



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

***TUESDAY 20 MARCH 2012***

**CLUNES TOWN HALL**

**BAILEY STREET**

**CLUNES**

**5:30PM**

**Hepburn Shire Council  
Ordinary Meeting of  
Council**



# **MINUTES**

**TUESDAY 20 MARCH 2012**

**Clunes Town Hall  
Bailey Street, Clunes  
Commencing 5:30PM**

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Ordinary Meeting of  
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**PETER REEVE**  
INTERIM CHIEF EXECUTIVE OFFICER  
20 MARCH 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.

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## 2. OPENING OF MEETING

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

**IN ATTENDANCE:** Interim Chief Executive Officer Peter Reeve, 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”

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### 3. APOLOGIES

Nil.

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### 4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Don Henderson declared a perceived indirect conflict of interest by close association in Item 6.1. – Notice of Motion – Apology to Members of the Hepburn Shire Community and agreed to leave the meeting under protest.

Councillor Jonathan Barrell declared an indirect conflict of interest because of conflicting duty in Item 10.1. – Nurse on Call Service at Clunes due to his position as an employee of Hepburn Health Service.

Councillor Neil Newitt declared a direct conflict of interest in item 10.10 – Hepburn Shire Council Film Policy 32 (C) as he runs a photography business in Hepburn Shire.

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### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

- 5.1. That the Minutes of the Ordinary Meeting of Council held on 21 February 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

#### MOTION

*5.1.1. That the Minutes of the Ordinary Meeting of Council held on 21 February 2012 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Neil Newitt

**Carried.**

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## 6. NOTICES OF MOTION

### 6.1. APOLOGY TO MEMBERS OF THE HEPBURN SHIRE COMMUNITY

Date: 3 February 2012

In response to this item Mayor Cr Sebastian Klein advised the meeting that Hepburn Shire Council unreservedly apologises to members of the Hepburn Shire Community referred to in the Motion. Written apologies will follow in *The Advocate* newspaper and will also be sent by letter.

*“As Mayor, I convey our apologies to all affected members of the community, some of whom may be present at tonight’s meeting.”*

In light of this, the Motion will not need to be heard at tonight’s meeting.

#### MOTION

*That Council:*

- 6.1.1. *Acknowledges that it is not appropriate for any Councillor to make statements in public or at any meeting of Council that cause offence and/or embarrassment to residents, ratepayers or other members of the community, especially comments that may damage a person’s reputation, and*
- 6.1.2. *Formally apologies to all concerned for inappropriate comments made by former Councillor Tim Hayes at the Ordinary Meeting of Council in Clunes on 17 February 2009 and at the Special Meeting of Council in Daylesford on 10 May 2011.*

#### Background

Our Councillor Code of Conduct requires that Councillors must work together in the best interests of the people within our municipality and fundamentally treat all persons with respect. This involves showing due respect for their opinions, beliefs, rights and responsibilities. This also involves ensuring that members of the community are treated with dignity by ensuring that neither offence nor embarrassment is caused.



On 17 February 2009, a ratepayer and member of the Hepburn Shire community attended the Ordinary monthly meeting of Council in the Clunes Town Hall and asked certain questions about Local Law Number One in Public Questions Time. After these two ratepayers departed, comments were made by former Councillor Tim Hayes that the behaviour of *both persons* at the meeting had been out of order.

One of these ratepayers attended the next Ordinary Council Meeting on 17 March 2009 in Creswick and inquired in Public Question Time about the comments that had been made against him, citing the Councillor Code of Conduct and asking:

- Whether the Councillor Code of Conduct allowed an individual Councillor to make derogatory, possibly slanderous comments about ratepayers behind their backs and
- In what way was *his* behaviour out of order during the Council Meeting on 17 February 2009?

It was my responsibility as the current Mayor of Hepburn Shire in 2009 and therefore the Chair of the Council Meeting to respond to these questions by presenting the view of Council rather than my own view on the matter. The Minutes of the 17 March 2009 Council Meeting record the answer given to the above questions as:

*“There is nothing in the Local Law permitting talking behind someone’s back and Council has nothing on written record to suggest that your behaviour was inappropriate.”*

Later on in 2011, during a Special Meeting of Council in Daylesford on May, former Councillor Tim Hayes spoke in favour of a motion that he had moved to apply for Federal Government funding for the Clunes Community Interpretive Centre. At that time he made certain comments against several members of the Flood Management Think Tank Action Group from Clunes and Creswick and went on to criticise an “out of town person – that woman from Creswick”. Although no names were mentioned, the identities of these persons are commonly known.

The next week on 17 May 2011 in Creswick, at Council’s ordinary monthly meeting, a member of the Flood Management Think Tank Action Group raised the issue in Public Question Time regarding the above comments made by Cr Hayes. Council was asked: *“What recourse do people treated in this manner have?”* Again, there was no apology made and the only answer given by Council through the Mayor was that any such complaint, if forthcoming, would need to be submitted to the Ombudsman or the Minister for Local Government.

In both situations outlined above, a public apology to all concerned would probably have been adequate if not the minimum response to resolve both situations. Despite representations made to former Councillor Tim Hayes and to Council, no apology of any sort has ever been made to any of the persons involved in either of the two incidents and Mr Hayes is no longer a Councillor of Hepburn Shire, having resigned without comment shortly after the May Council Meeting.

### **Conclusion**

It is not appropriate for Councillors to make public comments that cause offence and/or embarrassment and it is not intended to repeat here any comment that was made as this would only reinforce it and increase any offence and embarrassment caused. It is also important to defend the reputations of our community members and ratepayers who are well respected and who hold significant positions of responsibility in their various roles as community leaders, Justice of the Peace and a member of the Australian Senate.

In order to demonstrate that Council is serious in its adopted Councillor Code of Conduct, a full and unreserved public apology needs to be made to all persons who have been offended and/or embarrassed by the public comments of a former Hepburn Shire Councillor during his term of office.

I commend this motion to Council.

**Councillor Name:** **Bill McClenaghan**

A handwritten signature in black ink, appearing to read "Bill McClenaghan".

**Councillor Signature:**

A handwritten signature in black ink, appearing to read "Peter A. Rouse".

**Interim CEO Signature:**

## **6.2. DAYLESFORD MUSEUM AND STANBRIDGE JINKER PROJECT**

Date: 5 March 2012

### **Background**

The Stanbridge Jinker is a Ralli Cart originally owned by notable early resident, first Chairman of the Municipality, and Member of Parliament, the Honourable William Stanbridge.

It was donated c. 2000 to the Shire.

The full harness is already in the possession of the Daylesford Museum operated by the Daylesford Historical Society at 100 Vincent Street, Daylesford in premises managed by the Department of Sustainability and Environment (DSE) appointed Daylesford Museum Reserve Committee of Management.

Council is reported to have previously undertaken to preserve and display the jinker.

A working group of Ward Councillors, Officers, and interested persons has met 3 times in recent months to progress the matter, and formed the view that a new building in the Museum Yard would be the best place to house and display the Jinker.

Council's Heritage Adviser Mr Trevor Westmore has prepared a Draft Master Plan for a new building in the Museum Yard to house and display the Jinker, and potentially to improve access and facilities at the Daylesford Museum.

Mr Westmore's report also makes reference to the state of the Museum's current collection and the need to rationalise.

The land in question is under the control of the DSE appointed Daylesford Museum Reserve Committee of Management.

Outstanding issues may include design, funding, operational and maintenance matters, a review of the Museum's collection and interpretation policy, and a response to a community wish for the Museum to be more accessible to community members and visitors as an education historic and tourism resource.

To progress this opportunity, it is judged appropriate to formally ask the land manager (the Daylesford Museum Reserve Committee of Management) and its key tenant (the Daylesford Historical Society) to consider all of the above matters, and formally seek Council's co-operation if desired.

## MOTION

6.2.1. *That the Interim Chief Executive Officer write to the Daylesford Museum Reserve Committee of Management, and to the Daylesford Historical Society, requesting that they consider a permanent display of the Stanbridge Jinker on their land, on the basis that they agree with Council, as current custodian of the Jinker and as a likely key co-funder of any development, to integrate any permanent display structure and it's operation into a more accessible and rationalised collection and interpretive environment befitting the historical importance of the Jinker and the Collection as a whole.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Rod May

**Proposer Councillor Name:** Jonathan Barrell

**Councillor Signature:**

A handwritten signature in black ink, appearing to read "Jonathan Barrell".

**Seconder Councillor Name:** Rod May

**Councillor Signature:**

A handwritten signature in black ink, appearing to read "Rod May".

**Interim Chief Executive Officer:**

A handwritten signature in black ink, appearing to read "Pat A. Rose".

## AMENDED MOTION

*6.2.1. That the Interim Chief Executive Officer write to the Daylesford Museum Reserve Committee of Management, and to the Daylesford Historical Society, requesting that they consider a permanent display of the Stanbridge Jinker on the land over which they are the Committee of Management.*

**Moved:** Councillor Don Henderson

**Seconded:** Councillor Bill McClenaghan

**Lapsed.**

**Councillor Don Henderson called for a division.**

**Councillors that voted in favour of the motion:** Councillor Don Henderson, Councillor Bill McClenaghan.

**Councillors that voted against the motion:** Councillor Jonathan Barrell, Councillor Rod May, Councillor Neil Newitt, Councillor Janine Booth, Councillor Sebastian Klein.

## MOTION

*6.2.1. That the Interim Chief Executive Officer write to the Daylesford Museum Reserve Committee of Management, and to the Daylesford Historical Society, requesting that they consider a permanent display of the Stanbridge Jinker on the land over which they are the Committee of Management, on the basis that they agree with Council, as current custodian of the Jinker and as a likely key co-funder of any development, to integrate any permanent display structure and its operation into a more accessible and rationalised collection and interpretive environment befitting the historical importance of the Jinker and the Collection as a whole.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Rod May

**Carried.**

### **6.3. ADVOCACY FOR MARRIAGE EQUALITY**

Date: 15 March 2012

#### **Background**

We here in Hepburn are lucky to have of the more inclusive communities in Australia. As a nation, we are endowed with one of the most advanced cultures in regards to diversity, understanding and democratic human rights. We celebrated these democratic rights and freedoms in January on Australia Day and again on International Women's Day. In the most part this was absolutely fitting, for in the most part we, as a nation, express the freedoms, protections and responsibilities that have been at the heart of every advancement in the recognising the rights of the individual from the Magna Carta, to the abolition of slavery, to indigenous land rights. There is however a still areas where we can improve.

Why is it that of two people otherwise similar, both free to work and own a business or property, pay taxes, move freely, associate and congregate or worship, one can marry anyone they might choose from around the world, while the other cannot marry anyone of their choice? This fact represents a clear and unequivocal inequality - more so for the anachronism it represents today in the 21st Century.

This motion is for Hepburn Shire to make a statement of advocacy supporting the movement for marriage equality, to represent to the nation, the public and to other levels of government, the basic principles of a fair go for all, regardless of colour, creed or code.

The current definition of marriage is not carved in stone but is the work of a 19th Century judge, Lord Penzance, who in deciding an 1866 polygamy case narrowly defined the concept of marriage in keeping with Victorian era attitudes in order to rule out that particular situation. It is a legal ruling and, like many legal rulings, it can be overturned or updated with new information and new evidence.

We do not allow other antiquated 19th century legal rulings or the social mores which influenced them to govern our lives. When Lord Penzance made his ruling, women had virtually no legal rights, child labour was acceptable and people were locked away in debtors' prisons. We have moved on in the past 150 years, with women now occupying the highest offices in the land. We no longer send children down the mines or up chimneys or lock up people because they cannot pay off their credit cards. Yet our national leaders want us to remain in the 19th Century where marriage is concerned.

Another claim bandied about is that denying same sex couples the right to marry is essential to protect marriage. That is like the illogical claim last century that women had to be denied the vote to protect democracy. Over a third of marriages end in divorce and many others are under strain. Scapegoating same sex couples fails to address the many social, economic and psychological pressures on marriage.

Same-sex relationships are subject to the same pressures ups and downs as heterosexual relationships. Many are solid examples of exactly what makes the love of two human beings one of the greatest expressions of human existence: trust, interdependence, unconditional support, teamwork, friendship and romance. We should be valuing and supporting these relationships as we value and support life-long heterosexual relationships. More so, we should enable families, friends and communities to celebrate and affirm the love between two people as they are allowed for a man a woman. Enabling same sex couples to marry not only affirms these relationships, but gives them certainty and promotes and strengthens stability.

Marriage is a right that this Council should support; every Australian should be free to marry the partner of his or her choice. Every Australian who wants to make a life commitment to the person he or she loves should be able to do so, and have it equally recognised and supported by the law.

## **MOTION**

*That Council resolves to:*

- 6.3.1. Call upon the Australian Parliament to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia;*
- 6.3.2. Call upon all political parties and individual Members of Parliament to support these amendments.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Janine Booth

**Councillor Sebastian Klein vacated the Chair so he could speak to his Motion.**

**Councillor Rod May took up the Chair.**

**Councillor Name:** Sebastian Klein

**Councillor Signature:**



**Interim Chief Executive Officer:**



### AMENDED MOTION

*That Council resolves to:*

- 6.3.1. *Take a poll of ratepayers and residents around the question of same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia;*
- 6.3.2. *If we find the community supports same sex unions, we then call upon all political parties and individual Members of Parliament to support these amendments.*

**Moved:** Councillor Don Henderson

**Seconded:** Councillor Bill McClenaghan

**Lost.**

### MOTION

*That Council resolves to:*

- 6.3.1. *Call upon the Australian Parliament to amend the Marriage Act to enable same sex couples to marry and to ensure that same sex marriages solemnised overseas are recognised in Australia;*
- 6.3.2. *Call upon all political parties and individual Members of Parliament to support these amendments.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Janine Booth

**Carried.**

**Mayor Councillor Sebastian Klein resumed the Chair.**



## 7. COUNCILLOR REQUEST – LEAVE OF ABSENCE

### 7.1. LEAVE OF ABSENCE FOR MAYOR COUNCILLOR SEBASTIAN KLEIN

#### RECOMMENDATION

7.1.1 That Council grants a Leave of Absence for Mayor Cr Sebastian Klein on the following dates:

15 – 27 May 2012

12 – 19 August 2012.

#### MOTION

*7.1.1. That Council grants a Leave of Absence for Mayor Cr Sebastian on the following dates:*

*15 – 27 May 2012*

*12 – 19 August 2012.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Rod May

**Carried.**

## 8. PRESENTATION OF COUNCILLOR REPORTS

### MAYOR'S REPORT

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

In the past month I had the pleasure of accompanying the Wombat Forestcare group and a Melbourne university PhD student to view a carbon flux tower in the Wombat Forest. We saw the tower that measures carbon and other gases in the canopy of the trees as well as the small perspex boxes that measure the carbon and other green house gases that are sometimes sequestered or emitted from the roots of the trees. We learnt that at 35°C the canopy stops photo respiration which means that a warming climate can have dangerous feedbacks where more CO<sub>2</sub> leads to more warming, leads to less CO<sub>2</sub> being sequestered which leads to more warming... And so on. we also learnt that the Wombat forest is ideal for methane sequestering bacteria that live around these trees' roots and that methane is a greenhouse gas 24 times more potent than CO<sub>2</sub>.

I attended a meeting with the Hepburn Bathhouse about how to make the baths more accessible.

At the FinPro conference at the forest resort we saw how a facility like this can really draw people to our region and the kind of benefits that this brings to our residents who work there as staff.

I attended a Committee for Creswick in which they spoke about a Four Seasons festival and the Brackenbury Classic as well as a penny farthing race.

I went to a sacred fire ceremony at the Hepburn Pool. I treasure the opportunities to meet with our Dja Dja Wurrung community and anticipate bringing a couple of matters they raised to the Culture and Arts Advisory Committee. Most notably some cultural arts projects around the pool and the renaming of some important places.

I attended another Affordable Housing meeting at the town hall where we are getting a better idea of the kinds of needs for housing that exist in the Shire.

I had the more frivolous experience of being filmed for the Daylesford super8 festival. Thanks to Brendan Murray and his team for the opportunity and promoting what is sure to be a fun event when the films are finally shown. This project is made possible by having one of the only Super8 film developing units in the Southern Hemisphere here in the Shire.

I chaired the Trentham Mechanics Institute AGM.

Danced at the Lyonville CFA ball, where I managed to bid beyond perhaps my sober judgement for a beautiful painting of Blue Wrens.

I attended the Daylesford leg of the DMRT tourism and small business workshops.

