



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

TUESDAY 16 JULY 2013

**DAYLESFORD SENIOR CITIZENS ROOM
VINCENT STREET
DAYLESFORD
6:00PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 16 JULY 2013

Daylesford Senior Citizens Room

Vincent Street, Daylesford

Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
16 JULY 2013

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2. OPENING OF MEETING

PRESENT: Mayor Councillor Bill McClenaghan, Deputy Mayor Councillor Don Henderson, Birch Ward Councillor Pierre Niclas, Birch Ward Councillor Kate Redwood AM, Cameron Ward Councillor Neil Newitt, Creswick Ward Councillor Greg May.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, Manager Risk and Property Grant Schuster.

STATEMENT OF COMMITMENT

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

3. APOLOGIES

Nil

4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Kate Redwood declared an indirect Conflict of Interest in Agenda Item 10.3 Application to Renew B-Double Permit – Peter & Geoff Jenkin Transport - Stanbridge Street, Daylesford – under section 78E Impact on Residential Amenity of the Local Government Act 1989. Councillor Redwood left the meeting at 7:06 pm and returned to the meeting at 7:19 pm. Councillor Redwood was absent while this matter was considered.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

- 5.1 That the Minutes of the Ordinary Meeting of Council held on 18 June 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the *Local Government Act 1989*.

MOTION

5.1. *That the Minutes of the Ordinary Meeting of Council held on 18 June 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Moved: Councillor Neil Newitt
Seconded: Councillor Pierre Niclas
Carried.

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Bill McClenaghan, Holcombe Ward

In the past month, I have attended two State Government funding announcements.

- Firstly, on 20th June in Sunbury, Minister Delahunty announced a generous grant of \$60,000 for lighting at the Trentham Recreation Reserve. This was a great feel-good event where attending politicians, Councillors, Officers and guests shot netball goals with the Minister. Another announcement of funding for Newlyn netball facilities was made in Melton and attended by ward Councillor and Deputy Mayor Don Henderson.
- Secondly, on 2nd July at the Daylesford Library, Mr. Simon Ramsay MP announced a grant of \$150,000 to scope out the proposed new Daylesford Community Hub.

On Friday 21st June, I attended a Vice Regal reception at Government House Melbourne with Crs. Kate Redwood AM and Pierre Niclas and Mrs Niclas. Following recent tours of regional Victoria, those who had hosted The Honourable Alex Chernov AC QC, Governor of Victoria and Mrs Chernov were invited down to a reciprocal function to see Government House and catch up generally. Unfortunately, the main ballroom had just been re-varnished and the emanations were quite strong but other areas were open to us like the Main Dining Room with a spectacular one chain long (20 metres) wooden table that is a work of art to set up and the billiard room with portraits of all previous Victorian Governors and Lieutenant Governors.

On Monday 24th June, I attended the AGM of the Highlands Waste Management Group, on which I serve as a Director, in Beaufort hosted by Pyrenees Shire. This came straight after a morning meeting in Daylesford, where Hepburn Shire hosted the MAV Rural South Central Regional Forum.

On Thursday 4th July, I attended the MAV Rural and Regional Planning Conference at Novotel in Creswick, where I delivered a welcome address to Creswick and Hepburn Shire to attendees from many other municipalities and government departments. I stayed to hear an address on the rebuilding of Christchurch New Zealand after the recent catastrophic earthquake and noted that the focus of recovery after natural disasters is not to replace like with like but to replace what was there with something better!

On Monday 8th July, I attended the AGM of Glenlyon and Upper Loddon Landcare Inc and officiated at the re-election of a hard working committee.

On Thursday 11th July, I attended the retirement function for the CEO of Hepburn Health Service to thank Mr. David Lenehan for his many years of excellent service and achievement in turning a small country hospital in Daylesford into part of a Shire wide health service from Trentham to Creswick and Clunes.

Hepburn Health partners with Hepburn Shire in many projects and the most recent of them is the Daylesford and District Community Bus, which had its first run to Glenlyon and beyond on Friday 12th July. Three passengers joined the bus from their homes in Glenlyon and off Holcombe Road to the north and were dropped off at various destinations in Daylesford for a 2.5 hour stay before being picked up for the trip home. I attended this first trip in both directions to see the results of many months of planning and community consultation become reality in an area of Hepburn Shire where there is absolutely no public transport.

COUNCILLOR REPORTS

Councillor Don Henderson, Creswick Ward

Last night I attended the Creswick Ward Community Committee which has done a great deal of work in developing the Creswick Community Plan to be brought before Council for approval very soon.

Audrey Winther surveyed all school children to get input into the Community Plan. Swimming, heritage buildings and the Creswick RSL were high on the Agenda.

On Friday, 12 July I attended the Timber Towns Victoria General Meeting: Industry Panel where members of the forest industry were present to take part in an open question session. This provided councils a valuable insight into the future actions of the forest industry and will assist in future planning for councils.

Flood levy works have commenced along Creswick Creek.

Calembeen Park Concourse rehabilitation works have also commenced.

On Thursday 20 June 2013 I attended a funding announcement by Minister Delahunty in Melton. The Minister announced funding of \$40,000 for the Newlyn Netball Facilities under Sport and Recreation Victoria's Country Football and Netball Program.

Councillor Greg May, Creswick Ward

This month's report is quite brief as July has not been as busy for me as the earlier months of Council. I have attended all the normal briefing meetings during the month and have spoken to many locals about a variety of Council related issues.

I also attended the Council breakfast at the Doug Lindsay Recreation Reserve for the launch of the Council Plan and the presentations of the CEO Awards.

In addition to this, I have also been to meetings in Creswick with staff from the flood office regarding flood mitigation works in Creswick and one with concerned residents regarding the future of the Calembeen Park dive tower.

Councillor Pierre Niclas, Birch Ward

21/06/2013 Vice Regal Reception - Government House, Melbourne

Following on from the very successful celebration of the 150th Anniversary of the Daylesford Botanic Gardens, Wombat Hill, I was very pleased to receive the opportunity to attend a very special event at Victoria's Government House. Through the kind invitation of The Honourable Alex Chernov AC QC, Governor of Victoria and Chernov, we attended a cocktail party at Government House hosted by His Excellency to thank all those Shires, businesses and private individuals for their warm welcome and hospitality offered during His Excellency's visit to this region. I would like to thank His Excellency and Mrs. Chernov for a wonderful event. I would also like to thank those Council Officers who worked very diligently to deliver such a memorable event for them.

