- *Ms Barbara Webb*
- *Ms Jan Turner*
- *Ms Janet Rowe.*

11.3.2. *Accepts and resolves to appoint the following persons as members to the Lee Medlyn Home of Bottles Special Committee for a period of three years, commencing after the Annual General Meeting on Wednesday 1 August 2012 until the Annual General Meeting on Wednesday 5 August 2015:*

- *Mr Stephen Greenwood*
- *Ms Yvonne Yates*
- *Ms Gayle Smith.*

11.3.3. *Pursuant to section 81(2A) of the Local Government Act 1989, exempts the above Special Committee members from being required to submit a primary return or ordinary return.*

Moved: Councillor Neil Newitt

Seconded: Councillor Janine Booth

Carried.

12. COUNCIL ADVISORY COMMITTEES

12.1. 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:

- ARC Advisory Committee 18/06/2012
- Creswick Ward Community Committee 18/06/2012
- Environmental Sustainability Advisory Committee 28/02/2012
- Environmental Sustainability Advisory Committee 26/06/2012.

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

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

OFFICER'S RECOMMENDATION

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

Moved: Councillor Janine Booth

Seconded: Councillor Neil Newitt

Carried.

12.2. ADVICE FROM CRESWICK WARD COMMUNITY COMMITTEE GENERAL MANAGER COMMUNITY SERVICES

This recommendation to Council is based on a resolution by the Creswick Ward Community Committee from a meeting on 18 June 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 co-ordinate implementation of the Plan.

At its December 2011 meeting, Council resolved to consider support for the Creswick four seasons festival concept. Community groups continue to work to co-ordinate events around the 4 Seasons Festival.

ADVISORY COMMITTEE'S RECOMMENDATION

12.2.1 That the Creswick Ward Community Committee advises Council that it supports the Committee for Creswick holding Brackenbury events 19-21 October 2012 as part of the 4 Seasons Festival.

Moved: Michael Veal
Seconded: Cr Janine Booth
Carried.

MOTION

<p>12.2.1. <i>That Council endorses the Creswick Ward Community Committee's support for the Committee for Creswick holding Brackenbury events 19-21 October 2012 as part of the 4 Seasons Festival.</i></p>

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

13. CLOSE OF MEETING

The Meeting closed at 7:58 pm.