## **COUNCILLOR REPORTS**

### **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 met today. CEO Ms Kerrie l'Anson reported:**

- a. Recruitment to fill 2 casual voluntary skill based director vacancies continues and interested persons should apply.
- b. DMRT will meet 17 April to review and update its strategic plan
- c. The production of a new industry and marketing prospectus is a key current activity as this is the main vehicle to ensure stakeholder engagement and to ensure the self-sufficiency of DMRT. The prospectus has to motivate industry buy-in by offering a wider range of activities at reduced participation fees & generate income for DMRTB with income surpassing expenses.
- d. Regional forums and focus groups
- e. Tourism Victoria announced that the Minister for Tourism announced in late February that she was releasing a \$40,000 Grant committed during the election campaign, for food and wine marketing in the Daylesford & Macedon Ranges region. Of these funds \$10,000 must be allocated to Kyneton food and wine marketing, and \$30,000 on region-wide food and wine marketing. Whilst \$20,000 was originally earmarked to support Regional Wine Guide promotions, this project is not considered comprehensive enough to attract the Government funding.
- f. The creation of a Regional Wine Touring Guide for Daylesford & Macedon Ranges is well underway with a launch date of early May still scheduled. Australian Traveller will distribute the guide through its September issue (33,000 copies) and Tourism Victoria has negotiated a retail and on-line deal with RACV.

- g. The second monthly eNewsletter for 2012 was distributed on 1 March 2012. The January/February issue was sent to 815 subscribers. It was opened 962 times, which means that some subscribers opened the newsletter more than once, or forwarded it on to their contacts. The eNewsletter includes a PR & Marketing report. Any persons or operators not receiving the eNewsletter should contact their local BATA or DMRT directly.
- h. Ms Deborah Pascoe, commenced with the organisation 20/02/2012 in the role of Tourism Development Support Officer.
- i. Recruitment is in progress for a Tourism and Industry Development Manager and 1<sup>st</sup> round interviews were held last week
- j. In my opinion, these appointments will result in a 5 day week presence in the DMRT office, and vastly enhance the ability of DMRT to deliver on its strategic plan & deliver value on behalf of all stakeholders

**The Daylesford Streetscape Revitalisation Project** met 29/02/2012 and I anticipate Fact Sheet #4 and the reports that complete Stage 1A to be published by General Manager Infrastructure this week.

- a. The Stage 1A reports document in great detail and in a non-judgemental fashion, the extensive community consultation that has occurred, and details of the small wins that could be implemented immediately with high levels of community support and at minimal cost
- b. Stage 1B is expected to take 4-8 weeks will provide detailed recommendations regarding master planning and the works to undertaken within the funding available this calendar year.

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

**The Victoria Park Multi Purpose Facility Consortium** met again 15/3/2012 and achieved a high level of consensus regarding the need to highlight the regional benefits of any future funding application, those being

- a. a regional conference education & training centre
- b. a venue for major regional events & festivals
- c. a regional emergency services staging ground  
& the consortium will meet again next month

### **Councillor Rod May, Birch Ward**

Attended a number of meetings and events in the last and some of those with Councillor Barrell which he as reported on:

- Daylesford Museum and Stanbridge Jinker Project Meeting
- Daylesford Streetscape Revitalisation Project
- Affordable Housing meeting
- Victoria Park Multi Purpose Facility Consortium
- Also attended International Women's Day with other Councillors and congratulate Councillor Henderson and the International Women's Day Committee on an excellent program with some fine speakers
- ChillOut Joy-FM Radio interview
- The most critical meetings I attended in the last month continue to be the Upper Loddon Water Supply Protection Area (WSPA) Committee of Management meetings which I have reported on many times which is considering putting in place a management plan to oversee long term protection of the groundwater, that is, the aquifer which extends from Eganstown right across through Creswick Ward, through Cameron Ward and beyond to Ascot and Waubra. I represent Hepburn Shire Council and after 14 months, 14 full day meetings the Committee is getting close to having a Draft Plan. That Draft Plan will be under discussion this Thursday 23 March at the Ascot Town Hall with the Committee. I must report at this stage that I have some very grave reservations about the direction of where the plan is headed. I have let the Committee know this. At the moment the Draft Plan contains less protection for the aquifer than there was under the old plan. The Committee is probably too heavily weighted towards resource use and too little weighted towards resource security and the environment and this is a matter that will need to be looked at very closely when the Plan comes out for comment so we can best activate any resources at our disposal to protect the integrity of our aquifer not only for the irrigation community but for the stock and domestic users, for the small towns and villages including Clunes which draws a good deal of its water from that aquifer and for the groundwater dependent ecosystems which are very numerous.
- Finally, attended the Environmental Sustainability Advisory Committee which is moving towards developing an adjunct to the Energy Descent Action Plan.

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

On 7 March I was pleased to attend the session held by Dr Rob Gordon facilitated by the Hepburn Shire Flood Recovery Office. This evening focused on the long term recovery following trauma and dealt with the emotional health of not only those directly flooded but with the whole community – as all in the community were impacted by the flood. The night was well attended by over 20 from the community and Dr Gordon spoke positively and enthusiastically on the way forward. Support from Hepburn Health Services, Red Cross and financial assistance from the Ballarat Netball Association helped bring this evening to the community.

Last week I met with members of the Clunes Health Committee and discussed with them conversations held with Terry Symonds from the Department of Health over the closure of the after hours component of the Emergency Nurse –on-Call service which was suspended late last year. The Clunes Health Committee is keen to continue discussions with the Department of Health to explore alternative options to this service.

On March 11 Clunes enjoyed the successful staging of the Historic Vehicle display held at the showgrounds. The event in just its 2nd year attracted thousands on Sunday and it was terrific to see community groups such as the CFA and Clunes Primary School working together to provide catering to the visitors. The Clunes Agricultural Society helped stage the event, no doubt drawing on the successes enjoyed from the Annual Clunes Show held each November.

Complementary to this event and the vast numbers of visitors it attracted to Clunes it was great to see local music group Justin Time provide entertainment from the rotunda in Collins Place.

The day also coincided with “Speed Drawing” a free art program hosted in the Clunes Library.

Many visitors commented on what a wonderful experience they had in Clunes that day.

This is a great example yet another strong event hosted in Clunes. It is another example of those working to secure the future of Clunes with the groups within the community working hard to bring economic benefits through visitor participation. This strengthening and growth is also to the benefit of other neighbouring towns, as it is to all of Hepburn Shire.

Today the Clunes Primary School hosted its Bug Blitz program. Far from being an eradication program (as I initially thought) Bug Blitz is an international initiative from scientific, educational and creative minds to stimulate an active interest in biodiversity starting with the young, in this case kids from the Clunes Primary School. What this means is by studying bugs, children at an early age study biodiversity. From this they gain insights into environmental issues that may be having effects on ecosystem, indicators to what is happening on a global stage. It is encouraging to see this development for our young and is an indication of the vision our primary school has, and the vision of the Hugh Williamson Foundation (long time supporters of Clunes who helped finance the project) to supporting our youth. The Clunes Primary School is just one of the groups in this community who are looking at projects that engage youth within the wider environment. Projects that will strengthen the community by giving today's youth the tools that will help them become tomorrow's leaders.

Lastly, I need to comment on the swift action on Friday when it was found the tree in Collins Place had been spit in two during Thursday night's storm. One of the outdoor staff made the discovery which was quickly followed up by council officers with the decision made to remove the tree as a matter of safety to the public. The community was concerned at the removal of the tree, so I also commend the Interim CEO and the Communications Officer and all staff who made sure that information in the form of notices were quickly circulated to inform the community.

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

One of the important tasks as Creswick Ward Councillor is to work with together with other Community representatives on the Creswick Community Ward Committee, an Advisory Committee to Council on the implementation of the Creswick Community Plan, and also with the Members of the Doug Lindsay Recreation Reserve Advisory Committee an interim Committee that will provide Council with research and recommendations in relation to future management models for the Reserve.

Council receives minutes of these meetings and any recommendations contained therein will be dealt with through the appropriate associated reports coming to Council.

I note that one such recommendation/report will be coming before Council later in our Agenda.

I acknowledge and thank the members of these two valuable Council appointed Committees for their diligence and look forward to continuing to work with them in the future to provide Council with well researched advice on important Creswick projects and community aspirations.

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

Most items have already been reported upon.

International Women's Day event actually came in under budget this year. The Committee performed tasks that are normally done from outside – the MC and the story teller came from within the Committee. Members supplied flowers and the Committee decorated the hall. The only thing that had to be paid for was the food. The Committee does need some extra funding to attract speakers for next year's event. I was very impressed by local resident Marilyn Beaumont and by the Year 10 Speakers.

In the coming week I will attend the Official Opening of Stage 1 of the Magic Pudding Playground. In the Magic Pudding book, we discovered the old CFA Fire Hose Reel. This item has been found that item and will be refurbished and displayed to the community at zero cost to Council.

The Creswick Flood Mitigation & Urban Drainage Plan endorsed by Council at the February meeting went up to the State Government the next day by the North Central Catchment Management. Hepburn Shire is the first Council and Creswick the first flooded town to get the plan done and up to Government. I must thank all the people who worked so hard on that that Committee including Councillor May and members of the Flood Management Think Tank Action Group who worked tirelessly to make sure that the document was in a state that ordinary people could read it and was 'humanised'.

Creswick Ward Meeting – 20 people attended including the Mayor. Creswick people would like a heated swimming pool including hydrotherapy facilities. Creswick does not have a swimming pool of any kind above a toddlers pool.



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

It's been a quiet month with extra Councillor time devoted to preparing the 2012 – 2013 Budget and CEO recruitment. Accordingly on 6 March I was unable to attend the Highlands Regional Waste Management Group's Board Meeting and briefing session from the Federal Department of Environment. The briefing concentrated on recycling e-waste such as old computers and analogue televisions.

Councillors will note that the great piles of e-waste clogging up the sheds at our transfer stations; mainly old TVs. It is pleasing to report that a regional recycling firm has started removing these to a materials recovery facility at Eaglehawk where all valuable and recoverable components are removed and recycled. This is being done at a favourably low cost to Council and is a more environmentally friendly option that keeps the material out of landfill.

Public transport is in the news today with the State Government axing 30 local bus services that were poorly patronized and unviable. In Hepburn Shire one of these was the Trentham to Kyneton service however the Hepburn Springs to Creswick service has been retained and made permanent.

Also, the Front SEEAT Transport Connections Project is being wound down and will end next year. Hepburn shares this Project with Moorabool and Ballarat City and there is comparatively little in it for us anyhow with the regional projects and the local project. There may be an opportunity to conduct another local bus trial from Daylesford to Kyneton via Coomoora, Wheatsheaf, Glenlyon, Denver and Drummond but that is yet to be approved and we won't know till May if it is.

### **RECOMMENDATION**

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

### **MOTION**

<p>8.1.1. <i>That Council receives and notes the Mayor and Councillors' reports.</i></p>
--

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

### 9.2. QUESTIONS

**Question 1: From Mr Pierre Niclas, Daylesford**

**At the end of 2012 the Victorian State Governments made an offer to Hepburn Shire residents through their council to provide approximately \$200K to Council to locate and make good / build a “place of last resort” for the residents of Hepburn and Hepburn Springs that would be available to them to use / consider during a major fires as possible last choice destination.**

**Can Council please confirm what were the findings of the joint Council and CFA review, what was the advice / recommendation to Council from the CFA with respect to any appropriate alternative locations in the Hepburn / Hepburn Springs area for a “place of last resort” and as a result of the review what plan has / is Council considering to activate that will ensure the maximum opportunity for local residents to escape/survive any major future bush fires that might threaten this area?**

**Answered by Mayor Councillor Sebastian Klein**

The findings of the review conducted by HSC, CFA, fire Services Commissioner and DSE, of the proposed location being the Hepburn Football

Clubrooms was that this was not suitable. This was communicated to all landowners and occupiers within Hepburn and Hepburn Springs by CFA in conjunction with Hepburn Shire.

Alternate locations are currently being assessed with reports provided by Fire Engineers on respective structures and locations.

Council's advice to residents in high fire risk locations is to leave early (the night before or early on a Code Red day) and activate your bushfire survival plan on high risk bushfire days.

**Question 2: From Mr Pierre Niclas, Daylesford**

**Council recently advertised for submissions from local artists to present suggestions and ideas for the creation and instillation for an appropriate monument to the 2009 Black Saturday fires victims.**

**Can Council please advise where they are in this process and if they believe this project will be completed by the required due date?**

**Answered by Mayor Councillor Sebastian Klein**

Council approved the site for the memorial at Daylesford Community Park, corner of Stanbridge and Duke St, Daylesford at its December 2011 meeting.

An Expression of Interest for Artists/designers has been advertised and closes on 26 March 2012.

[http://www.hepburn.vic.gov.au/page/page.asp?page\\_id=1192](http://www.hepburn.vic.gov.au/page/page.asp?page_id=1192)

It is intended to appoint the successful artist/designer by mid-April with the project to be completed by end August and funding acquitted by end September, 2012.

The assessment panel is being resourced by Council's Arts Co-ordinator and involves community members. The project will be managed by an internal Project Control Group.

**Question 3: From Mr Michael Cheshire JP, Clunes**

**What is Council planning to do to bring Collins Place back to its former glory following the recent lighting strike and the removal of the damaged tree?**

**Answered by Mayor Councillor Sebastian Klein**

Council was required to remove the existing tree to ensure public safety. The stump is scheduled to be grubbed within the next two weeks and two replacement Ash trees have been ordered.

The replacement trees are mature specimens of 2-3m in height and will be planted shortly after they received which is anticipated around early May.

**Question 4: From Mr Ken Warren,  
President, Daylesford and District Historical Society**

**Background**

- a. Hepburn Shire Council (Council) is the owner of the Stranbridge Ralli Cart/Jinker (Jinker).
- b. Council is expected to honour its undertaking to preserve and display the historic jinker.
- c. Interested individuals and the Daylesford and District Historic Society Incorporated (DHS) have initiated discussions in an attempt to work with Council in order to implement the undertaking by Council. These discussions have included the option of a building to house/display the Jinker on the Daylesford Museum Reserve.
- d. Recent discussions have included the option of a building to house/display the Jinker on the Daylesford Museum Reserve.
- e. To date, no agreement of any kind has been entered into between DHS and Council. I am also informed by the Chairman of the Daylesford Museum Reserve Committee of Management (DMR) that no agreement has been reached between DMR and Council.
- f. At no stage were matters raised by Council relating to: “improve access and facilities at the Daylesford Museum”; “state of the Museum’s current collection and the need to rationalise”; ‘A review of the Museum’s collection and interpretation policy” and “the Museum to be more accessible to community members and visitors” etc. The raising of these matters in this forum and in this manner by Council is offensive, inflammatory, insulting and totally inappropriate as pre-emptive conditions of possible future collaborative efforts.

**Why would the DHS seek the co-operation of Council when in actual fact Council should be seeking the co-operation of DMR and DHS to**

**fulfil Council’s obligation(s), and why should DHS agree to terms and conditions that are irrelevant to the issue of housing and displaying the jinker?**

**Answered by Mayor Councillor Sebastian Klein**

Following representation made, Council Officers have convened meetings of all relevant stakeholders to seek the cooperation and input into the project to realize the maintenance and display of the Jinker which has been a long outstanding issue in the Shire.

At the most recent meeting some questions were raised by DHS regarding some prospective terms and ongoing obligations. Officers are currently gathering information to address these questions so that advice can be provided to the meeting of 3 April 2012.

**Supplementary Question:**

**Is Council setting a precedent that volunteer groups, when applying for funding or working collaboratively with Council, be subject to interference by Council in their daily business as a condition of Council support?**

**Answered by Interim Chief Executive Officer, Mr Peter Reeve**

No, Council is not setting a precedent by its response in this matter. Every organisation and project will be considered on its merits and treated accordingly.

**Question 5: From Ms Carolyn Managh, Daylesford**

**With so many professional artists in this community, how can they be more integrated into the briefings and decision making process of “design & visual concepts, to ensure the optimised artistic, aesthetic of our town?**

**Answered by Mayor Councillor Sebastian Klein**

Council welcomes the involvement of artists into design and visual concepts and has established a Culture and Arts Advisory Committee to support this. Unfortunately, insufficient nominations were received for this Committee and it is not currently operating.

Extensive community engagement has been undertaken in the first stage of the Daylesford Streetscape Revitalization Project, with many ideas about enhancing the aesthetic of the streetscape put forward. A Local Design Committee, involving local artist and creative people, has also been set up to provide input into this project.

Council has made a commitment in its Plan to develop a Public Art Policy and with the recent appointment of a part-time Arts Coordinator the process to develop this policy will commence in the next few months. Community members will be invited to have input into the policy.