2/07/2013 Planting of Conifers – Wombat Hill Botanic Gardens

Unlike most other events that I get to attend, this was by far the most relaxed and simple affair.

I and three other Councillors had the privilege of each planting some very special trees in the Wombat Hill Botanic Gardens. I won't go through all of the botanical names of each tree planted that day, instead can I recommend everyone go up and inspect what is one of the most beautiful assets in this Shire.

3/07/2013 Breakfast meeting with Daylesford and Hepburn Springs Business and Tourism Association (BATA)

Cr Redwood and I attended Daylesford and Hepburn Springs Business and Tourism Association (BATA) networking breakfast meeting here in Vincent Street.

Many topics were covered, from the progress of the Daylesford Streetscape project to the rebuilding of the Lake Daylesford Boathouse. The group was very interested to hear that Council will run a very transparent Expression of Interest (EOI) process and they assured us that they would certainly support any new development in that area.

These meetings are also a fantastic opportunity for Councillors to get to meet current business operators in the area plus also get to meet any new businesses - something of great interest to me personally.

15/07/2013 Birch Ward meeting

Birch Ward Councillors held their monthly ward meeting, this time at the Daylesford Library. This was the best attended meeting so far in Cr Redwood's and my time and was mainly focused on Council's recent decision relating to the new Hepburn Springs Fire Station upgrade.

Discussed varying views on location options and possible areas of review that would allow for the development of a more suitable outcome to this very important area.

This Council is very focused on supporting the local Hepburn Springs CFA Brigade to ensure it receives its new station and will work closely with this group and other community members to ensure a positive outcome is achieved.

Councillor Kate Redwood AM, Birch Ward

Once again this month there have been few meetings and functions. Behind the scenes, there has been quite a bit of activity on the following issues:

Implementation of Streetscape works in Vincent Street

Cr Pierre Niclas and I attended the Daylesford and Hepburn Springs Business and Tourism Association (BATA) breakfast to talk about the Vincent Street Streetscape. We reported on the recommendations from the Village Well report that had been adopted by Council and those that had not. We discussed progress in applying to the State Government for funding to undertake the works, and the development of a timetable for this. We also talked about the absence in the Village Well report of consideration of the built form and heritage issues. There was interest in a collaborative approach to develop formal heritage guidelines on signage, colour schemes and verandahs. This is now under discussion with officers. BATA will be keen to have a report back on this at their AGM in September.

CFA location of new Hepburn shed

This issue has been particularly contentious, with strong views in the community regarding the 14th Street site - both for and against. Around 20 residents attended the Birch Ward meeting to express their dissatisfaction that Council had refused a planning permit for the 14th Street site. It is disappointing that it has not been possible to hold discussions with the CFA, since the Planning Committee meeting on 9 July and we look forward to working with them and the community to resolve this issue as soon as possible so that the Hepburn Brigade can deliver their invaluable fire protection role from up to date facilities and with a new modern truck.

New sporting facilities for Vic Park

I have been keen to progress the delivery of new Vic Park facilities, which of course, remains the Council's top capital works priority. After informal discussion with a range of Vic Park sporting and event users and with Council staff, I have written to ask each of the major users to nominate a representative to form a working group to help us to develop a well supported proposal for facilities to be built on the existing footprint of the clubrooms and within the expected budget of roughly \$2.5 million. The plans for Doug Lindsay would provide a starting point.

Meetings I have attended as part of my Council role have included the following:

- 18/06/2013 Councillor briefings, Councillor/CEO meeting, Council meeting
- 21/06/2013 Reception at Government House

- 27/06/2013 Wombat Hill Botanic Gardens Advisory Committee
- 29/06/2013 Relaunch of the Daylesford ARC
- 02/07/2013 Conifer planting in Wombat Hill Botanic Gardens
Councillor briefings
- 3/07/2013 Daylesford and Hepburn Springs BATA breakfast
- 9/07/2013 Councillor briefings
Delegated Planning Committee
- 11/07/2013 CEO Catch Up
- 15/07/13 Birch Ward meeting

Councillor Neil Newitt, Cameron Ward

No report to present this month.

Councillor Sebastian Klein, Coliban Ward

Given my absence from the last Ordinary Meeting of Council, my activities for the past two months are summarised as follows:

From the time of the Ordinary Meeting at the end of May I attended:

- Victorian Adaptation and Sustainability Partnership Ministerial Advisory Committee meeting in Melbourne
- The Health-Elf vs JobMob youth services guide launch
- Committee for Ballarat Sustainable Living Task Team meeting
- Coliban Ward Meeting
- Musk-Bullarto Community Plan Meeting
- Opening of the Colin Lelean Room at the Daylesford & District Historical Society
- The Australian Rural Leadership Program, Module 5 in Tamworth

From the time of the June Ordinary Meeting I attended:

- Victorian Local Governance Association (VLGA) Board meeting
- Conifer planting with the Mayor, Birch Ward Councillors and the Friends of Wombat Hill Botanic Gardens
- Coliban Ward Meeting in East Trentham

- Victorian Adaptation and Sustainability Partnership Ministerial Advisory Committee meeting
- Trentham Future Food and Farming community conversation and brainstorming session

RECOMMENDATION

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

MOTION

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

Moved: Councillor Kate Redwood

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.

9.1. PETITIONS

Nil

9.2. QUESTIONS

**Question 1: From Mark Reid, Secretary
 Trentham District Cricket Club
 On behalf of:
 Trentham District Cricket Club
 Trentham Sportsground Committee of Management
 Trentham Community FORUM, and
 Trentham District Football and Netball Club**

Question to Council Regarding Watering and Maintenance of Trentham Sportsground Oval

I am a resident of Trentham and the Secretary and Treasurer of the Trentham District Cricket Club (TDCC).