**Supplementary Question:**

**Could the local Professional art community be integrated into the design and outcome of the Bleakley Street walkway, so that Public Art can finally find its way into this precinct?**

**Answered by Mayor Councillor Sebastian Klein**

Council welcomes the involvement of the local arts community into the pedestrian bridge and associated works at Bleakley Street to complete the Lake Daylesford 'Peace Mile' walk. Interested artists should contact General Manager Community Services, Kathleen Brannigan on 5345 9212.

**9.1. PETITIONS**

Letter of Support/Petition – Tables and Seating outside Jimmy's Bar – 82 Vincent Street, Daylesford.

**MOTION**

*9.1.1. That Council receives the Letter of Support/List of Names re the Tables and Seating outside Jimmy's Bar at 82 Vincent Street, Daylesford and that it lay on the table for one month.*

**Moved:** Councillor Don Henderson

**Seconded:**

**Lapsed.**

### AMENDED MOTION

9.1.1. *That Council receives the Petition re the Tables and Seating outside Jimmy's Bar at 82 Vincent Street, Daylesford and that it lay on the table for one month.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Rod May

### PROCEDURAL MOTION

9.1.1. *That the motion on the floor be put to a vote.*

**Moved:** Councillor Rod May

**Seconded:** Councillor Jonathan Barrell

**Carried.**

**Councillor Don Henderson called for a division on procedural motion that the motion be put.**

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

**Councillors that voted against the motion:** Councillor Don Henderson, Councillor Bill McClenaghan, Councillor Sebastian Klein.

### AMENDED MOTION

9.1.1. *That Council receives the Petition re the Tables and Seating outside Jimmy's Bar at 82 Vincent Street, Daylesford and that it lay on the table for one month.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Rod May

**Carried.**

## **10. OFFICERS' REPORTS**

**Councillor Jonathan Barrell left the meeting at 7:39 pm due to an indirect conflict of interest and returned to the meeting at 7:44 pm.**

### **10.1. NURSE ON CALL SERVICE AT CLUNES INTERIM CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Interim Chief Executive Officer, I Peter Reeve have no interests to disclose in this report.*

#### **PURPOSE**

To advise the Council of the formal response received from the Department of Health regarding the funding of the Nurse on Call Service at Clunes.

#### **BACKGROUND**

Following resolutions of Council at its meetings on 15 November 2011 and 17 January 2012, letters were sent to The Hon David Davis MLC, Minister for Health requesting clarification as to whether additional money was available to Hepburn Health Service in an effort to attract suitable applicants for the positions required to maintain this service.

#### **ISSUE / DISCUSSION**

In response to these letters, Terry Symonds, Director Performance Acute Programs and Rural Health together with Tom Niederle, Director Health and Aged Care, Grampians Region from the Department of Health attended the Council briefing on 14 February 2012 and advised the Council that there were no extra funds available and that no offer of additional funds had been made to Hepburn Health Service.

This means that this important service will no longer be provided by Hepburn Health Service and that the Department of Health Victoria have accepted that the Nurse on Call Service at Clunes was not viable and will not be restored (refer Attachment 1).

The Department has encouraged Hepburn Health Service to work with the Clunes community and Ambulance Victoria to develop alternatives within the available resources.

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

Hepburn Shire Council Plan 2009-2013:



Strong Advocacy for Hepburn Shire

24. Speaking out on issues that are important.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **RISK IMPLICATIONS**

Reduction in health services within the Clunes community could have an adverse effect on the residents and a long term impact on the growth potential of this community.

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

The social impact on a community with the withdrawal of a Nurse on Call Service could have long term effects regarding the future growth of this community.

It has been suggested that many of the newer residents of this area were influenced positively by the fact that a Nurse on Call Service was available, in deciding where to reside.

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Not applicable.

#### **CONCLUSION**

The withdrawal of this service from Clunes could have serious repercussions on the community unless acceptable alternatives are provided.

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

10.1.1 That Council facilitate a meeting between officers from the Department of Health, Hepburn Health Service, Ambulance Victoria and representatives of the Clunes Health Committee with the aim of developing acceptable alternative services for the Clunes Community.

## MOTION

*10.1.1. That Council facilitate a meeting between officers from the Department of Health, Hepburn Health Service, Ambulance Victoria and representatives of the Clunes Health Committee with the aim of developing acceptable alternative services for the Clunes community.*

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

**ATTACHMENT 1 - RESPONSE LETTER FROM DEPARTMENT OF  
HEALTH DATED 24 FEBRUARY 2012**



## Department of Health

Incorporating: Health, Mental Health and Ageing

50 Lonsdale St  
Melbourne  
Victoria 3000  
GPO Box 4541  
Melbourne  
Victoria 3001  
Telephone: 1300 253 942  
Facsimile: 1300 253 964  
[www.health.vic.gov.au](http://www.health.vic.gov.au)  
DX 210311

e2553190  
e2600898

24 February 2012

Mr Peter Reeve  
Interim Chief Executive Officer  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

Dear Mr Reeve

Thank you for your email of Tuesday 22 November 2011 and subsequent letter dated 20 January 2012 to the Hon David Davis MP, regarding the discontinuation of the after hours component of the Emergency Nursing Service (ENS) at the Hepburn Health Service (HHS), Clunes campus.

Thank you also for the opportunity to meet with Council on Tuesday 14 February 2012 to discuss these issues. I found the discussion very helpful and greatly appreciate the frank and constructive feedback provided by Councillors at the meeting.

Further to that discussion, I wish to clarify in writing the matter of funding offered or provided by the Department of Health to HHS for services at Clunes.

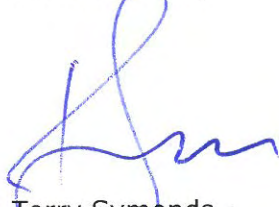
Victoria has a long established system of devolved governance for health service delivery, in which the department provides public hospitals and health services with an annual budget for delivery of all clinical services, and health services determine the best allocation of that budget to meet local demand.

The department has been aware for some time of difficulties reported by HHS in attracting and retaining staff for the ENS. Early in 2011, the department made an offer of one-off funding to HHS to assist with costs of recruitment for this service. I understand that this offer was the basis for subsequent conversations between representatives of the Clunes Health Committee and the Minister's staff. This did not constitute an offer of additional recurrent funding to HHS for salary costs associated with the ENS. Such an offer has never been made by the department, or communicated to the department by the Minister or his staff. HHS is now and has always been expected to deliver services within the recurrent budget provided by the department at the beginning of the financial year.

The department accepts the advice provided by HHS that the ENS was not viable (for reasons unrelated to funding), and will not be restored. The department has encouraged HHS to work with the Clunes community, and Ambulance Victoria, to develop alternatives within the available resources.

I hope that this information has been of assistance to you and to Council. If you have any further queries regarding this matter, please do not hesitate to contact either myself on 9096 8072 or Tom Niederle, Director, Health and Aged Care, Grampians Region, on 5333 6011.

Yours sincerely



Terry Symonds  
Director  
Performance Acute Programs and Rural Health

cc Councillor Neil Newitt  
Tom Niederle, Director Health and Aged Care, Grampians Region

## **10.2. BUDGET 2012-13 FEES AND CHARGES**

### **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**

Each year Council needs to adopt a schedule of Fees and Charges as part of the annual budget process

#### **BACKGROUND**

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

To facilitate the timely preparation and review of the 2011-12 budget, the Schedule of Fees and Charges for 2011-12 have been reviewed and updated by Council officers for Council's consideration.

#### **ISSUE / DISCUSSION**

Fees and charges are grouped by functional area and include the following:

- Visitor Information Centre
- Compliance
- Building Services
- Town Planning related information
- Environmental Health
- Domestic and Commercial Waste
- Daylesford - Victoria Park, Wombat Gardens & Lake Foreshore
- Creswick Town Hall
- Daylesford Town Hall
- Photocopying/Printing
- Rates Information
- Freedom of Information
- Community Housing
- Dishonoured Payments
- Home and Community Care Services
- Technical Services
- Community Hire Facilities
- Libraries
- Daylesford ARC
- Swimming Pools

Fees and charges are reviewed taking into consideration some or all of the following factors, depending on the category:

- Anticipated changes in costs associated with delivering the service
- CPI (2.50% used)
- Statutory charge set by the State Government
- Benchmarking with other Councils

There are no significant fee changes proposed from the prior year.

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

Council has a statutory responsibility to prepare and adopt a budget (Section 127(1)).

### **FINANCIAL IMPLICATIONS**

Revenue estimates from Fees and Charges will be included in the Draft Budget 2012-13.

### **RISK IMPLICATIONS**

There are no significant risk implications noted with this process

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

In most cases, where fees and/or charges have been increased it has been in line with CPI, therefore no significant social or economic implications noted.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Schedule of Fees and Charges, together with the other components of the draft 2012-13 Budget will be publicly advertised in the local newspapers seeking submissions from interested parties in accordance with Section 223 of the Local Government Act 1989.

A plan in relation to engagement per the Hepburn Shire Community Engagement Framework will be developed for when the entire Budget is on public display in April/May 2012.

### **CONCLUSION**

The fees and charges for 2012-13 have been set and require Council approval.

## OFFICER'S RECOMMENDATION

- 10.2.1 That Council approves the Schedule of Fees and Charges for 2012-13 for inclusion in the Draft 2012-13 Budget.

## MOTION

*10.2.1. That Council approves the Schedule of Fees and Charges for 2012-13 for inclusion in the Draft 2012-13 Budget with the following corrections:*

*Correct Title for Wombat Gardens to Wombat Hill Botanic Gardens – Attachment 2 – Page 20.*

*Compliance – Local Law Permits – Attachment 2 - Page 3  
Permits issued in accordance with the provision of General Local Law No 2 – To range from \$20 to \$500 depending on permit requested.*

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



**ATTACHMENT 2 - PROPOSED SCHEDULE OF FEES AND CHARGES  
2012-2013  
(Issued Under Separate Cover)**

### **10.3. POLICY REVIEW – POLICY 37 COUNCILLOR/STAFF RELATIONSHIP INTERIM CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Interim Chief Executive Officer, I Peter Reeve have no interests to disclose in this report.*

#### **PURPOSE**

The Councillor/Staff Relationship Policy No 37 has been revised and requires a by Council.

#### **BACKGROUND**

Council Officers are currently conducting a review of Council and Operational Policies in accordance with the timetable discussed with Councillors previously.

Policy No 37 Councillor/Staff Relationship Policy was adopted by Council almost 8 years ago on 19 August 2003.

The Policy makes reference to the Council Plan and the Local Government Act 1989 (“the Act”). Since 2003 the Act has changed.

The Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 introduced that a Council must develop and approve a Councillor Code of Conduct for the

Council within a period of 12 months after a general election.

The Act s94A *Functions of the Chief Executive Officer* states

*(3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.*

And s95AA of the Act now also requires that the Chief Executive Officer develops and implements a code of conduct for Council staff.

#### **ISSUE/DISCUSSION**

Policy No. 37 covers Councillor/Staff relationships protocol, defines the distinguishing role of the councillors to the role of staff and sets out to outline some rules of operation.

Updates to the Policy include:

#### **REQUESTS FOR INFORMATION**

Currently the Policy states:

*'All requests for information should be directed to the Chief Executive Officer, the relevant Director or Manager, or the Executive Support Team. Even if the matter concerns an officer other than those specified, all requests for information should go to the above mentioned officers.'*

The draft revised document has updated this section in accordance with the present staff structure and staff titles.

The amended section now reads:

*All requests for information should be directed to the Chief Executive Officer, the relevant **General Manager**, Manager or the **Executive Services Team**. Even if the matter concerns an officer other than those specified all requests for information should go to the above mentioned officers.*

### **DEALING WITH CORRESPONDENCE RECEIVED**

Currently the Policy states:

*'When a Councillor receives a letter addressed to them personally, they will need to make a judgement as to whether the letter should be formally registered by the Shire or if the letter was simply of a personal nature to them as an individual.'*

*All correspondence relating to Council business received directly by Councillors should be forwarded to the Executive Support Team who will then arrange to have it registered and then pass it on to the appropriate officer for actioning. Once the item has been actioned, a copy of any report or correspondence generated will be supplied to the Councillor. If the Councillor is not satisfied with the way in which the matter has been dealt with, he or she should raise their concerns with the appropriate Director or the Chief Executive Officer.'*

The amended section now reads:

*'When a Councillor receives a letter **or email** addressed to them personally, they will need to make a judgement as to whether the **correspondence** should be formally registered by the Council or if the **correspondence** was simply of a personal nature to them as an individual.'*

*All correspondence relating to Council business received directly by Councillors should be forwarded to the **Executive Services Team** who will then arrange to have it registered and then pass it on to the appropriate officer **to action**. Once the item has been actioned, a copy of any report or correspondence generated will be supplied to the Councillor. If the Councillor is not satisfied with the way in which the matter has been dealt with, he or she should raise their concerns with the appropriate **General Manager** or the Chief Executive Officer.'*

## **STAFF MATTERS**

Currently the Policy states:

*'If a Councillor has any concerns in regard to the way in which he or she has been dealt with by a Council officer, those concerns should only be raised with the relevant Director or the Chief Executive Officer who have exclusive responsibility for all personnel matters.'*

The amended section now reads:

If a Councillor has any concerns in regard to the way in which he or she has been dealt with by a Council officer, those concerns should only be raised with the relevant **General Manager** or the Chief Executive Officer who has exclusive responsibility for all personnel matters.

## **CONTACT WITH APPROPRIATE OFFICER**

The currently the Policy states:

*'Councillors will sometimes be unsure about who the "appropriate manager" is for a particular question or issue. If this is the case, Councillors should address their query initially to the Chief Executive Officer or the Executive Support Team.'*

This section has been deleted from the revised Policy as **Requests for Information** covers this section, see above.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **RISK IMPLICATIONS**

By adopting this policy, the Council will be ensuring that Councillor queries are answered in a timely manner.

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

No Environmental/Social/Economic implications to note.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

Both teams have endorsed the revised policy.

**CONCLUSION**

That Council endorses the Officer's Recommendation.

**OFFICER'S RECOMMENDATION**

10.3.1 That council approves the revised Councillor/Staff Relationship Policy 37.

**MOTION**

*10.3.1. That Council approves the revised Councillor/Staff Relationship Policy 37 incorporating the wording 'All forms of correspondence will be treated in accordance with Hepburn Shire Council's Privacy Policy 30 (C)'.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

**Carried.**

**ATTACHMENT 3 - POLICY NUMBER 37 COUNCILLOR/STAFF  
RELATIONSHIP POLICY – REVISED**



**POLICY NUMBER 37**

**Councillor Staff  
Relationship Policy**

**DATE AMENDED:** February 2012  
**DATE OF NEXT REVIEW:** February 2014  
**DATE ADOPTED:**  
**RESPONSIBLE OFFICER:** Chief Executive Officer

**REFERENCES:**

**Best Value Principles**

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

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

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

**Signed**

A handwritten signature in black ink that reads "Peter Reeve".

**PETER REEVE**  
Interim Chief Executive Officer

## **Introduction**

It is recognised that a successful Council can only exist as a result of effective teamwork and co-operation between the Councillors, the Chief Executive Officer, Senior Staff and the Council's staff. This policy details the procedures and protocols required to achieve a climate of mutual respect between all facets of the organisation.

## **Scope**

The following accepted definitions of the primary roles of Councillors and Council staff will form the basis for the protocols to be used in the day-to-day operations of the Council organisation.

## **Purpose**

The clarification of the differing roles of Councillors, the Chief Executive Officer and Council staff is acknowledged by the Council as essential in the achievement of Council's Corporate Plan and the realisation of the community's expressed needs and desires.

The observance of the Councillor/Staff Relationship protocols is seen as integral in the achievement of this objective.

## **Definitions**

The following accepted definitions of the primary roles of Councillors and Council staff will form the basis for the protocols to be used in the day-to-day operations of the Council organisation.

### Role of Councillors

It is recognised that the role and function of Councillors is:

- Determining policy, setting objectives and establishing the strategic directions of Council.
- Providing a link with the community and addressing the needs and aspirations of the Shire through the development of appropriate service standards.
- Clearly separating the role and functions of Councillors from that of the Chief Executive Officer, as defined in the Local Government Act 1989.
- Undertaking the responsibility for the regular monitoring and review of the performance of the organisation and its Chief Executive Officer.



- Providing pro-active civic leadership and advocacy for the community.
- Fostering democratic participation, community cohesion, the development of active citizenship, a sense of local identity and civic pride and the building of better communities.
- Being a co-operative and effective member of the Council team.