On July 4, I attended a meeting of the Trentham Sportsground Committee of Management, along with the TDCC president and representatives of the Trentham District Football and Netball Club and the Trentham Community FORUM. The meeting had been convened to discuss various matters at the

Sportsground. It was unanimously identified at this meeting that upgrading the condition of the oval playing surface was the highest priority.

Despite the considerable voluntary efforts of many in the local community, and the successful installation of a new, club-funded cricket pitch last season, the condition of the wider oval is neither satisfactory nor safe. The sportsground does not presently have a suitable watering system or sufficient water during dry summers such as last summer to water the whole oval effectively. The TDCC has taken it upon itself to go some way in addressing this by purchasing a 22,500 L rainwater tank (\$2350) thanks to a Trentham Bendigo Community Bank grant. However, much more needs to be done and we do not presently have the funds to complete the plumbing and achieve an efficient oval-wide watering system, or to upgrade the playing surface, which is very rough and unevenly grassed.

It has been noted previously and confirmed by Council in its response (22 February 2013) to a previous question from Georgie Patterson of the Trentham Sportsground Committee (19 February 2013) that Council maintains sports grounds in most other towns and pays for the water. To date, the Trentham Sportsground Committee, TDCC and Trentham District Football and Netball Club have had to share all water costs and provide a large amount of volunteered time, with the best example of this being last season when new turf and lawn seed immediately surrounding the new pitch had to be voluntarily watered almost every night over the summer period with an inadequate water supply and facilities. Given what happens at other grounds in the Shire, this situation does not sit well with the following Clause from the 2013-14 Budget draft and, in particular the words from the Council Plan:

2.3 Initiatives from Council Draft Budget

Clarify roles and responsibilities of council and sporting groups and level of support council will provide, including building, maintenance and renewal, oval maintenance, courts and amenity to ensure that **equitable and consistent support is provided** (emphasis added).

For some years now, the Trentham Community FORUM and individual Trentham residents have protested that Trentham has been treated inequitably by Hepburn Shire Council. This unfortunate circumstance is more than amply demonstrated by the relative indifference by Council to our recreation facilities, particularly the sportsground.

The Trentham Sportsground Committee of Management Inc. is a body of volunteers who have worked diligently with limited resources to maintain and to improve the local sportsground complex in conjunction with volunteers from the Trentham District Football and Netball Club and the TDCC. Like most

community facilities in Trentham, the sportsground is neither owned nor managed by the Council.

It is noted with disappointment that there was no response in the final budget for 2013-14 to the submission regarding Trentham Sportsground maintenance made by David McCallum and Georgie Patterson on behalf of the Trentham Community FORUM in May 2013. One of its requests was that Council makes a 2013-14 budget commitment to the maintenance of the Trentham Sportsground Oval and enters into an agreement for the future development and maintenance of the Sportsground. This was not addressed at all in the final budget and no feedback has been received, including clarification of Council roles and responsibilities, and the level of support to be provided by Council.

On behalf of the four groups at 4th July meeting alluded to above, I ask that, consistent with Clause 2.3 in the Council 2013-14 Budget draft, will Council:

- (i) contribute resources to the watering and maintenance of the Trentham Sportsground oval?**
- (ii) ensure a safe playing surface for both winter and summer seasons? and**
- (iii) if so, how and when will it address these basic matters of fair treatment for Trentham residents?**

Answered by Mayor Councillor Bill McClenaghan

- (i) Council has made no budget allocation towards the watering of the Trentham Sportsground oval. Council staff regularly mow the oval, as well as lop and prune trees as required. Feedback on budget submissions will be provided by the end of July 2013.
- (ii) Council staff undertake a pre-season inspection of all ovals used for AFL Victoria (formerly Victorian Country Football League) competition. The 2013 Trentham oval inspection found that the ground was generally safe for use, with more than 75% grass coverage and minimal weeds. Shock absorbency was poor due to the hard surface and watering was required.

In relation to the safety of the playing surface for football it is Council's understanding that the AFL Victoria/WorkSafe require that both clubs inspect and sign off that the surface is fit to play on before every game.

The Council Plan (2013-2017) identifies the need to clarify roles and responsibilities of Council and sporting groups and level of support Council will provide, including building maintenance and renewal, oval maintenance, courts and amenity to ensure that equitable and consistent support is provided. This project will commence in 2013-2014.

Question 2: From Ms Georgie Patterson, Trentham

After a long and exhaustive process the Trentham Sportsground Committee of Management, the Trentham Football & Netball Club, the Trentham Cricket Club and the wider Trentham community have been delighted by the recent announcement of an allocation of \$60,000 of State funding to complete the lighting project at the Trentham Sportsground.

We are also very grateful for the contribution of \$79,000 by Hepburn Shire Council . . . and I want to take this opportunity to pay tribute to our wonderful local community for their contribution of a massive \$50,000 in both cash and inkind labour to the project.

While the project had its difficult times we believe it should be used constructively as a case study so that future projects can proceed more smoothly. That is a process we believe should be undertaken 'in house', between Council and the directly interested parties, the Sportsground Committee of Management and the Community FORUM.

Our delight in the project finally reaching a successful outcome was however badly soured by the statements by our Mayor at the event when the Minister announced the State funding. Sadly Cr McClenaghan chose the occasion to denigrate the Trentham community with disparaging remarks suggesting that it is ungrateful for the support it receives from Council. While Cr McClenaghan, and maybe Council, might think this, the announcement was not the proper place to make such remarks, which were reported as embarrassing and un-statesman-like.

Worse than this, we are concerned that such an attitude expressed in front of the Minister and members of relevant Departments could disadvantage / prejudice future applications for Government support for Trentham projects.

The Trentham FORUM has sought for years for a fair go for the Trentham community and for the opportunity to discuss these issues openly with Council. We have been continuously re-buffed in these endeavours and for the Mayor to make such statements on such an occasion is a kick in the teeth and a clear indication that Council's only response to our legitimate concerns is simply one of 'what do we have to do to shut Trentham up?'

My question:

Mr Mayor, do you acknowledge that you made inappropriate and denigrating comments when responding to the Minister's announcement of funding for the Trentham Sportsground lighting project?

If so, are you willing to apologise to the Trentham community?

And, furthermore, will you ensure that full and open discussion will take place to resolve the concerns re a fair go repeatedly represented to Council by the Trentham community?