To achieve that position, Councillors need to:

- Accept that their role is a leadership, not a management or administrative one.
- Acknowledge that the Chief Executive Officer is primarily responsible for staff.
- Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions.
- Refrain from using their position to improperly influence members of staff in their duties or functions, or to gain an advantage for themselves or others.
- Refrain from publicly criticising staff in a way that casts aspersions on their professional competence or credibility.
- Take no part (direct or indirect) in any personnel matter relating to a staff member or any appointment of staff except in the case of position of Chief Executive Officer.
- Neither seek nor encourage the involvement of any member of staff in promoting the election of any candidate for election as a Councillor.
- Councillors should maintain at all times a professional relationship with staff.

#### Role of the Chief Executive Officer

The specific role of the Chief Executive Officer has been defined as follows in Section 94A of the Local Government Act 1989 as follows:

#### ***“Section 94A - Functions of the Chief Executive Officer***

- (1) A Council’s Chief Executive Officer is responsible for –
  - (a) establishing and maintaining an appropriate organisational structure for the Council; and
  - (b) ensuring that the decisions of the Council are implemented without undue delay; and

- (c) the day to day management of the Council's operations in accordance with the Council's corporate plan; and
  - (d) providing timely advice to the Council.
- (2) The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out her or his functions.
- (3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.
- (4) A reference to Council staff in this section does not include a reference to the Chief Executive Officer.

The Chief Executive Officer is the only Council officer directly responsible to the Council. The performance of the organisation is, therefore, his/her responsibility and the performance measures of the position, as detailed in the provisions of his/her employment contract, will reflect this.

### The Role of Staff

For their part, staff will recognise that Councillors have a primary role in:

- Representing the community.
- Setting objectives and strategies to achieve Council's Corporate goals.
- Monitoring the progressive achievement of those objectives and strategies.

In doing so, staff will:

- Acknowledge the leadership role of Councillors and accept that their own role is in the areas of management and administration.
- Be responsive to requests from Councillors for information and professional advice required to carry out their role.
- Provide professional advice and then accept and implement the decisions of Council.
- Refrain from lobbying the Councillors or using personal influence to gain an advantage for themselves or others.
- Refrain from public criticism of Councillors.
- When a consultative process has begun and a Councillor has been involved in that process, staff will ensure that the Councillor is informed of any substantial developments relating to that particular issue.

## **Policy**

This Councillor / Staff Relationships policy has been drafted in consultation with Councillors and Staff to ensure that it assists with the clarification of the relative roles of Councillors and Staff and that the policy will form the basis for an ongoing healthy relationship where both Councillors and Staff are treated appropriately and with due respect.

Bearing in mind the respective roles of Councillors, the Chief Executive Officer and Council staff, it is important to have agreed protocols or procedures for Councillors in their day to day dealings with Council staff.

Any enquiries regarding this policy should be directed to the Chief Executive Officer.

## Communications

As a representative of the community Councillors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. There may be times when a Councillor, as an individual, disagrees with a majority decision of the Council and wants the community to know that. Obviously Councillors are entitled to present their own views, particularly at election time, but in doing so, Councillors should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- an overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive;
- the Mayor or some other specifically designated person is authorised to speak to the media and others on behalf of the Council;
- information of a confidential nature ought not be communicated unless it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately

### Request for Information

All requests for information should be directed to the Chief Executive Officer, the relevant General Manager or Manager, or the Executive Services Team. Even if the matter concerns an officer other than those specified, all requests for information should go to the abovementioned officers.

### Dealing with Correspondence Received

When a Councillor receives a letter or email addressed to them personally, they will need to make a judgement as to whether the correspondence should be formally registered by the Shire or if the correspondence was simply of a personal nature to them as an individual.

All correspondence relating to Council business received directly by Councillors should be forwarded to the Executive Services Team who will then arrange to have it registered and then pass it on to the appropriate officer to action. Once the item has been actioned, a copy of any report or correspondence generated will be supplied to the Councillor. If the Councillor is not satisfied with the way in which the matter has been dealt with, he or she should raise their concerns with the appropriate General Manager or the Chief Executive Officer.

### Staff Matters

If a Councillor has any concerns in regard to the way in which he or she has been dealt with by a Council officer, those concerns should only be raised with the relevant General Manager or the Chief Executive Officer who have exclusive responsibility for all personnel matters.

### Privacy Policy

All forms of correspondence will be treated in accordance with the Hepburn Shire Council Privacy Policy No. 30 (C).

#### **10.4. FINANCE POLICY UPDATE – INVESTMENT POLICY 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 Investment Policy 50 (C) has been revised and requires adoption by Council.

##### **BACKGROUND**

From 1 February, 2012 the Australian Government Deposit Guarantee reduced from \$1,000,000 to \$250,000. This change has triggered the need to revise our policy.

##### **ISSUE / DISCUSSION**

The following changes have been made to the Investment Policy:

- Removal of the Government Guarantee paragraph due to the change in the Australian Government Deposit Guarantee which was introduced during the Global Financial Crisis.
- Investments are now limited to the major banks because of the reduction of the bank guarantee.

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

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

##### **FINANCIAL IMPLICATIONS**

The larger banks may not provide as attractive interest rates as the other small banks and building societies, but the lower interest rates are reflective of the reduced risk of investing with larger banks.

##### **RISK IMPLICATIONS**

Using the bigger banks, as opposed to smaller credit unions, limits Council's exposure to the risk of investment loss.

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

No Environmental/Social/Economic Implications to note.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The policy has been reviewed by the Executive Management Team.

At their meeting on 20 February 2012, the Audit & Risk Advisory Committee moved the following recommendation “That Council adopts the Investment Policy subject to officer’s review of the credit rating section”.

Modifications have been made to the Policy as suggested by the Committee.

## **CONCLUSION**

The Hepburn Shire Council Investment Policy has been revised.

## **OFFICER’S RECOMMENDATION**

10.4.1. That Council approves the revised Investment Policy 50 (C).

## **MOTION**

*10.4.1. That Council approves the revised Investment Policy 50 (C).*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Janine Booth

**Carried.**

**ATTACHMENT 4 - POLICY NUMBER 50 (C) INVESTMENT POLICY -  
REVISED**



**POLICY NUMBER 50(C)**

**INVESTMENT POLICY**

**DATE AMENDED: February 2012**

**DATE OF NEXT REVIEW: February 2014**

**DATE ADOPTED:**

**RESPONSIBLE OFFICER: Manager Finance**

**REFERENCES: Section 143 of the Local Government Act 1989**

### **Best Value Principles**

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

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

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

**Signed**  
**Peter Reeve**  
**Interim Chief Executive Officer**



## **Introduction**

This policy sets the guidelines when Hepburn Shire Council officers are placing funds on investment with other institutions.

## **Scope**

The policy applies to all investments undertaken by the finance department of the Hepburn Shire Council.

## **Purpose**

The purpose of this policy is to lay out guidelines and principles that need to be followed by Council officers when placing funds on investment with other institutions. These guidelines are intended to optimise the balance between risk and return, and the key principles are:

- Council to take advantage of the interest earning potential of its surplus funds while managing its exposure to financial risk and ensuring sufficient funds are kept available to meet cash requirements. Different strategies are identified for funds relating to Long Service Leave backed investments, from those relating to Council's general investments.
- Council funds are invested in accordance with its legislative and common law responsibilities.

## **Definitions**

An 'authorised deposit taking institution' is a body corporate, which is authorised to carry on banking business in Australia under the Banking Act 1959. It will cover banks, building societies, credit unions, etc.

## **Policy**

### **1. Legislative Powers**

All investments shall comply with Section 143 of the Local Government Act 1989 (extract below) and relevant regulations and Minister's guidelines.

- (1) A Council may invest any money-
  - (a) in Government securities of the Commonwealth;
  - (b) in securities guaranteed by the Government of Victoria;
  - (c) with an authorised deposit-taking institution;
  - (d) with a financial institution guaranteed by the Government of Victoria;
  - (e) on deposit with an eligible money market dealer within the meaning of the Corporations Act;

- (f) in any other manner approved by the Minister after consultation with the Treasurer either generally or specifically, to be an authorised manner of investment for the purpose of this sub-section.

Note – the opportunity offered under part (e) is not considered as an option as it is outside Council acceptable risk level, as are interest rate derivatives or hybrid investments.

## **2. Standard of Prudence**

All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council staff should always maintain a professional balance of risk and return acting as a steward of Council funds. To ensure this occurs:

- A minimum of 3 quotations are to be sought prior to making long term investments.
- Advice is sought from an independent investment advisor prior to making a new investment. The advisor utilised by Council must be licensed by the Australian Securities and Investment Commission.
- The independent investment advisor must provide in writing, a guarantee that the investment complies with the Local Government regulations as noted in 1.0 above.

Investments may be made subject to the following provisions:

### **Currency**

All investments are to be denominated in Australian dollars.

### **Investment Financial Institutions**

Authorised investment financial institutions to be used:

- Commonwealth Bank of Australia
- National Australia Bank
- ANZ Bank
- Westpac Bank
- Bendigo Bank
- Bankwest

Where appropriate, consideration of the financial institutions community support credentials and ethics considered in their Charter should be given. Further consideration should be given to investment in Local Institutions.

### **3. Investment Quality**

#### **Exposure Limits**

To ensure that the price, credit, liquidity and cash flow risks associated with investing activities are managed, only investments that meet the following criteria may be made.

In addition any Long Service Leave investments must be clearly identified by the financial institution as a separate investment titled “Long Service Leave”.

The Security must have a readily available market.

The investment is to be part of an approved asset class as:

- Bonds
- Debentures
- Term Deposits
- Negotiable Certificates of Deposits & Bank Bills
- Transferable Certificates of Deposit
- Floating Rate Notes & Floating rate Certificates of Deposit
- Cash Deposits

#### **Ratings**

##### **What is a Credit Rating?**

A Standard & Poor’s credit rating is a timely ongoing assessment of the creditworthiness of a borrower, or the creditworthiness of a borrower with respect to a particular debt security or other financial obligation. Each assessment is based on a comprehensive, defined rating methodology and rating criteria and each rating is a judgement of creditworthiness based on relevant risk factors, expressed by a letter-grade rating symbol.

##### **Investment duration**

- Maintain as an objective, a maximum average monthly bank balance of \$500,000
- Maintain as an objective, an average monthly on call balance of \$1,500,000
- Maintain as an objective a minimum LSL investment equal to the value of calculated Long Service Leave.
- Balance of surplus funds is to be invested in short term investments.
- Definition of Terms
  - On Call – Access within 24 hours
  - Short Term – 2 to 90 days
  - Long term – 1 year to 2 years

##### **Investment diversification**

- No short term investment with one investment financial institution is to exceed \$2,000,000

- No medium term investment with one investment financial institution is to exceed \$1,000,000
- No long term investment with one investment financial institution is to exceed \$1,000,000

### **Change in credit rating**

If the Standard and Poors rating of any Council investments are downgraded, such that they pose a significant risk to Council, an assessment of risk and financial cost is to be made. If recommended the investment is to be divested within 60 days.

## **4. Process Guidelines**

### **Money to be invested**

The general bank account and high interest bank account balance of Council is to be kept at a sufficient level to meet Council's immediate working capital requirements, with any surplus funds being applied to minimize debt or placed on investment.

Funds available for investment will be determined following a review of expected future cash flows.

Timing of investment maturities will also be taken into account.

### **Money to be transferred using the general bank account**

All investments being rolled over with the same financial institution must be derived from funds transferred from Council's general bank account.

The interest earned on investments is to be redeemed to Council's general bank account at the time of maturity.

Investment confirmations will be sought in writing within one day of placing an investment (identified discrepancies must be rectified immediately).

### **Delegations**

The CEO is to authorize all new investments over \$500,000, following a recommendation from the General Manager Corporate Services.

The General Manager Corporate Services is to authorize all new investments less than \$500,000, following a recommendation from the Manager Finance.

An investment maybe rolled over without seeking approval from the CEO and/or General Manager Corporate Services.

The Financial Accountant is responsible for

- Preparing forecast cash flow requirements;
- Actioning the investment or redemption;
- Collating and filing investment documents for each individual transaction.

Funds may be transferred electronically or via cheque and will be authorised by two officers with authorisation to sign on the general bank account.

**Quotations on investments**

After ensuring all directions detailed in this policy have been met, the quote, which delivers the best value to Council, shall be successful.

## **10.5. 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**

This Report requests Council to consider the closure of part of a road reserve between Bremner Avenue and High Street, Lyonville to allow the establishment of a CFA 'annex' shed.

#### **BACKGROUND**

Trentham Fire Brigade (TFB) and Lyonville district residents propose the establishment of a CFA 'annex' at Lyonville.

The favoured site is part of the road reserve on the western boundary of the Lyonville Hall site and intersecting with Bremner Avenue.

To allow a building means a formal discontinuance of part of the road reserve. A discontinuance of part of the road reserve does not prevent legal access to any private property.

#### **ISSUE/DISCUSSION**

TFB and Lyonville district residents have for the past 3 years been taking steps toward establishing a CFA 'annex' in Lyonville.

This project developed out of the Lyonville Community Plan. Community Planning is a program offered to communities by Council whereby support is given to communities to develop a plan. Ongoing support is provided to Planning Groups to achieve projects in their plan.

An 'annex' is an extension of an existing CFA brigade, in this instance Trentham Fire Brigade, usually staffed by registered brigade members living in or nearby to the relevant district. Equipment is normally a small fire tanker designed for rapid response to an immediate fire threat.

TFB and residents have raised around \$30,000 toward this project.

According to TFB, discussions with CFA Grampians Region headquarters, Department of Sustainability and Environment (DSE), VicRail, Council officers and local residents have progressed to a stage where the erection and fitout of a purpose built fire truck shed is possible, although a final commitment from CFA Grampians Region is yet to be made.

Investigations by TFB identified a number of potential sites. TFB advises except for the road reserve site, all other identified sites, for various reasons, including costs, have been disregarded. Costs for developing and bringing services to the other sites are likely to be prohibitive.

The favoured location is part of the road reserve, on the western boundary of the Lyonville Hall site and intersecting with Bremner Avenue. See Attachment 5 for Plan where the proposed area is shown 'hatched'.

Reasons for selecting this site include:

- provides good access,
- proximity to the Hall providing potential to share infrastructure (the hall for meeting room, toilets, power may also be able to be brought across from the hall, and
- joint opportunities to attract funding. The hall committee is proposing renovations for which they will apply for State Government funding. The two projects combined add strength on one another.

For this site to be used, it necessitates discontinuance of part of the road. A discontinuance of part of the road reserve does not prevent legal access to any private property.

DSE prefers that Council be the authority that closes the road.

Road discontinuance may be done in accordance with Council's powers given in S206 and Schedule 10 of the Local Government Act 1989.

### **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.

There appears no reason under the Council's Road Management Plan (July 2009) to prevent discontinuance of this road reserve. A discontinuance of the

road may in fact improve road safety by eliminating a potential intersection. Again the Council Plan contains a relevant quote: *“We must continue to improve the amenity and safety of our road network”*.

Council’s power to deal with road closures is contained in S206 and Schedule 10 of the Local Government Act 1989. Schedule 10 states *“A Council may, ..... discontinue a road, or part of a road, by notice published in the Government Gazette; .....”* However, before actually exercising this power, Council must give public notice as provided in S207A and S223 of the Act and take into account any submissions received. If discontinuance is resolved, the land will remain as ‘Crown Land’ and DSE will be able to provide an appropriate reservation under the Crown Land (Reserves) Act 1978. Alternatively it may be transferred to the CFA.

#### **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 advertising a potential 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 all the land is zoned Township where emergency services facility is an allowable use.

The land would in due course (after road discontinued) vest in the Minister for Environment and Climate Change who may then reserve it for an appropriate purpose under the *Crown Land (Reserves) Act 1978*.

#### **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. The Council is required to take into account any submissions received.

#### **CONCLUSION**

The provision of a CFA ‘annex’ in Lyonville is a community driven project, and a priority in the Lyonville Community Plan. The community has raised funds for the annex through its annual Fireman’s Ball. The local community suggests the best location for an ‘annex’ is on part of an undeveloped road



reserve which may be discontinued by powers available to the Council. Discontinuance in these circumstances does not deny legal road access to any private property. Advertising an intention to discontinue part of the road reserve will enable the community to support or put reasons forward to question or reject this proposal.