Answered by Mayor Councillor Bill McClenaghan

I did attend the funding announcement in Sunbury on 20th June and I gave a short, light hearted acceptance speech to Minister Delahunty, other politicians, Councillors, Officers and invited guests. As stated earlier in my Councillor Report, this was a feel-good event, the Minister was smiling and everything appeared to have gone very well. Therefore, it is very disappointing to hear that you and others think that I made any inappropriate and denigrating comments in front of the Minister.

The Trentham sporting community has recently received significant funding for the sports ground lights project;

- \$70,000 from Hepburn Shire,
- \$60,000 from the State Government and
- \$50,000 in cash and kind from the local community which is a fantastic effort.

Far from my statements at the funding announcement being a “kick in the teeth” for the Trentham community, as you put it, this combined funding is a \$189,000 shot in the arm that should be greatly appreciated for the support that it is rather than seen as something provided just to “shut Trentham up” again, as you put it.

You are now asking me to apologise to the Trentham community for comments that I did not make, at an event that you did not attend and nearly one month afterwards. Obviously, someone has misconstrued what I said and reported it to you second hand, I think totally out of context. The time to resolve such issues should be there and then or in the next day or two – certainly not almost one month later because I no longer have an exact memory of what I said back then.

I can tell you in general terms that I made some main points in my speech that went along the following lines:

- ❖ Hepburn is a small rural Shire that is unable to fund the needs of its many and diverse communities but which is well placed to advocate on their behalf to obtain external funding from State and Federal Governments. We did this to attract \$60,000 State funding for Trentham sporting facilities and we have made other contributions ourselves in the past.
- ❖ I stated that there was need for better facilities in Trentham, those existing being quite substandard. This was a statement of fact that we hear quite frequently and repeating it should not be seen as a denigrating remark by me because it justifies that there was indeed a need for the funding received.
- ❖ I also acknowledged the effort made by the Trentham community to raise \$50,000 as its own contribution to the project in order to demonstrate that communities that help themselves deserve to be funded by Government. Yet you make no mention of the positive acknowledgement I gave to the Trentham community in front of the Minister.

So in relation to your three specific questions;

1. No, I do not acknowledge that I made inappropriate and denigrating comments when responding to the Minister's announcement of funding for the Trentham Sportsground lighting project. I think that what I said was misconstrued, taken out of context and not properly understood before being passed on as second hand information.
2. There is therefore no need for any apology but I am happy to provide you with this explanation of what transpired on the day.
3. As stated when answering the first question this evening, Council needs to clarify roles and responsibilities at the various sporting grounds and facilities across the Shire before it can determine the level of equitable and consistent support that can be provided. This will be done in the current financial year and is consistent with Council's determination to give all communities in the Shire a fair go generally.

Question 3: From Mr Paul Calistro, Cabbage Tree via Creswick

Can Cabbage Tree Road, near Creswick be repaired?

I have been trying for the last few years to get Cabbage Tree Road repaired. It is a major gravel road and Hepburn Shire is the responsible agency. It is deemed to be an 'unmaintained' road by Council. Cabbage Tree Road can be viewed on 'Google street view'. It is a much used road by visitors to the picnic area at Slaty Creek, as well as locals wishing to access Ballarat. The road has been top dressed in the past by Vic Pines Corp, but they only do so when they have an interest in using the road. So over the last number of years with no maintenance, it has developed deep potholes which require filling. To this end vehicles have begun driving off the road to doge around them. This is a dangerous practice as there are deep culverts. The only other reasonable choice of road to Ballarat is via private property at the rear of the Novotel golf course.

I have been in contact with Mr Richard Russell (Hepburn Shire) but nothing happens.

I have offered to fill in the holes myself, but apparently this makes me liable for damages.

Vic Pines refuse to do anything. DSE refuse to do anything.

I have approached my local councillor who has failed to achieve any repairs.

Please advise my next step in this drawn out process.

Answered by Mayor Councillor Bill McClenaghan

Cabbage Tree Road is not currently listed in Council's public Road Register and historically Council has not accepted responsibility for its maintenance. This information has been conveyed previously in a letter dated 14 December 2012.

More recently officers have been working with you to discuss the concerns on site, however understand identifying a mutually convenient time has been difficult over recent weeks with school holidays and staff illness.

The purpose of this site discussion is for Council to review the function of the road and the traffic volumes and evaluate if Cabbage Tree Road should be included in Council's Public Road Register and Council accept ongoing maintenance responsibility.

Finally, Council officers have also been in discussions with Hancock's regarding maintenance requirements and how this can be achieved cooperatively.

9.3. REQUESTS TO ADDRESS COUNCIL

Nil

10. OFFICERS' REPORTS

10.1. DRAFT DISABILITY ACCESS AND INCLUSION PLAN GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is for Council to endorse the Draft Hepburn Shire Disability Access and Inclusion Plan (2013-2017) for public submission.

BACKGROUND

There are a range of legislation and standards that protect, affirm and strengthen the rights of people with a disability including the United Nations Convention on the Rights of Persons with Disabilities, the Commonwealth *Disability Discrimination Act 1992* along with *Victorian Equal Opportunity Act 1995* and *Victorian Disability Act 2006*.

In accordance with Section 38 of *Victorian Disability Act 2006*, Council's must develop a disability action plan that addresses the following outcomes:

- Reducing barriers to persons with a disability accessing goods, services and facilities;
- Reducing barriers to persons with a disability obtaining and maintaining employment;
- Promoting inclusion and participation in the community of persons with a disability
- Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

ISSUE / DISCUSSION

The draft Plan (Attachment 1) contains nine Objectives which address outcomes set out in the Disability Act.

These are:

1. Accessible Council Communication
2. Build a culture which promotes universal access to Council services
3. Support events which provide access for all
4. Promote the economic benefits of improved access
5. Council's local laws and policies enhance universal access

6. Promote inclusive recreation
7. Maintain and enhance Council's footpath and walking path network to improve accessibility
8. Improve the accessibility of Council buildings
9. Increase community awareness of services available to community members with a disability.