### **OFFICER'S RECOMMENDATION**

That Council:

- 10.5.1 Gives public notice under the provisions of 207A and S223 of the Local Government Act 1989 (Act) of its intention to proceed under S206 and clause 3 of Schedule 10 of the Act to discontinue part of the road reservation between Bremner Avenue and High Street, Lyonville as shown hatched on the attached Plan;
- 10.5.2 Authorises the General Manager Corporate Services to carry out administrative procedures necessary to enable the Council to carry out its functions under S223 of the Act; and require a further report on this matter at the conclusion of the public notice advertising period including the consideration of any submissions.

### **MOTION**

*That Council:*

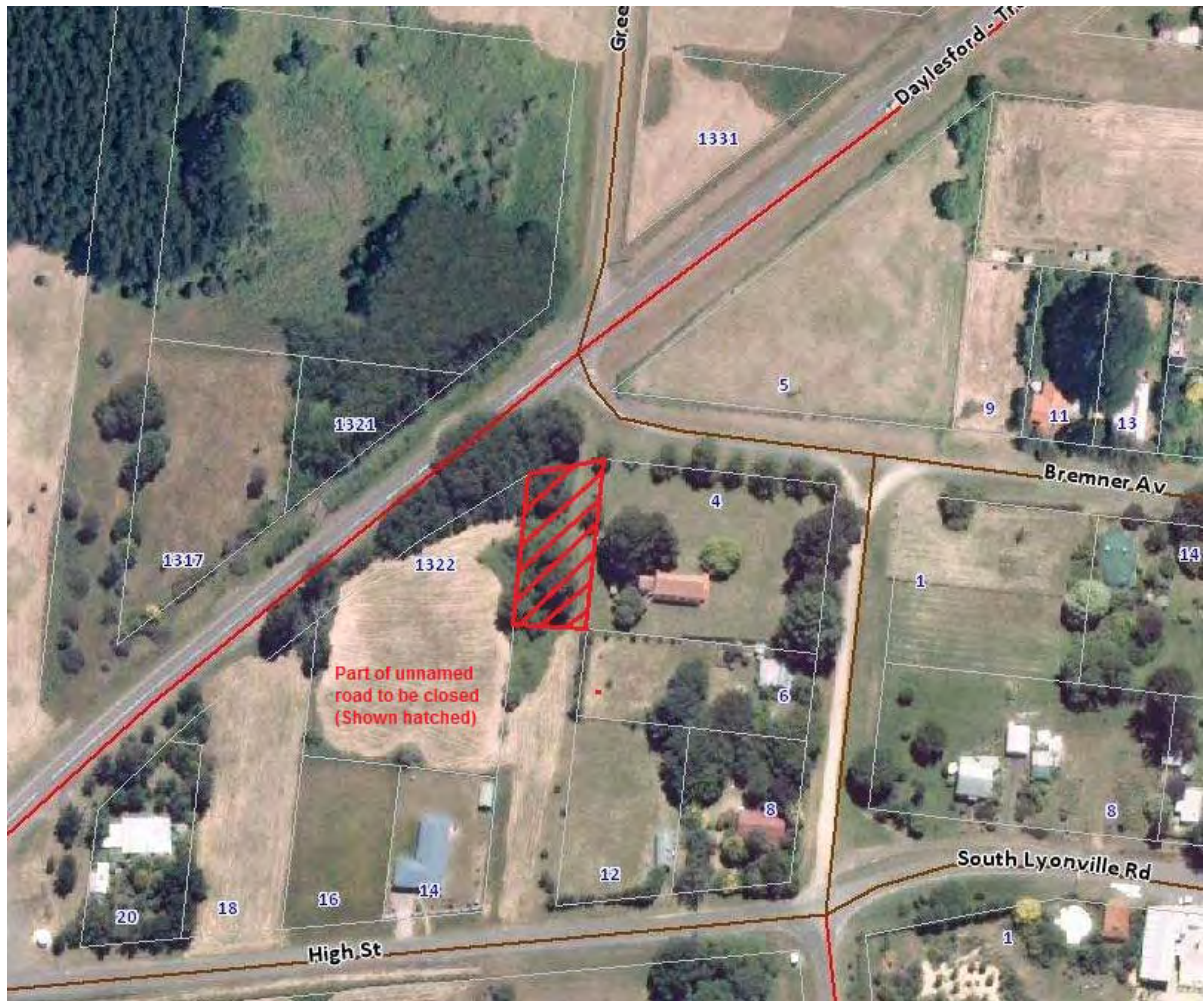
- 10.5.1. Gives public notice under the provisions of 207A and S223 of the Local Government Act 1089 (Act) of its intention to proceed under S206 and clause 3 of Schedule 10 of the Act to discontinue part of the road reservation between Bremner Avenue and High Street, Lyonville as shown hatched on the attached Plan;*
- 10.5.2. Authorises the General Manager Corporate Services to carry out administrative procedures necessary to enable the Council to carry out its functions under S223 of the Act; and require a further report on this matter at the conclusion of the public notice advertising period including the consideration of any submissions.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Neil Newitt

**Carried.**

**ATTACHMENT 5 - MAP OF PROPOSED ROAD DISCONTINUANCE**



**10.6. REQUEST TO RE-NAME A SECTION OF ROAD PRESENTLY KNOWN AS  
– LEONARDS HILL-SOUTH BULLARTO ROAD, LEONARDS HILL**

**GENERAL MANAGER CORPORATE SERVICES**

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

**PURPOSE**

The purpose of this report is to name the portion of road presently known as “Leonards Hill-South Bullarto Road”, Leonards Hill to “Gambles Lane” Leonards Hill.

**BACKGROUND**

New roads must be named in accordance with Geographic Names Victoria (GNV) road naming criteria.

**ISSUE / DISCUSSION**

An advertisement was placed in the Daylesford Advocate on 21 December, 2011 and also at the entrance of the road to be re-named seeking feedback on the proposed name change. A letter was also sent out to all the ratepayers along this stretch of road seeking feedback on the proposed name change.

Five (5) submissions were received. Four (4) submissions were in favour of the road name suggestion and one submission was received enquiring how the suggested name of Gambles Lane, came about. It was suggested it could be named “Paddy Point Road” from where the 2009 Musk Vale fire was apparently stopped.

The proposed name of “Gambles Lane” is in reference to Joe and Issie Gamble. Joe purchased the land on both sides of Leonards Hill-South Bullarto Road in 1894 and farmed it as a fruit produce business and in 1895 started growing flowers commercially. This property became known as the Daffodil Farm. Joe’s son, Issie also farmed the land and was also a Shire Councillor from 1930 until he retired and sold this property.

Residents along this road already refer to it as “Gambles Lane” and have done so for many years.

Please refer to Attachment 7 for map.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Guidelines to name the road were followed in accordance with the guidelines for geographic Names, 2010.

## **FINANCIAL IMPLICATIONS**

Cost of signage and installation to Council would be approximately \$350 per sign.

## **RISK IMPLICATIONS**

Not Applicable

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

Not Applicable

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

An advertisement was placed in the Daylesford Advocate on 21 December, 2011 and also at the entrance of the road to be named calling for road name suggestions. Five (5) submissions were received; four (4) in support of Gamble Lane and one (1) expressing interest in the orientation of naming the road "Gamble Lane". The Department of Sustainability were consulted as part of the road is owned by them, and they were happy to support the name change.

## **CONCLUSION**

That Council endorse the road naming suggestion.

## **OFFICER'S RECOMMENDATION**

10.6.1 That Council endorses the recommendation to rename a section of Leonards Hill-South Bullarto Road as shown the Department of Sustainability and Environment's 'Change of Road Name Leonards Hill' map to "Gambles Lane", Leonards Hill.

## **MOTION**

*10.6.1. That Council endorses the recommendation to rename a section of Leonards Hill-South Bullarto Road as shown the Department of Sustainability and Environment's 'Change of Road Name Leonards Hill' map to "Gambles Lane", Leonards Hill.*

**Moved:** Councillor Jonathan Barrell

**Seconded:** Councillor Don Henderson

**Carried.**

**ATTACHMENT 6 - LETTER AND MAP FROM THE DEPARTMENT OF  
SUSTAINABILITY AND ENVIRONMENT RECEIVED 16 SEPTEMBER 2011**



Department of  
Sustainability and Environment

402 Mair St  
Ballarat VIC 3350  
Telephone: (03) 5336 6689  
Facsimile: (03) 5336 6888  
ABN 90 719 052 204

HEPBURN SHIRE COUNCIL

File No: Foc/10/3476

Rec'd Date: 16 SEP 2011

Rec'd By: RJJ

Action By: K Atwood

Reg No:

Jenny Cowan  
Rates Administration Officer  
Hepburn Shire Council  
PO Box 21  
DAYLESFORD VIC 3460

cc: J Cowan

Dear Jenny

**REQUEST TO RENAME A SECTION OF LEONARDS HILL-SOUTH BULLARTO RD,  
LEANARDS HILL TO GAMBLES LANE.**

Thank you for your letter of 28 July 2011 to Mr Greg Leece regarding a proposal to rename a section of Leonards Hill – South Bullarto road within the Hepburn Shire. As this matter falls within my responsibilities your correspondence has been forwarded to me for my consideration and response.

I have considered the proposal and have no objection to the renaming of the section of Leonards Hill – South Bullarto Rd to Gambles Lane from the Ballan-Daylesford Rd, through to the intersection with the unnamed forest track as indicated in the attached map.

I request that an additional fingerboard road sign be erected at the intersection of Ballan – Daylesford Rd that indicates “To Leonards Hill – South Bullarto Rd”. This will ensure ease of navigation to and from the State Forest for the general public and provide for effective emergency response if required.

The Department of Sustainability and Environment will continue to maintain the Leonards Hill – South Bullarto Road east of the intersection with the unnamed forest track as indicated in the attached map and expects that Hepburn Shire will maintain the section west of this point to be renamed Gambles Lane.

If you have any further questions contact Simon White, Acting Road Manager South West Area on (03) 5233 5519.

Yours sincerely

**Helen Vaughan**  
**Acting Land and Fire Manager**  
**South West Region**

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Information Privacy Act 2000. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Sustainability & Environment, PO Box 500, East Melbourne, 3002.



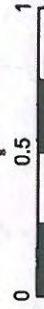


# Change of Road Name Leonards Hill



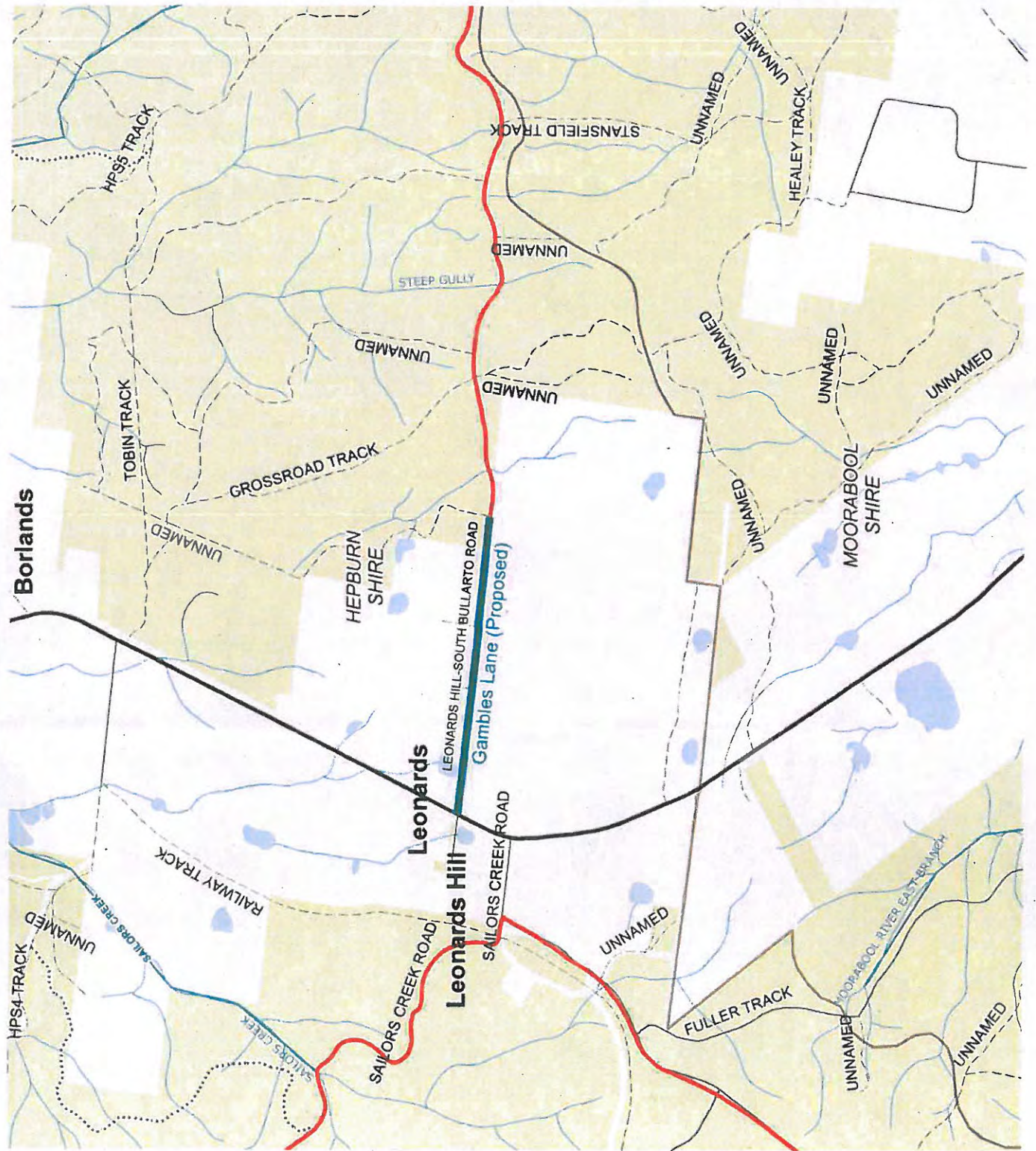
## Legend

- Proposed Road Name Change
- DSE Land and Fire Districts
- Local Government Areas
- DSE Fire Access Roads
  - Heavy
  - Medium
  - Light
- Freeway
- Highway/Arterial Road
- Major Road
- Minor Road
- Vehicular Track
- Other Road
- Walking Track
- WATERCOURSE
- Major Rivers
- Subject to Inundation
- Permanent Waterbody
- Wetland Area
- Land Parcels
- Public Lands PLU25



Kilometres  
Scale 1:25,000

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## 10.7. CANCELLATION OF ROAD RESERVE LICENCE - WALLINGTON LANE, CLUNES

### GENERAL MANAGER INFRASTRUCTURE

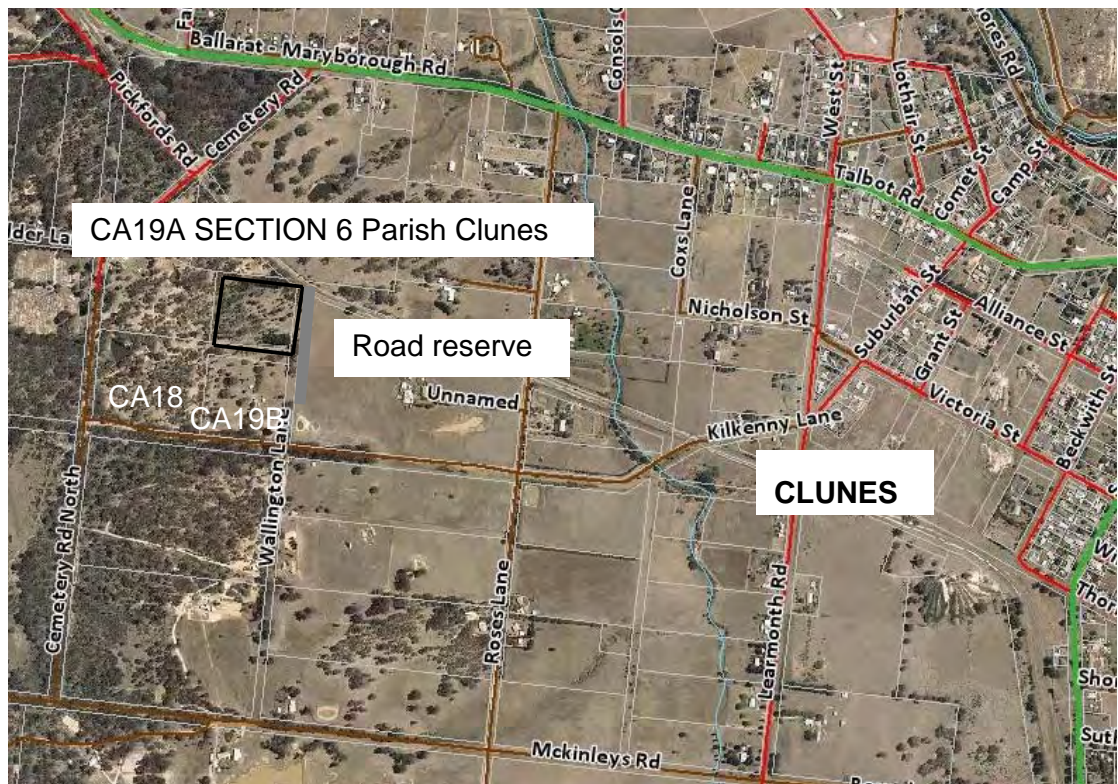
*In providing this advice to Council as the General Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.*

### PURPOSE

To consider the cancellation of a Department of Sustainability (DSE) licence over an unused road reserve.