To support achievement of these objectives, an action plan incorporating key strategic activities, actions and measures has been developed.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

It is a requirement of the *Victorian Disability Act 2006* that Council develop a disability action plan. The Commonwealth *Disability Discrimination Act 1992* makes disability discrimination unlawful and promotes equal rights, equal opportunity and equal access for people with disabilities.

The *Victorian Disability Amendment Act 2012* which commenced on 1 July 2012 requires that, for the first time, Council report on the implementation of its disability action plan in its Annual Report.

FINANCIAL IMPLICATIONS

Advertising the draft Disability Access and inclusion Plan for public submissions has no noted financial implications.

RISK IMPLICATIONS

Advertising the draft Disability Access and inclusion Plan for public submissions has no noted risk implications.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Advertising the draft Disability Access and inclusion Plan for public submissions has no noted environmental / social / economic implications.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Initial themes and key priorities were prepared by a working group of Council staff and further developed in conjunction with the Hepburn Community Access Group and Rural Access (Hepburn Health Service).

Letters requesting feedback on the key priorities and actions were sent to a wide variety of community groups and service providers in January 2013. The request for feedback was also advertised in *The Advocate* (16 and 23 January 2013) as well as on Council's website.

The 13 detailed and considered responses received were analysed and this feedback was taken into account in developing the draft Plan.

CONCLUSION

By endorsing the draft Disability Access and Inclusion Plan and inviting public comment on the draft Plan, Council is providing a further opportunity for community input into the Disability Access and Inclusion Plan.

OFFICER'S RECOMMENDATION

10.1.1 Endorses the draft Disability Access and Inclusion Plan for public submission.

10.1.2 Receives a further report to adopt the Disability Access and Inclusion Plan.

MOTION

That Council:

10.1.1. Endorses the draft Disability Access and Inclusion Plan for public submission.

10.1.2. Receives a further report to adopt the Disability Access and Inclusion Plan.

Moved: Councillor Don Henderson

Seconded: Councillor Kate Redwood

Carried.

**ATTACHMENT 1 - DRAFT DISABILITY ACCESS AND INCLUSION PLAN
2013-2017**

Hepburn Shire Council Draft Disability Access and Inclusion Plan (2013-2016)

1. Introduction

The Hepburn Shire Disability Access and Inclusion Plan (2013-16) aims to make Hepburn Shire a more accessible and inclusive place to live, work and visit. It articulates clear ways Council can work to create a more inclusive community for people with a disability, their families and carers while helping meet its legal obligations to remove barriers to discrimination. The Plan acknowledges that a whole-of council approach is needed to promote and safeguard the rights of people with disabilities and encourage the full and equal participation by people with a disability in community life.

2. Why a Disability Access and Inclusion Plan?

There is a range of legislation and standards that protect, affirm and strengthen the rights of people with a disability. These include:

International Standards

- United Nations Convention on the Rights of Persons with Disabilities

Federal Government Legislation and Standards

- Disability Discrimination Act 1992 legislates that *reasonable adjustment* be made to reduce physical and social barriers that result in disability
- Building Code of Australia
- Australian Standards Access and Mobility

State Government Legislation

- Victorian Equal Opportunity Act 1995 makes discrimination based on disability against the law

- Victorian Disability Act 2006 aims to reaffirm and strengthen the rights of people with a disability.
- Victorian Charter of Human Rights and Responsibilities Act 2006 requires that these rights are observed when policies created and services provided.

Victorian Disability Act 2006 (Section 38)

Section 38 of Victorian Disability Act 2006 makes it a legal requirement for all local councils to develop a disability action plan that addresses the following outcomes:

- Reducing barriers to persons with a disability accessing goods, services and facilities;
- Reducing barriers to persons with a disability obtaining and maintaining employment;
- Promoting inclusion and participation in the community of persons with a disability; and,
- Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

3. Key Objectives

Nine objectives have been developed to address priority areas for action and are consistent with the outcomes set out in the Victorian Disability Act.

These are:

1. Accessible Council Communication
2. Build a culture which promotes universal access to Council services
3. Support events which provide access for all
4. Promote the economic benefits of improved access
5. Council's local laws and policies enhance universal access
6. Promote inclusive recreation
7. Maintain and enhance Council's footpath and walking path network to improve accessibility
8. Improve the accessibility of Council buildings and other assets
9. Increase awareness of Council services available to community members with a disability.

To support the achievement of these objectives, an action plan incorporating key strategic activities, actions and measures has been developed.

4. Community Engagement

Initial themes and key priorities were prepared by a working group of Council staff and further developed in conjunction with the Hepburn Community Access Group

and Rural Access (Hepburn Health Service). Letters requesting feedback on the key priorities and actions were sent to a wide variety of community groups and service providers in January 2013. The request for feedback was also advertised in the Advocate (16 and 23 January) as well as on Council's website.

Thirteen detailed and considered responses were received which were analysed and this feedback was taken into account in developing the draft Plan.

5. Communication and Implementation

Copies of the Disability Access and Inclusion Plan will be made available to the community in Council office, libraries and website www.hepburn.vic.gov.au. The Plan will be provided to those who participated in its development.

To ensure that organisational accountability processes are in place for implementing the Plan an internal Disability Access and Inclusion Implementation Working Group will be established to oversee implementation of the Plan across Council and will report on progress to Council's Executive Management Team.

6. Review and Evaluation

A half yearly review of the Plan will be undertaken by the Implementation Working Group, in conjunction with the Hepburn Community Access Group.

As mandated by the Victorian Disability Amendment Act 2012 which commenced on 1 July 2012 Council will report on the implementation of its Disability Access and Inclusion Plan in its Annual Report.