### BACKGROUND

The legal point of access to CA19A section 6 Parish Clunes is from an unused road reserve, being the extension of Wallington Lane, Clunes off Kilkenny Lane. The road reserve is currently under a DSE licence.



The owner of the above property has requested that the existing Department of Sustainability licence over the reserve be cancelled so as to re-establish his point of access.

## **ISSUE / DISCUSSION**

The road reserve is fenced both sides and across Kilkenny Lane restricting access, however a gate is in place across Kilkenny Lane. An unmade track is used to access CA19B.

The road reserve is sole point of road access to the applicant's property which is currently undeveloped.

The effect of the change is that the road reserve will now be an 'open road' and added to Council's Public Road Register. The road will be classified as an Unmaintained Track with no requirement for development or maintenance.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Under the provisions of *section 407 Re-opening of licensed closed road or water frontage* of the *Land Act 1958* if Council considers that that it is desirable in the public interest that a licence under section 138 of the land Act be varied or cancelled, it may do so by informing DSE.

## **FINANCIAL IMPLICATIONS**

At this point in time there are no road construction requirements or obligations on the land owner or Council. Such requirements may be made at the time of any future development of the land.

## **RISK IMPLICATIONS**

Nil.

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

Nil.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As provided for under the Land Act, DSE are required to provide three months notice to the licence holder of the proposal to cancel the licence.

## **CONCLUSION**

As the road reserve is the sole point of access to the applicant's property, the request is appropriate and should be approved.

## OFFICER'S RECOMMENDATION

- 10.7.1 That Council informs the Department of Sustainability and Environment that the road reserve east of CA19A, CA19B and CA18 section 6 Parish Clunes is required for public access and requests that the current licence be cancelled.

## MOTION

*10.7.1. That Council informs the Department of Sustainability and Environment that the road reserve east of CA19A, CA19B and CA18 section 6 Parish Clunes is required for public access and requests that the current licence be cancelled.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Janine Booth  
**Carried.**

**10.8. B-DOUBLE PERMIT APPLICATION – CLEARWATER LOGGING AND TRANSPORT – BASALT ROAD AND WERONA ROAD BETWEEN THE MIDLAND HIGHWAY AND HANCOCK’S PLANTATION**

**GENERAL MANAGER INFRASTRUCTURE**

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

**PURPOSE**

To consider an application for a temporary 12 month permit for the use of 25 metre B-Doubles on Basalt Road and Werona Road between the Midland Highway and Hancock’s Plantation for Clearwater Logging and Transport to transport timber.

**BACKGROUND**

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

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

**ISSUE / DISCUSSION**

Clearwater Logging and Transport have applied for permission to use B-Doubles at higher mass limits (up to 68 tonnes) along Basalt Road and Werona Road to transport timber from the plantation area to Geelong via Daylesford Ballan Road

The permit is for a 12 month period from 20 March 2012 to 19 March 2013. It is not for continuous ongoing use and the requirement for log transport during 2012 has yet to be decided by the plantation operator, Hancocks timber.



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

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

B-Double trucks are required to hold a permit issued by VicRoads subject to the consent of the local municipality to operate on local roads.

### **FINANCIAL IMPLICATIONS**

Due to the minimal duration and traffic volumes expected on these roads (3 trucks per day for short periods as described by Clearwater Logging and Transport), the additional traffic from the plantation should have minimal impact on the road. Clearwater Logging are allowed by State Law to use standard semi trailers to cart logs but by using B double the number of truck traffic movements is halved (information supplied by the Clearwater Logging).

The use of higher mass limits should not be agreed to as any permit granted should be consistent with loads that the operator may legally carry using semi trailers standard registration under Victorian State Law complying to the General Mass Limits

## **RISK IMPLICATIONS**

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

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

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

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

## **CONCLUSION**

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

## **OFFICER'S RECOMMENDATION**

10.8.1 That Council consents to the issue of a permit valid for 12 months from 20 March 2012 to 19 March 2013 to Clearwater Logging and Transport for the use of B-Doubles at General Mass Limits on Basalt Road and Werona Road for transportation of timber during plantation harvesting.

## **MOTION**

*10.8.1. That Council consents to the issue of a permit valid for 12 months from 20 March 2012 to 19 March 2013 to Clearwater Logging and Transport for the use of B-Doubles at General Mass Limits on Basalt Road and Werona Road for transportation of timber during plantation harvesting.*

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

**10.9. CONSENT TO CLOSURE OF SECTION OF UNUSED ROAD WEST OF  
PC361574, TOWNSHIP OF LYONVILLE  
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**

To determine that a piece of road reserve is not required by Council for Public Traffic and is therefore an Unused Road.

**BACKGROUND**

The Gary George Design Group, as required by the Department of Sustainability and Environment (DSE), has provided written notification to Council under Section 400 of the Land Act 1958 requesting that Council declare a section of road described as west of PC361574, Township of Lyonville, as unused.

**ISSUE / DISCUSSION**

The applicant is the owner of the land being PC361574. This road reserve is currently undeveloped with vegetation present, fenced on the east side with no existing road asset reserve. The land to the west is crown land.

There is no current requirement for the reserve for property access as the land further to the north already has good road access.

The road reserve in question is not required for public traffic and therefore Council is able to support the issue of an unused road licence.





**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

This report is to allow Council to give notice under Section 400 of the Land Act 1958 to DSE that the section of the road as described above is not required for Public Traffic and therefore is an Unused Road.

**FINANCIAL IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

The issuing of a Licence will provide certainty of who has legal control over the land and remove any potential to suggest that the land is part of Council’s controlled road reserve.

**ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The section of land for which the licence is applied for appears as part of Crown Land and as such there is no change to the existing situation

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The applicant, as required by DSE, has advertised in local paper and a copy of the notice is to be forwarded to Council. No further engagement is necessary as DSE (Crown Land) is the only other stakeholder.

## **CONCLUSION**

That this application for a Miscellaneous Licence over the section of road reserve west of PC361574, Township of Lyonville be agreed to by Council as there is no material detriment to Council.

## **OFFICER'S RECOMMENDATION**

- 10.9.1 That Council agrees to the road described as "Road Reserve west of PC361574, Township of Lyonville" as an unused road pursuant to Section 400 of the Land Act 1958.

## **MOTION**

*10.9.1. That Council agrees to the road described as "Road Reserve west of PC361574, Township of Lyonville" as an unused road pursuant to Section 400 of the Land Act 1958.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Janine Booth  
**Carried.**

**Councillor Neil Newitt left the meeting at 8:01 pm due to a direct conflict of interest and returned to the meeting at 8:02 pm.**

**10.10. HEPBURN SHIRE COUNCIL FILM POLICY 32 (C)  
GENERAL MANAGER SUSTAINABLE DEVELOPMENT**

*In providing this advice to Council as the Manager Economic Development and Tourism, I John Collins have no interests to disclose in this report.*

**PURPOSE**

This report presents the revised Film Policy 32 (C) for endorsement by Council.

**BACKGROUND**

The Hepburn Shire Council Film Policy 32 (C) was presented to Council for endorsement at the December 2011 Ordinary Meeting of Council. Council sought clarification of some points which were presented to the Council Briefing on 14 February 2012. Council indicated support for the proposed changes as outlined below:

**Policy 32 (C) Film Policy**

Changes made to this policy include:

- A new fee structure that would see redirection of minor fees normally payable to Council being redirected to local business and tourism associations for use in the community relative to the film location.

**KEY ISSUES**

Policy 32 relates to the promotion of our region as a great place to live, work, play, invest and visit. In particular Council Plan items 28, 29 and 31 that require Council to promote and encourage tourism, events, tourism businesses, and infrastructure development.

There are very minor financial implications from the redirection of film fees to communities. Fees are minimal and occasionally waived to encourage particular kinds of filming that promotes our region in a targeted way (e.g. recent filming of the TV series, *The Block*). It is not believed that the financial implications are significant compared with the income generated by encouraging film crews into the region, promotional value for our towns and villages, and the goodwill engendered by redirecting the fees to the community.

In some years Council collects very little, or nothing, from film fees. In a good year it is between \$500-800. It may be higher if there were a large production being filmed in the Shire; however there has not been a large production for many years.

In addition, the State Government through Film Victoria is keen to encourage Councils to remove all fees so that Victoria is seen as an attractive venue for film companies. In Hepburn Shire, we need to compete for this business with similar regions vying for the income generated by the film crews, and for the added benefit that comes from the exposure inherent in the screening of the final product.

Finally, it sometimes costs the Shire more to collect and process the fees than they are worth.

This proposal is considered a reasonable compromise between 'no fees' and our current arrangement.

The Film Policy is recommended for approval as is and for routine review in two years.

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

Council Plan 28, 29, 31 and 32 as mentioned above.

#### **FINANCIAL IMPLICATIONS**

Minor redirection of fees to community business associations.

#### **RISK IMPLICATIONS**

No identified risks

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

Minor economic value to local business associations.

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Community were not consulted prior to Council endorsement, however it is known that some business and community members have expressed the opinion that fees should be more appropriately directed to their town when filming occurs in their vicinity.

#### **CONCLUSION**

Council's Film Policy has proven to be a sound basis for encouraging filming in our region. The charging of fees is increasingly being seen as superfluous,

if not discouraging. It is proposed to retain the fee option, but with the redirection of fees to the local business association rather than to Council.

**OFFICER'S RECOMMENDATION**

10.10.1 That Council approves the revised Film Policy 32 (C).

**MOTION**

*10.10.1. That Council approves the revised Film Policy 32 (C).*

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

**ATTACHMENT 7 - POLICY NUMBER 32 (C) – FILM POLICY – REVISED**

**POLICY NUMBER                  32 FILM POLICY**

**DATE AMENDED:**                                  November 2011  
**DATE OF NEXT REVIEW:**                        November 2015  
**DATE ADOPTED:**                                 2002  
**RESPONSIBLE OFFICER:**                        Manager Economic Development and Tourism  
**REFERENCES:**

**PROGRESSIVE ORGANISATIONS HAVE GOOD POLICIES**

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

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

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

**Signed**

**PETER REEVE**  
Interim Chief Executive Officer

## **Film Policy Review**

**September 2011**

### **Summary**

In reviewing the Film Policy, Council Officers recommend that a new fee structure be introduced. This would see fees paid to Council abolished and a new structure be introduced which requests that a donation be made to the local business & tourism committee, relative to the film location. For example, if filming on location in Clunes, a donation would be made to the Clunes Tourist and Development Association; if filming in Creswick a donation would be made to Business and Tourism Creswick. It is important for Council to recognise the important role that these committees have within their townships and see this as an opportunity for the film company to compensate the community for any disruption.

A “no fees” policy is also recommended by Film Victoria to assist in maintaining our position as one of the premier film destinations and film friendly Shires in regional Victoria.



## **HEPBURN SHIRE COUNCIL FILM POLICY**

### **About Hepburn Shire Council**

Hepburn Shire is a prominent regional centre located in the Australian state of Victoria, approximately 110 km north east of the state capital, Melbourne. Hepburn Shire has a population of approximately 15,000 and is home to a number of key local industries. Hepburn Shire offers diverse and accessible locations, infrastructure and services and a coordinated film-friendly and proactive approach to facilitating productions in the region.

The appeal of Hepburn Shire is its varied landscapes and heritage locations, and their ability to double for a number of iconic settings from around the world. Native American woodlands, wide dirt roads that cut through harsh Australian bush, rolling lush green hills and quaint village streetscapes make Hepburn Shire the ideal setting for any film, television or photographic project.

The Shires main town Centres include; Daylesford/Hepburn Springs, Creswick, Clunes and Trentham. Hepburn Shire's geography is varied and the region is renowned for its natural beauty and mineral springs reserves. Our region contains over 80 per cent of Australia's mineral springs centered mainly in Daylesford and Hepburn Springs. The Shire's other townships also have their own share of history and natural features. Trentham is home to Australia's highest single drop water fall, Creswick has carved out a name for itself as the home of forestry, and Clunes was the first registered gold strike town in Victoria.

### **Vision**

To maintain our position as the premier film destination in regional Victoria, through increasing Hepburn Shire's profile as a desirable production destination, by advocating and facilitating filming activity in the region, and to generate greater economic benefits for Hepburn Shire Council while maintaining community amenities.

### **Background**

The Hepburn Shire Council recognised the need for a coordinated approach across local government to address the increased demand from the local, interstate and international production industry, and was the first regional Council in Victoria to adopt a film policy and appoint a film liaison officer.

A number of the townships within the Hepburn Shire have since been the location for many films, television series and commercials; including Salem's Lot being filmed in Creswick, Ned Kelly, in Clunes, Love's Brother, in Hepburn Springs, Ponderosa and The Man from Snowy River at Newbury and Trentham, and The Saddle Club, shot on location in and around Daylesford.

## **Scope of Policy**

This policy covers all areas of the municipality of Hepburn Shire, Victoria, Australia; to coordinate filming activity occurring on land under its care and management.

This policy introduces a framework within which applications for filming and stills photography will be reviewed and processed. The policy allows all stakeholders (including local government, public authorities, the community, producers and production companies) to understand precisely their commitments and expectations when filming in Hepburn Shire. The document provides guidelines for filming and stills photography in Hepburn Shire including:

- Motion picture photography for television;
- Feature films;
- Advertising;
- Student film projects;
- Documentaries;
- Music videos;
- Commercial stills photography

## **Strategies**

Hepburn Shire Council's Film Policy will achieve its vision by implementing the following strategies:

- Implement, monitor and maintain an efficient and effective process for using Hepburn Shire for film and photographic purposes;
- Provide guidelines for coordinated information and permit approval service for the film and television industry;
- Ensure the film and television industry adheres to the policy and guidelines;

- Provide a high level of service with efficient responses to film and television industry enquiries and film permit applications;
- Develop and maintain systems for a streamlined approach to the provision of information and service requests from the film and television industry;
- Monitor the level of film activity to minimise impacts on community amenity, both residential and business;
- Facilitate and monitor the notification of filming activity to residents, business operators and the relevant public authorities;
- Act as an advocate for the film and television industry within council, to the community and in dealings with relevant public authorities;
- Act as a mediator in the resolution of issues arising from filming activity, if necessary;
- Actively work with key government agencies, including Film Victoria, to effectively advocate
- and promote Hepburn Shire Council as a film-friendly production destination with diverse and
- accessible locations.

### **Outcomes**

These strategies will result in a number of positive outcomes for the film and television industry, Hepburn Shire Council and the community including:

- A balance between residential, business and film and television industry needs and interests;
- Streamlined promotion of and access to Hepburn Shire for the film and television industry;
- Recognition of Hepburn Shire Council as a film-friendly and premier filming location in Victoria;
- An increase in film and television productions using Hepburn Shire as a location;
- Enhanced reputation and profile for Hepburn Shire Council as offering a coordinated, high quality service;

- Contribution to building Hepburn Shire Council's capacity as a centre for arts and cultural activities;
- Greater visitor awareness of Hepburn Shire's geographical, environmental and heritage assets;
- Minimised risk of litigation and insurance claims for Hepburn Shire Council and increased protection for the council's reputation;
- Recognition of the cultural value and economic benefits to be derived from the attraction of filming activity.

## **GUIDELINES**

### **APPLICATION TO FILM**

#### **Film Permits & Local Laws**

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When filming in streets, parks and gardens and other open spaces managed by the council, a completed "Film Permit Application" form is necessary. If filming in or around council-owned buildings, a "Location Agreement" may be required in addition to the council's "Film Permit Application" form. Please check with the Film Liaison Officer when lodging your application. Once the application has been processed by council, approval for filming and/or otherwise will then be issued.

Hepburn Shire Council's local laws incorporate guidelines for the use of roads, footpaths and other public spaces during filming activity. Commencement of this activity is subject to council's approval and issuance of a "Film Permit". Decisions will be based on the "Film Permit Application", evidence of adequate public liability insurance and any other documentation required by council as outlined in this policy. Filming without a permit will result in a penalty, as specified by the General Local Law No. 6, part 10.4.

The timeframe for the issue of permits correlates to the location and the activity's potential impact on the amenity of residents, business operators and traffic (refer to 'Council Notification & Consultation' and 'Permit Processing' for more information).

Filming is usually not permitted between the hours of midnight and 6.00am. In some instances permission may be granted for filming during these hours. Express written permission from the Film Liaison Officer must be obtained. Please refer to the "Guidelines for Filming and Stills Photography in Hepburn Shire Council" for details on altering curfew hours.

The “Guidelines for Filming and Stills Photography,” “Film Permit Application” form, sample “Film Permit”, “Risk Management Plan” and “Location Agreement” for Hepburn Shire Council follow as attachments.

### **Delegation of Authority**

The delegation of authority for issuing permits and charging fees rests with the Film Liaison Officer who reports to the Manager Economic Development and Tourism. The Film Liaison Officer is the Council’s point of contact for filmmakers and their crew, and liaises with other departments to set up traffic management requirements and ensure public and commercial spaces and council facilities are utilised appropriately. The Film Liaison Officer is charged with processing applications, issuing permits, coordinating the availability of locations, monitoring filming activity in the region and providing fast and efficient service internally and externally.

In the event of a dispute or difference arising from the interpretation of this policy, any decision made by the Manager Economic Development and Tourism shall be final and conclusive.

The Manager Economic Development and Tourism, or his/her delegate will administer the fees, which will be set by council as part of the annual budget process. The Manager Economic Development and Tourism, is delegated with the authority to approve sponsorship where the ‘Sponsorships - Criteria for Fee Waiver’ are met.

### **Council Notification & Consultation**

Hepburn Shire Council understands that a production’s schedule may change frequently and at the last minute and, where possible, will endeavour to accommodate flexible timeframes for notification to council of proposed filming activity.

Generally, a film permit application that DOES NOT have any impact on the normal flow of traffic must be submitted to council at least three (3) business days prior to the intended commencement date of filming activity. Applications that DO require traffic and pedestrian management planning must be submitted at least five (5) business days prior, to allow time for these extra measures to be considered by council.

Major filming activity will require special consultation with representatives of council before and during the production process to ensure that any risks which may be associated with the filming activity are minimised, e.g. ongoing disruptions to parking and traffic. (See also ‘Risk Management’ and ‘Traffic & Pedestrian Management Plans’).

## **Permit Processing**

Most film permit applications will be turned over within 48 hours, however, applicants will need to allow for the impact on the location if short notice is given, and will be required to contact relevant stakeholders of their intention to film. (See 'Communication with Stakeholders').

## **Fees**

Hepburn Shire Council wishes to ensure greater access to its locations and encourage filming activity by providing a "no fees policy" for film permit processing. However, in lieu of a Fee to Council, it is expected that a donation be made to the local business & tourism committee, relative to the film location. For example, if filming on location in Clunes, a donation would be made to the Clunes Tourist and Development Association; if filming in Creswick a donation would be made to Business and Tourism Creswick. Council's Film Liaison Officer is able to provide a list of contacts for local not-for-profit organisations, to which donations can be made. Hepburn Shire Council recognises the important role that these committees have within their townships and see this as an opportunity for the film company to compensate the community for any disruption.

Unless existing fees apply to exclusive use of a particular area (e.g. parks, gardens), the "no fees policy" to Council will apply to filming activity that occurs on council-owned or managed land or property. However, costs to council in providing supervisory personnel (if required), event coordination, expenses associated with advertising, traffic control, road closures and any other costs incurred in the facilitation of the application will be borne by the applicant.

A bond may be required for filming activity in buildings and on or around property owned by council. A bond is refundable and will act as a security deposit to be paid to Hepburn Shire Council subject to the conditions of the "Film Permit". A bond may be applied based on an assessment of risk to, or adverse impact on council property, or the environment and to ensure that the production company follows the "Guidelines for Filming and Stills Photography" (see appendix 1) and the "Location Agreement".

The bond (if applicable) will be negotiated before filming begins and will be returned within 14 days of its conclusion, subject to any claim for damages.

Other fees that may apply include requests for reserved on-street parking. All vehicles must be parked in accordance with a parking plan agreed to by council at the time of application (refer to 'Fees to Other Departments' and 'Traffic & Pedestrian Management Plans').

The fees mentioned above do not cover private arrangements entered into by the applicant with private land or property owners.

### **Sponsorships - Criteria for Fee Waiver**

Fees for filming activity may be waived in certain circumstances. Hepburn Shire Council treats this type of support as a sponsorship. Applicants in receipt of sponsorship are required to acknowledge the council in the end credits of the project. The acknowledgment will read “Filmed in Hepburn Shire” or “Thanks to Hepburn Shire Council.”

Any applicant seeking to have fees waived must attach a written request to the “Film Permit Application” stating the rationale for sponsorship. The Manager Economic Development & Tourism is delegated with the authority to approve sponsorship.

Sponsorship may be available for:

- Projects which demonstrate benefits for the community;
- Projects which concern charitable activities;
- Documentaries whose subject relates to the cultural heritage of Hepburn Shire
- Emerging producers and/or directors;
- Student projects.

Fees will not be waived retrospectively. If fees are waived, charges may still be payable for a bond and/or additional costs such as insurance, security, supervision, the moving or relocation of physical items, and any costs incurred by council as a result of the filming activity.

### **Damage to Council Property**

Any costs associated with the clearing away of waste generated by the filming activity and for any damage to council infrastructure including, but not limited to, parks and gardens, irrigation, roads and other council property will be borne by the production company/producer.

The production company/producer shall restore the location to its pre-existing condition by the conclusion of filming and to the satisfaction of council. If such restoration works are not undertaken to the standard required by Hepburn Shire Council, council may, at the cost of the production company, in all respects undertake or have undertaken by independent contractors restoration works. The production company/producer will pay

the costs of such restoration works to council within seven (7) days of a request in writing from the Film Liaison Officer. Council may, if it so determines, apply the amount of the bond (if applicable) paid by the production company/ producer as payment or part payment as the case may be of such works.

### **Equipment**

Hepburn Shire Council accepts no responsibility for damage to, or loss of any equipment utilised for film and television production. Reasonable care must be taken at all times when setting up and dismantling equipment, to minimise impact and to ensure the safety and protection of the community.

### **Insurance & Indemnities**

All film permit applications are required to provide evidence of appropriate public liability insurance cover. Applicants must present their Certificate of Currency to the Film Liaison Officer as part of their film permit application, prior to a permit being issued. The Certificate of Currency must clearly state that:

- (i) The policy covers liability for the death or injury to any person or damage to any property arising out of the activity authorised by the permit;
- (ii) The amount of cover held for filming must not be less than \$10 million (and \$5 million for stills photography).

Information that must be supplied to council with a copy of the Certificate of Currency:

- Insurer's name, address, phone, fax and email details;
- Policy number;
- Policy expiry date;
- The names of all the insured parties;
- Details of what is covered under the insurance policy;
- Details of all the exclusions under the policy (including policy excess);
- Public liability value;
- Details of the insurer's local representatives (offshore projects only);
- Claim forms and claims procedure (offshore projects only).



Applicants employing the services of stunt performers are required to provide evidence of appropriate specialised risk insurance or Workcover, which must accompany a copy of the required safety plans and reports (refer to section on 'Risk Management').

Applicants are also required to indemnify council in relation to any claims or other matters that may arise as a result of any filming activity. All filming activity must comply with common law. For further information on risks, liabilities, indemnity and insurance, contact the Film Liaison Officer.

### **Risk Management**

Some aspects of filming activity (e.g. road closures, stunts) may present potential risks that should be identified in advance, with appropriate management measures put in place prior to the commencement of filming. A key component of planning a film shoot involves performing a risk assessment of the proposed filming activity - to identify, analyse and assess foreseeable risks, to establish priorities for risk control and to apply cost effective risk control measures.

Hepburn Shire Council may require the applicant to complete a "Risk Management Plan" in accordance with the Australian/New Zealand Standard AS/NZS 4360:2004 to demonstrate that a risk assessment has been conducted. Risk management plans must identify any potential hazards and actions and how it is intended that the production company will mitigate those risks associated with the filming activity. Please check with the Film Liaison Officer when making your enquiry.

Hepburn Shire Council may also require the applicant to submit a safety report in regard to the proposed filming activities, prepared in accordance with the relevant film and television codes and the key Victorian Occupational Health and Safety Acts. If required, a copy of the safety report must accompany the risk management plan and be made available to the council with the film permit application.

### **Traffic & Pedestrian Management Plans**

Filming activity can present safety issues for members of the public where the activity interferes with the normal flow of traffic or pedestrian access. Accordingly, the safety of participants and spectators must be taken into consideration when filming takes place.

If the proposed filming activity will impact on any road or footpath, applicants must develop traffic and/or pedestrian management plans outlining the objectives and strategies for managing proposed road closures and/or pedestrian traffic.

Traffic and pedestrian management plans must be accompanied by a risk management plan

(in accordance with the Australian/New Zealand Standard AS/NZS 4360:2004) and must include

a detailed diagram of the proposed location that clearly shows:

- Location of any safety lights;
- Location of diversion and closure signs;
- Location of road closures and barricades;
- Location of safety personnel and police (if required);
- Location of Variable Message Signs (VMS).

### **Communication with Stakeholders**

Hepburn Shire Council aims to keep the local community and public authorities informed of events and activities that may have an impact on them, so that they are supportive of production companies and their presence in Hepburn Shire Council.

Projects that are expected to have an impact on Hepburn Shire's residents, business operators, visitors and infrastructure, require the implementation of appropriate communication and logistics strategies to inform and minimise any inconvenience to Hepburn Shire Council's stakeholders. For major filming activity, the Hepburn Shire Council will help facilitate communication and consultation between the production company and local stakeholders. In most circumstances, the location managers and/or producers will be required to communicate directly with relevant residents, business operators and public authorities.

In order to maintain a balanced level of community amenity, applicants are required to notify in writing persons and businesses that may be affected by their presence. The timeframe for this notification will be managed in consultation with the Film Liaison Officer.

Notification must include:

- Name of a contact person on site (to handle enquiries and complaints);
- Dates and times for start and finish of set-up and filming;
- Details of the use of firearms, stunts or explosives, or other activity that may result in extra noise that might be construed as disturbing.

Applicants should be advised that other agencies, public authorities and property owners may need to be consulted prior to filming in Hepburn Shire. Filming on land under the control of Parks Victoria, water authorities, VicRoads and the Department of Sustainability and Environment, will necessitate the applicant to contact those agencies and obtain approvals as necessary.

Applicants must notify the Victoria Police Film and Television Office of any filming activity that may be of concern or interest to Victoria Police. This includes but is not limited to all filming planned for public open space, any filming on roads in general and, in particular, filming that requires the use of firearms, imitation firearms and special effects. Consult the Film Liaison Officer for other instances that may require notifying Victoria Police.

### **Internal Liaison in Hepburn Shire Council**

Filming activity can impact on several council departments and business units. Internal liaison

may require communication with: Councillors, Management, Policy & Governance, Development Services, Regulatory Services, Compliance, Economic Development & Tourism, Health, Organisation Development, Engineering Services, and Local Laws.

Effective communication is an essential factor in the provision of these services to the film and television industry. Internal liaison between all departments to support filming activity is essential to provide an efficient service, which develops and maintains positive relationships between the film industry, Hepburn Shire Council and its residents, business operators and public authorities.

### **Working with Hepburn Shire Council**

Hepburn Shire Council fully supports and encourages filming activities in the region. Understandably, council must also protect its interests and assets and promote the reputation and profile of Hepburn Shire Council including its geographical, environmental and heritage assets.

Council may have a representative present on location at all times. The production company/producer is responsible for ensuring all crew, cast and other persons engaged by the production company follow reasonable directions given by council officers or delegates.

Where possible, council assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read “Filmed in Hepburn Shire” or “Thanks to Hepburn Shire Council”.

### **Content of Film Scripts**

Any issue(s) in relation to the content of what is being filmed or how it is going to be used, which could be considered sensitive or offensive to Hepburn Shire Council is to be detailed

in an attachment to the “Film Permit Application” and is to be discussed with the Film Liaison Officer prior to approval being granted. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.

The production company/producer will not portray Hepburn Shire Council as endorsing or supporting any product, service or any views, opinions, attitudes or ideas suggested, conveyed, advertised, canvassed, depicted or otherwise expressed, without prior written consent from council.

### **Promotional Photography**

Hepburn Shire Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to Hepburn Shire. Further consultation on this matter will be on a case-by-case basis.

### **External Events**

Hepburn Shire Council will not be held responsible for any interference to the filming activities arising from any external events or third parties not caused or controlled by the council.

### **Non-Compliance**

If council finds that the permit holder is in breach of the terms and conditions of the “Film Permit”, this will result in immediate cancellation of the permit, removal of the production crew and cessation of their filming activity in Hepburn Shire.

## **Cancellation Costs**

Where Hepburn Shire Council and/or its employees have incurred costs and the production company/producer withdraws an application or incurs cancellation of the film permit due to non-compliance with the terms of the permit, then these costs will be passed on in full to the production company/producer and will be paid within seven (7) days of the receipt of notification of costs.

## **Strategic Alliances**

Hepburn Shire Council has formed a strategic partnership with the Ararat Rural City Council, City of Ballarat, Moorabool Shire Council, Northern Grampians Shire Council and Pyrenees Shire Council to establish a provincial film attraction website in collaboration with Film Victoria.

This joint initiative provides the film and television industry with a streamlined tool for accessing

information about filming on location in Hepburn Shire Council, Ararat Rural City Council, City of Ballarat, Moorabool Shire Council, Northern Grampians Shire Council and Pyrenees Shire Council. The website forms part of the broader Film Victoria initiative linking film attraction websites across Victorian local government to its central online locations library.

To view the website, visit [www.filmballaratandbeyond.com.au](http://www.filmballaratandbeyond.com.au). To view Film Victoria's online locations library visit [www.filmvictoria.com.au](http://www.filmvictoria.com.au).

## **Council Film Liaison Services & Contacts**

The Film Liaison Officer is the council contact for film crews and photographers, and will be responsible for internal liaison to ensure optimum traffic management and use of public and commercial spaces and facilities.

The Film Liaison Officer provides the film industry with advice on the guidelines and procedures, and evaluates and processes film permit applications. The service encourages

location managers and film producers to provide ongoing information about filming activities.

The Film Liaison Officer will work in collaboration with Film Victoria and the Victoria Police Film and Television Office and other public authorities when administering these services.

**Contact Details**

Rebecca Pedretti

Film Liaison Officer

Hepburn Shire Council

PO Box 21

Daylesford VIC AUSTRALIA 3460

**Tel** 03 5321 6111

**Mobile** 0488 604 902

**Fax** 03 5321 6199

**Email** [rpedretti@hepburn.vic.gov.au](mailto:rpedretti@hepburn.vic.gov.au)

**Website** [www.hepburnshire.com.au](http://www.hepburnshire.com.au)

[www.filmballaratandbeyond.com.au](http://www.filmballaratandbeyond.com.au)

## 10.11. RECORD OF ASSEMBLIES OF COUNCILLORS – FEBRUARY 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 February 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;

<b>Assemblies of Councillors</b>		
<b>Date</b>	<b>Location</b>	<b>Committee Name</b>
1 February 2012	Creswick RSL	Creswick 4 Seasons Events Meeting
6 February 2012	Daylesford Secondary College	ARC Advisory Committee
8 February 2012	Creswick RSL	Doug Lindsay Reserve and Community Facility Management Advisory Committee
14 February 2012	Council Chamber, Daylesford	Councillor Briefing
20 February 2012	Creswick RSL	Creswick Ward Community Committee
21 February 2012	Trentham Mechanics Institute	Councillor/CEO Meeting

Date	Location	Committee Name
21 February 2012	Trentham Mechanics Institute	Pre Council Meeting

### ISSUE/DISCUSSION

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

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

*Local Government Act 1989, Section 80A*

### FINANCIAL IMPLICATIONS

Nil

### RISK IMPLICATIONS

There are implications with regards to council's compliance with the Local government Act 1989 (as amended) if written records of councillor Assemblies are not reported to Council

### ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

### CONCLUSION

Information provided for noting.