Action Plan

Promoting inclusion and participation

Objective 1: Accessible Council Communication

Key Strategic Activity	Actions	Measure
1.1 Improve accessibility of Council web site and Council publications.	1.1.1 Redevelop Council's website.	Council website complies with national accessibility standards (WCAG 2.0)
	1.1.2 Develop process for requesting & providing information in accessible formats.	Information available in accessible formats
1.2 Increase access to Council Meetings and Council functions.	1.2.1 Investigate installation of hearing loops.	Hearing loops provided
	1.2.2 Arrange seating to include wheelchairs, hearing and sight challenged people.	Barriers to participation reduced.
	1.2.3 Work with community to identify and remove barriers to access.	# of barriers identified & removed
1.3 Enable a variety of means of feedback about Council information, programs & services.	1.3.1 Inform community about Council's complaints policy & process.	Information about complaints provided in accessible formats
	1.3.2 Feedback via webpage, email and telephone.	Feedback received

Changing attitudes and practices which discriminate against people with a disability

Objective 2: Build a culture which promotes universal access to Council services

Key Strategic Activity	Actions	Measure
2.1 Increase staff awareness of the why and how of providing inclusive and accessible services.	2.1.1 Staff participation in disability awareness and equal opportunity training.	# of staff participating in Rural Access Snakes and Ladders program % of staff completed equal opportunity training.
	2.1.2 Ensure that Infrastructure staff understand Disability Discrimination Act requirements.	In-service sessions held.
2.2 Promote availability of independent advocacy to enable consumers to provide feedback.	2.2.1 Information about independent advocacy services available on website, Council offices and libraries.	Information available
	2.2.2 Clients provided with details of independent advocacy.	Information provided to clients

Reducing barriers to accessing goods, services and facilities

Objective 3: Support events which provide access for all

Key Strategic Activity	Actions	Measure
3.1 Raise awareness of access & inclusion of event organisers and committees.	3.1.1 Create an accessibility checklist for all events including free entry for companion card holders.	Checklist complete and utilised Council's Events Guide includes access and inclusion.
	3.1.2 Include guidance about access and Inclusion in Council's events guide.	% of events that promote that they are accessible, including accepting companion card holders.
3.2 Council funded events are inclusive and accessible.	3.2.1 Include requirement for accessible and inclusive events in Memorandums of Understanding.	Access and inclusion requirements met.

Objective 4: Promote the economic benefits of improved access

Key Strategic Activity	Actions	Measure
4.1 Work with local businesses to enhance accessibility.	4.1.1 Educate and train businesses about the economic benefits of accessibility.	# of education and training opportunities
	4.1.2 Promote accessible eating guide and mobility maps.	# of guides and maps provided
4.2 Support initiatives which promote benefits of accessible businesses.	4.2.1 Support Rural Access 'open for business' campaign.	Campaign supported through Visitor Information Centre & websites
	4.2.2 Promote Tourism Victoria's "Accessible Tourism Kit".	Campaign supported through Visitor Information Centre & websites

Objective 5: Council local laws and policies enhance universal access

Key Strategic Activity	Actions	Measure
5.1 Accessibility requirements of <i>Temporary signs, tables and chairs and Goods for sale on road reservations (Policy19)</i> understood and enforced.	5.1.1 Ensure that traders understand requirements.	Fact Sheet produced and distributed.
	5.1.2 Regular inspections of street furniture and signage compliance.	# of inspections Notices /fines issued for non-compliance.
5.2 Ensure access & inclusion is formally considered when policies developed and/or reviewed.	5.2.1 Guidelines on considering access and inclusion incorporated in Policy Framework.	% of reviewed policies demonstrate access and inclusion considerations.

Objective 6: Promote inclusive recreation

Key Strategic Activity	Actions	Measure
6.1 Work with sporting clubs to enhance access by people with disabilities.	<p>6.1.1 In conjunction with Access for All Abilities promote benefits of access and inclusion to sporting clubs.</p> <p>6.1.2 Encourage partnerships between sporting clubs and disability support agencies.</p>	No. of Clubs actively working with people with disabilities and disability agencies
6.2 Create and promote recreation opportunities for people with a disability.	<p>6.2.1 Promote availability of trail rider and walking paths.</p> <p>6.2.1 Inform community and visitors about access for all at Daylesford Community Park.</p>	<p>Trail rider promoted</p> <p>Promotion of Community Park access for all</p>
6.3 Adopt universal access principles in upgrade and renewal of recreation facilities	6.3.1 Include access and inclusion standards and guidance in renewal and upgrade planning.	100% upgrade and renewal works compliant with Australian Standards Access and Mobility

Objective 7: Maintain and enhance Council's footpath and walking path network to improve accessibility

Key Strategic Activity	Actions	Measure
7.1. Better inform the community about how to lodge a request for footpath repair.	7.1 .1 Provide information about lodging customer requests.	<p>Clear information provided to community in a number ways</p> <p>Footpath repair works completed</p>
7.2 Develop and implement an inspection and improvement program to improve accessibility on Councils footpath network.	<p>7.2. 1 Complete audit of footpaths and evaluate non compliant items for improvement.</p> <p>7.2.2 Implement program.</p>	<p>Audit completed improvement program developed.</p> <p>Program completed All new paths are constructed to</p>
7.3 Ensure all new paths		

and major repairs to existing footpaths meet accessibility standards.		standard
7.2 Maintain walking paths so that they are accessible.	7.2.1 Review service levels for walking paths to ensure accessibility ¹	New service levels implemented.
	7.2.3 Maintenance and weed control undertaken in response to customer requests.	% customer requests completed.

Objective 8: Improve the accessibility of Council buildings and other assets

Key Strategic Activity	Actions	Measure
8.1 Undertake accessibility audit program of key Council buildings.	8.1.1 Develop priority list of Council buildings requiring access improvements.	# of council buildings audited
	8.1.2 Allocate funding to improve accessibility of buildings from building renewal budget.	\$\$ allocated
8.2 Develop and implement plan for improving access through redevelopment and/or relocation of services.	8.2.1 Complete Building Asset management plan.	Building Asset management plan 100% complete
	8.2.2 Undertake planning for Hepburn Council and Community Services Hub.	Planning complete 30 June 2015
8.3 Ensure that accessible parking spaces meet needs.	8.3.1 Conduct review of accessible parking spaces.	# of accessible parking spaces compared with population with accessible parking permit.
	8.3.2 Enforce accessible parking permit compliance.	% compliant with standards # infringements issued

¹ Advisory Note on streetscape, public outdoor areas, fixtures, fittings and furniture

Objective 9: Increase community awareness of Council services available to community members with a disability

Key Strategic Activity	Actions	Measure
9.1 Actively publicise Council programs and services to community members with a disability, their carers and service providers.	9.1.1 Promotion Council programs and services via website, brochures and other publications.	Council programs actively promoted
	9.1.2 Inform disability service providers about Council services by attending meetings and promotion in relevant publications.	# of meetings attended # of articles
	9.1.3 Attend 6 monthly in service with local G.P's and practice nurses to promote services.	# in services attended

10.2. REVIEW OF ROAD MANAGEMENT PLAN GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is for Council to endorse the Draft Road Management Plan in accordance with the *Road Management Act 2004* and the *Road Management (General) Regulations 2005* and invite public submissions.