**OFFICER'S RECOMMENDATION**

10.11.1 That the information be received.

**MOTION**

*10.11.1. That the information be received.*

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

**ATTACHMENT 8 - RECORDS OF ASSEMBLIES OF COUNCILLORS  
(Issued Under Separate Cover)**

## 11. COUNCIL SPECIAL COMMITTEES (SECTION 86)

### 11.1. SPECIAL COMMITTEE MINUTES

#### 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 meeting 05/12/2011.
- Minutes from the Drummond Hall Special Committee meeting 24/02/2012.
- Minutes from the Glenlyon Recreation Reserve Special Committee Meeting 31/01/2012.
- Minutes from the Lee Medlyn Home of Bottles Special Committee meeting 01/02/2012.

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:

- Creswick Museum Special Committee  
**Loan of Lionel Lindsay Woodcut *The Fruit Basket***  
The Woollen Mill is again supporting the Museum, as they did last year, with their “Celebration of the Lindsays”. Last year the Museum received sufficient funds (\$600.00) to have one of its paintings conserved and

reframed. As part of the Lindsay display, the Museum would like to lend them a Lionel Lindsay Woodcut *The Fruit Basket*. The Museum actually has two copies of the print and as much as they would like to sell one their hands are tied as they are both bequests. The Insurance value when done by Margaret Rich three years ago was \$500.00. It would be on loan from 19-29 April 2012. We seek permission from Council to lend this woodcut.

### **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.

The Clunes Museum Special Committee has requested that Council formally appoints an additional member.

### **OFFICER'S RECOMMENDATION**

That Council:

- 11.1.1 Notes the minutes of the Special Committees (Section 86) listed above which have been distributed under a separate cover;
- 11.1.2 Grants permission to the Creswick Museum to lend a Lionel Lindsay Woodcut 'The Fruit Basket' to the Creswick Woollen Mills as part of the Lindsay display from 19-20 April 2012.

## MOTION

*That Council:*

- 11.1.1. *Notes the minutes of the Special Committees (Section 86) listed above which have been distributed under a separate cover;*
- 11.1.2. *Grants permission to the Creswick Museum to lend a Lionel Lindsay Woodcut 'The Fruit Basket' to the Creswick Woollen Mills as part of the Lindsay display from 19-20 April 2012.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Jonathan Barrell

**Carried.**

## **11.2. APPOINTMENT OF MEMBERS TO CLUNES COMMUNITY CENTRE 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 additional members to be appointed to the Clunes Community Centre Special Committee.

#### **BACKGROUND**

The Clunes Community Centre Special Committee is responsible for managing the Clunes Community and Recreation Centre at Victoria Park, Clunes under delegation from Council.

Based on Council's register of special committees, the Committee had one less member than the minimum specified in the Instrument of Delegation. As such, a call for nominations for additional members to be appointed to the above Special Committee for a fixed term was undertaken via a public advertisement on Council's website, and in The Advocate.

During the period of advertising for members, based on discussions with the committee secretary and from reviewing the minutes appointing members, it became apparent that the committee has the minimum number of members required in the instrument of delegation. It is believed that one of the members was incorrectly removed from Council's register of special committees in the past.

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

Applications were reviewed by the Manager Community Development and Manager Risk and Property.

#### **ISSUE/DISCUSSION**

The following nine nominations (in order of date of receipt of applications) were received by the closing date of 10 February 2012:

<b>Applicant</b>	<b>Associations</b>	<b>Received</b>
Ashlea Milne	> Wesley College staff member > Pool manager	8/02/2012

<b>Applicant</b>	<b>Associations</b>	<b>Received</b>
Chris Charleson	> Clunes Primary School > Member of former Clunes Hub Special Committee	8/02/2012
Elizabeth Garth	> Basketball > Netball > Clunes Primary School	8/02/2012
Laura Cook	> Clunes Pool staff member with the YMCA	8/02/2012
Peter Newton	> Football > Parent of users	8/02/2012
Tracy Newton	> YMCA Ballarat Instructor > Trainer/instructor > Parent of users	8/02/2012
Jane Goldsmith	> Basketball > Clunes Primary School	9/02/2012
Jo Mayes	> Basketball	9/02/2012
Tanya Eldridge	> Wesley College > Football-Netball Club > Clunes Pool staff member with the YMCA	9/02/2012

The applications received have been provided to Councillors under separate cover.

One application was received after the due date for applications. As sufficient applications were received by the due date and the late applicant was involved in the same groups listed above, it was excluded from further consideration.

As per the Instrument of Delegation for the Clunes Community Centre Special Committee, a minimum of seven community members is required. The committee currently has seven community members. Further members can be added above and beyond the minimum number. An odd number of members is preferred to enable a quorum to more easily be achieved at each meeting.

The applications were reviewed by the Manager Community Development and the Manager Risk and Property with the aim of appointing additional members who represent the greatest range of user groups.

It is proposed to add two more members. The following two members are proposed to be added on the basis that they represent a large range of user groups:

- Elizabeth Garth
- Tanya Eldridge.

Current members are appointed until 31 July 2013. The proposed term for the new members ends on 31 July 2014, to enable continuity of members in future appointments.

### **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 additional members, a public call was made for nominations. Applicants who miss out on being appointed now will have an opportunity to reapply in July 2013 when the term of current members expires.

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

No significant implications noted. These new members will be empowered to contribute to the work of the Clunes Community Centre Special Committee in managing the facility.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The call for nominations to the above Special Committee has been undertaken via a public advertisement on Council's website and in *The Advocate*.

### **CONCLUSION**

Appointment of additional applicants as committee members will enhance the representation of user groups on the Clunes Community Centre Special Committee.



## OFFICER'S RECOMMENDATION

That Council:

- 11.2.1 Resolves to appoint the following nominees as members to the Clunes Community Centre Special Committee for a period commencing on Tuesday 20 April 2012 until 31 July 2014:

Ms Elizabeth Garth

Ms Tanya Eldridge.

- 11.2.2 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:*

- 11.2.1. *Resolves to appoint the following nominees as members to the Clunes Community Centre Special Committee for a period commencing on Tuesday 20 April 2012 until 31 July 2014:*

*Ms Elizabeth Garth*

*Ms Tanya Eldridge.*

- 11.2.2. *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 Don Henderson

**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 Advisory Committees, as provided by the Committees over the past month, for your information:

- Minutes from the Audit and Risk Advisory Committee Meeting 20/02/2012.
- Creswick Ward Community Committee Meeting 20/02/2012.
- Minutes from the Heritage Advisory Committee Meeting 18/11/2011 – adopted at meeting held on 17 February 2012.
- Minutes of the Environmental Sustainability Advisory Committee Meeting 7/12/2011.
- Minutes of the Environmental Sustainability Advisory Committee Meeting 27/09/2011.

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

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

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

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

Nil

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes and reports have been provided for noting.

## **OFFICER'S RECOMMENDATION**

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

## **MOTION**

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

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Don Henderson

**Carried.**

## **12.2. CRESWICK FOOTBALL NETBALL CLUB LIQUOR LICENCE APPLICATION**

### **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**

For Council to endorse the Creswick Football Netball Club's application for a liquor licence at the Doug Lindsay Reserve Community Facility, Creswick.

### **BACKGROUND**

Creswick Football Netball Club (CFNC) are relocating from Hammon Park, Creswick to Doug Lindsay Reserve, Creswick for the commencement of the 2012 Football Netball Season. In order to operate a bar and conduct functions at the Reserve the CFNC require a liquor licence. The first CFNC home game is on Saturday 21 April 2012.

### **ISSUE / DISCUSSION**

Council has appointed a Doug Lindsay Reserve and Community Facility Advisory Committee to advise Council about the on-going management arrangements of the Reserve. This Committee is in place until 30 November 2012.

The CFNC have applied for a liquor licence to sell alcohol at the Reserve. This liquor licence will cover the club to conduct functions and operate a bar both throughout the week and on weekends.

Once new management arrangements are approved for the Reserve and Community Facility this liquor licence would then be transferred across to the management group.

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

Creswick Football Netball Club must comply with requirements under the Liquor Control Reform Act 1998.

### **FINANCIAL IMPLICATIONS**

Nil identified

### **RISK IMPLICATIONS**

Sale and consumption of alcohol must comply with requirements under the Liquor Control Reform Act 1998.

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

Nil identified

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The CFNC have advised the Doug Lindsay Reserve and Community Facility Advisory Committee of their application for a liquor licence.

### **CONCLUSION**

That Council endorse the Creswick Football Netball Club holding an interim liquor licence for the Doug Lindsay Reserve and Community Facility until the new management arrangements are in place.

### **OFFICER'S RECOMMENDATION**

That Council:

- 12.2.1 Endorses Creswick Football Netball Club holding a liquor licence for the Doug Lindsay Reserve Community Facility for an interim period until new management arrangements are approved.
- 12.2.2 Notes Netball Club holding a liquor licence for the Doug Lindsay Reserve Community Facility for an interim period until new management arrangements are approved.

## MOTION

*That Council:*

- 12.2.1. *Agrees to the application from the Creswick Football Netball Club Inc to hold a liquor licence for the Doug Lindsay Reserve Community Facility for an interim period until new management arrangements are approved.*
- 12.2.2. *Notes that a future report on the proposed management arrangements of Doug Lindsay Reserve and Community Facility as recommended by the Advisory Committee will be presented to Council.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Don Henderson

**Carried.**

### **12.3. ENERGY DESCENT ACTION PLANNING FOR HEPBURN SHIRE REPORT SUSTAINABILITY PROJECT OFFICER**

*This recommendation to Council is based on a resolution by the Environmental Sustainability Advisory Committee (ESAC) from a meeting on 7 December 2011.*

#### **PURPOSE**

The purpose of this report is to enact the recommendations of ESAC meeting held on 7 December 2011.

#### **BACKGROUND**

Holmgren Design Services won a tender to provide guidance to ESAC to develop an Energy Descent Action Plan (EDAP) and were engaged mid 2011. The consultants conducted a series of consultations, workshops and scenario presentations which provided background data and information exchange. After which they submitted the report: *Energy Descent Action Planning for Hepburn Shire Final Report October 2011 (Holmgren & Lillington) [refer Attachment 9 issued under separate cover]* containing examples, indicators, and recommendations about the process of developing an EDAP. Since their report was received, a working group has begun the process of documenting an Energy Descent Action Plan for the Shire. A motion re EDAP Report was passed *that the report is passed on to Council in its current form.* All were in favour.

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

12.3.1 That Council receives the Holmgren 'Energy Descent Action Planning for Hepburn Shire' Final Report October 2011 in its current form.

#### **MOTION**

*12.3.1. That Council receives the Holmgren 'Energy Descent Action Planning for Hepburn Shire' Final Report October 2011 in its current form.*

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

**ATTACHMENT 9 - ENERGY DESCENT ACTION PLANNING FOR  
HEPBURN SHIRE FINAL REPORT, OCTOBER 2011,  
DAVID HOLMGREN & IAN LILLINGTON  
(Issued Under Separate Cover)**



**12.4. APPOINTMENT OF MEMBERS TO VACANT POSITIONS - CRESWICK WARD COMMUNITY COMMITTEE  
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**

To recommend the appointment of members to the Creswick Ward Community Committee to fill casual vacancies.

**BACKGROUND**

At its meeting on 19 December 2012 the CWCC determined that two vacant positions on the CWCC be advertised in the Creswick District News (CDN) and The Advocate.

**ISSUE / DISCUSSION**

The casual vacancies were advertised in the January edition of the CDN and The Advocate from 25 January until 29 February 2012 and nominations closed on 2 March, 2012.

Two nominations were received by the closing date and assessed against the selection criteria in the nomination form (refer Attachment 10).

The CWCC Terms of Reference specify that Council appointment of casual vacancies that occur are to be ratified by Council.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council Plan commitment – 17 Embracing community knowledge and expertise to help guide its decision making and implementation.

**FINANCIAL IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

Nil

**ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The Creswick Ward Community Committee has an important role in implementing the Creswick Ward Community Plan.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

The call for nominations for the Creswick Ward Community Committee was advertised in The Advocate and Creswick Community Newsletter.

## CONCLUSION

Nominations have been reviewed against the selection criteria and both nominees meet the criteria.

## OFFICER'S RECOMMENDATION

12.4.1 That Council resolves to appoint the following nominees to the Creswick Ward Community Committee for a period commencing 20 March 2012 until December 2013:

Mr Larry Monk – Withdrawn

Mr Brian Turville.

## MOTION

*That Council:*

*12.4.1. Resolves to appoint the following nominee to the Creswick Ward Community Committee for a period commencing 20 March 2012 until December 2013:*

*Mr Brian Turville.*

*12.4.2. Advertises all vacant positions.*

**Moved:** Councillor Don Henderson

**Seconded:** Councillor Bill McClenaghan

**Carried.**

**ATTACHMENT 10 - SUMMARY OF NOMINEES – CRESWICK WARD  
COMMUNITY COMMITTEE**

## Creswick Ward Community Committee – Summary of Nominees

<b>Nominee</b>	<b>Demonstrated skills, expertise and knowledge</b> a) Economic development b) Community development c) Arts, heritage or culture d) Environmental sustainability e) health promotion or recreation	<b>Demonstrated understanding of community planning processes and outputs.</b>	<b>Demonstrated involvement with the Creswick and district community</b>	<b>Good communication skills</b>	<b>Demonstrated ability to work as part of a team and to be solution based</b>	<b>Referees Supplied</b>
Larry Monk	Extensive involvement with tourism industry bodies and economic development boards.	Employment with member based organizations and local authorities.	Current President of Business and Tourism Creswick and Creswick rep. on Tourism Hepburn. Member of Lindsay Arts Trail group.	Yes.	Advocate of team work.	Yes
Barry Turville	Established Smokeytown Cafe, Flood Relief Committee member.	Former CDDA committee member. Former Creswick Business Group Committee member.	Creswick member of the Villages of the Old Goldfields.	Yes	Yes	Yes

## **12.5. ADVICE TO COUNCIL FROM CRESWICK WARD COMMUNITY COMMITTEE**

### **GENERAL MANAGER COMMUNITY SERVICES**

*This recommendation to Council is based on a resolution by the Creswick Ward Community Committee Advisory Committee from a meeting on 20 February 2012.*

#### **PURPOSE**

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

#### **BACKGROUND**

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

The CWCC resolved to provide the following advice to Council.

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

That the Creswick Ward Community Committee recommend to Council that letters of appreciation be sent to:

- 12.5.1. SPARX Systems in recognition of restoration of the old State Savings Bank building; and,
- 12.5.2. Creswick Cemetery Trust for on-going improvements and maintenance of cemetery; which align with community aspirations within the Creswick Ward Community Plan with regard to heritage, streetscape and culture.

Moved: Maggie Robson

Seconded: Sandy Campbell

Carried

### **MOTION**

*That Council:*

- 12.5.1. Accepts the recommendation of the Creswick Ward Community Committee that Council write to Jan and Geoff Sparks of Sparx Systems acknowledging their work on the restoration of the facade of the old State Savings Bank in Creswick.*
- 12.5.2. Writes to the Creswick Cemetery Trust Committee acknowledging their ongoing improvements and maintenance of the Creswick Cemetery.*
- 12.5.3. Acknowledges that both projects align with community aspirations within the Creswick Ward Community Plan with regard to heritage, streetscape and cultural initiatives.*

**Moved:** Councillor Janine Booth

**Seconded:** Councillor Don Henderson

**Carried.**

## 13. CONFIDENTIAL ITEMS

### 13.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

#### RECOMMENDATION

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

- 89(2)(d) Contractual matters;

Tender H278-2011 Pavement construction, bituminous surfacing and associated works, Ch 675m to Ch 3125m, Ajax Road, Daylesford

13.2.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

#### PROCEDURAL MOTION

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

- *89(2)(d) Contractual matters;*

*Tender H278-2011 Pavement construction, bituminous surfacing and associated works, Ch 675m to Ch 3125m, Ajax Road, Daylesford.*

13.2.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

**Moved:** Councillor Rod May

**The Meeting closed to Members of the Public at 8:16pm.**

## 14. RE-OPENING OF MEETING TO PUBLIC

### RECOMMENDATION

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

### PROCEDURAL MOTION

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

**Moved:** Councillor Rod May

### The Meeting re-opened to the Public at 8:18 pm.

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

*That Council:*

- 13.2.1. *Awards the Tender for Contact No H278-2011 Pavement construction, bituminous surfacing and associated works, Ch 675m to Ch 3125m, Ajax Road, Daylesford for the lump sum of \$418,781.00 to Global Contracting Pty Ltd.*
- 13.2.2. *Authorises the Interim Chief Executive Officer to sign and seal the contract document when prepared.*

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## 15. CLOSE OF MEETING

**The Meeting closed at 8:18 pm.**

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