BACKGROUND

Under the Victorian *Road Management Act 2004*, Council is required to review its Road Management Plan (RMP) within twelve months of each Council election.

The purpose of the *Road Management Act 2004* is to:

- Set out the powers, duties and functions of road authorities in relation to the inspection, maintenance and repair of roads;
- Establish the legal framework for the management of roads and define the rights, powers and duties of road authorities and other persons or bodies (such as utilities) which install, maintain or operate infrastructure on roads or carry out such works on roads; and
- Enable authorities to develop and publish management plans incorporating the performance of their duties in relation to the inspection, maintenance and repair of roads, having regard to the type of road, the resources available to the authority and its budgetary and policy priorities.

The legislation establishes a statutory framework for road asset management including:

- enabling road authorities to develop road management plans;
- the setting of policies, priorities and the use of available resources; and
- clarifying the basis of civil liability for road management, having regard to authorities' individual asset management plans.

Council is required to have completed a review of its previous plan and adopt a new plan by 27 October 2013.

ISSUE / DISCUSSION

In conducting the current review of its RMP, Council must ensure that the standards in relation to and the priorities to be given to, the inspection,

maintenance and repair of the roads and classes of roads to which the Plan applies are appropriate.

The most important aspects of the review are to ensure that information is up to date and accurate and importantly that the maintenance service levels are reasonable and in keeping with Council's capacity to respond to and rectify identified defects. This ensures the stated levels of service are met thus maximising public safety and minimising Council's liability for failure to meet these targets. This information is presented in Attachment 2, Appendices 1 & 2 of the Draft RMP.

The significant changes proposed are summarised below:

- General Section (Cl 1 – 9) – the general section of the plan has been re-written to provide a clear and concise outline of the purpose of the RMP and associated responsibilities.

Levels of Service have been reviewed to provide greater clarity and a more responsive approach to dealing with hazards in a structured hierarchy, whilst at the same time being cognisant of financial and resource constraints.

These relate to

- Inspection Frequencies are generally more frequent compared to the previous plan;
 - Defect types have been simplified to acknowledge specific liability;
 - Intervention levels are more clearly defined;
 - Response Times have been reviewed to take account of Council's resource and financial constraints.
- 'Exceptional Circumstances' Clause – inclusion of a clause to manage Council's risk exposure if unable to meet specified response times in the unforeseeable natural disasters and events, or due to a lack of financial or physical resources.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The adoption of recommendations in this report will enable Council to satisfy the requirements under the *Road Management Act 2004*.

The adoption of the revised Road Management Plan is also supported as a key strategic activity in the *Council Plan 2013-2017*:

9. 'Improve sealed and unsealed local roads through the delivery of maintenance and improvement works'.

FINANCIAL IMPLICATIONS

The proposed amendments in the draft RMP are able to be accommodated within Council's existing budget and resource allocations.

RISK IMPLICATIONS

The proposed amendments to the RMP involving more clearly defined intervention levels, response times and combined with inspections focusing on roads and footpaths that are more frequently used will reduce Council's liability exposure.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Road Management Plan when adopted is part of the management of Council's road and footpath network and provides minimum service levels for roads and footpaths. The Plan is a public document and provides clarity to our community about minimum maintenance service levels to maximise public safety.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Following Council resolution to amend the Road Management Plan, a public notice inviting submissions on the amended Plan will be issued by undertaking a public advertising and submission process in accordance with Section 223 of the *Local Government Act 1989*.

CONCLUSION

A review of Council's Road Management Plan is required to occur within 12 months of a Council election. The internal review has identified the need to make certain changes to the Plan. The next stage in the review process is for Council to advertise the amended Road Management Plan and invite public submissions on the Plan.

OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Endorses the Hepburn Shire Council Draft Road Management Plan (Version 4) and invites public submissions in accordance with section 223 of the Local Government Act 1989, as required under the Road Management Act 2004
- 10.2.2 Following conclusion of the public advertising period, receives a further report to consider the public comments received and recommendation to adopt the Hepburn Shire Council Road Management Plan (Version 4).

MOTION

That Council:

- 10.2.1. *Endorses the Hepburn Shire Council Draft Road Management Plan (Version 4) and invites public submissions in accordance with section 223 of the Local Government Act 1989, as required under the Road Management Act 2004.*
- 10.2.2. *Following conclusion of the public advertising period, receives a further report to consider the public comments received and recommendation to adopt the Hepburn Shire Council Road Management Plan (Version 4).*

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

ATTACHMENT 2 - REVISED ROAD MANAGEMENT PLAN



HEPBURN SHIRE COUNCIL

DRAFT ROAD MANAGEMENT PLAN

Version 4

July 2013

Records Sheet

Document: Road Management Plan

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1. Introduction

This Road Management Plan outlines how Council manages its road network and provides a means for scheduling proactive inspections and prioritisation of maintenance of the road infrastructure to ensure that it is kept in the safest condition practicable within budgetary constraints.

The plan has been developed, along with periodic reviews in accordance with the Road Management Act 2004.

2. Key Stakeholders

Those who use the road network and/or are affected by this RMP include

- Residents and businesses residing and located within the municipality
- Tourists and visitors to the municipality
- Users of all types of vehicles from large trucks to cyclists and mobility scooters.
- All pedestrians
- Emergency authorities
- Utility agencies
- Government Agencies that provide funding for management of the network
- Council as the responsible road authority

3. Responsibility of Road Users

All road users have a duty of care under Section 106 of the Road Management Act 2004, with particular obligations prescribed in Section 17A of the Road Safety Act 1986 that requires the following:

A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the:

- (a) physical characteristics of the road;
- (b) prevailing weather conditions;
- (c) level of visibility;
- (d) condition of the motor vehicle;
- (e) prevailing traffic conditions;
- (f) relevant road laws and advisory signs;
- (g) physical and mental condition of the driver.

A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

A road user must:

- (a) have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;

(b) have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;

(c) have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

In sub-section (3), "infrastructure manager", "non-road infrastructure", "road infrastructure" and "road reserve" have the same meanings as in section 3(1) of the Road Management Act 2004.'

4. Roads for which the Plan Applies

4.1 Road Register

Council has a Road Register that records the details of all municipal roads and pathways for which it is responsible.

The Register includes:

- The name of each public road;
- The Locality; and,
- The classification.

Various utilities make use of the road reserve to provide their services. These are considered only to the extent where they impact on the road asset infrastructure.

Road lighting is not a council owned asset, however it is considered to the extent whereby Council funds the installation and maintenance of the street lighting.

Council where possible with existing vegetation within the road reserve and abutting the road carriageway will maintain a 5.0m high clear zone in rural areas extending to the back of the roadside drainage.

Within urban areas, a 2.4m high clear zone where footways are located will form part of its vegetation clearance strategy.

Within rural areas Council does not carry out routine maintenance outside of the drainage zone. Any work outside of this zone is carried out with particular reference to the Council's Roadside Management Plan.

4.2 Hierarchy

All Council maintained roads have been classified into groups to determine the frequency of inspection and the priority of maintenance given to a particular road.

The classification of the road is determined by:

- Number of vehicles using the road,
- Strategic value of the road.
- The type of traffic using the road

4.3 Classifications

The classifications are:

Arterial

Roads on the register classified as arterial are VicRoads classified arterial roads and as such the maintenance of the roads is the responsibility of the state authority nominated under the Act.

Link Roads

Link roads provide a strategic link between identifiable points of interest, may carry a large volume of vehicles, have a high percentage of heavy vehicles and a high percentage of the vehicles will be travelling the entire length of the road.

Collector Roads

The collector roads provide a means of transporting traffic from the local access roads and connecting them to the main transport infrastructure. The traffic volumes are typically medium to low.

Local Access Roads

Local access roads provide the predominant road classification hierarchy throughout the municipality and typically provide access to the properties along the length of the road with little or no through traffic. The traffic volumes on these roads are therefore typically low.

Maintained Tracks

Maintained Tracks are formed only access ways for which Council has accepted responsibility.

The tracks for which Council has agreed to accept the care and maintenance of are listed on the **Error! Reference source not found.** and classified as Maintained Tracks.

Refer to Hepburn Shire Road Register for a listing of tracks for which Council is the controlling authority.

4.4 Footpaths

Footpath maintenance standards will be determined by their location and pedestrian usage.

Unlike with the road hierarchy, the pathway hierarchy will be separated into two precincts.

They are: **Commercial Precincts**

Urban precincts

Commercial precincts comprise paths located within the following urban areas and along the roads listed below:

URBAN AREA	Street Name	From	To
Clunes	Fraser Street	Service Street	Templeton Street
	Service Street	Bailey Street	Fraser Street
Creswick	Albert Street	Hall Street	Victoria Street
Daylesford	Vincent Street	Stanbridge Street	Albert Street
	Albert Street	Vincent Street	Bridport Street
Trentham	High Street	Cosmo Road	Market Street

Urban precincts are all other areas within the township areas outside the commercial precincts comprising the townships of:-

- Clunes,
- Creswick
- Daylesford
- Hepburn,
- Hepburn Springs,
- Newlyn,
- Smeaton &
- Trentham

5. Roads for which the Plan does not Apply

This plan does not include the following:

- Any road, driveway or pedestrian pathway on private property and/or providing access from private property to a public road;
- Any unconstructed road which Council does not maintain but which provides access from private property to a public road;
- Roads or tracks, whether the road or track is located within a road reserve or not that are not constructed to Council's minimum standards and are not listed on Council's Road Register;
- Any access track or driveway location within a road reserve, that was not constructed by or on behalf of Council that only provides access to adjoining private property and are not already listed on Council's Road Register
- National Highway/Freeway;
- Arterial Roads
- Roads or tracks maintained by the Department of Sustainability and Environment or Parks Victoria; and
- Railway Structures and associated assets set out in a Road/Rail Safety Interface Agreement as being the responsibility of others.

6. Demarcation and Transfer of Responsibility

6.1 Arterial Roads

VicRoads is the responsible road authority for all declared arterial roads within the municipality. These include highways, main roads and tourist roads.

Demarcation of maintenance responsibilities for arterial roads is as specified in the Ministerial Code of Practice for the Operational Responsibility for Declared Freeways and Arterial Roads and the Code of Practice for the Operational Responsibility for Public Roads.

A separate maintenance agreement may be entered into where areas of significance are located outside of Council's zone of responsibility. (E.g. Council may decide to take on the care and maintenance of street trees for an avenue of honour where it is situated outside of the zone of Council responsibility.)

A complete list of Arterial roads is included in the Road Register.

6.2 Boundary Roads

Where a road falls on a boundary between two shires a memorandum of understanding has been agreed upon to allocate a single Responsible Road Authority for the inspection and maintenance of the road.

Capital expenses for the roads will be shared equally by the adjoining shires.

Council has agreements with neighbouring Local Government Authorities which are listed below:

- City of Ballarat
- Moorabool Shire Council
- Macedon Shire Council
- Mt Alexander Shire Council
- Central Goldfields Shire Council
- Pyrenees Shire Council

A complete list of boundary roads and the designated Responsible Road Authority for each of the roads is detailed in Council's Road Register.

6.3 Rail Infrastructure

At any road / rail interface the responsibility for care and maintenance shall be in accordance with the Rail Safety Interface Agreements between the rail operators and Council. Safety interface agreements shall be entered into in accordance with the requirements of the Rail Safety Act 2006.

6.4 Non Road related Assets That are the Responsibility of Others

The responsibility for the care and maintenance of non road-related infrastructure located within the road reserve is as follows:

Items	Responsible Authority
Electricity poles, cables and service pits	Powercor or designated authority
Communications poles, service pits and cables	Telstra or designated service provider
Reticulated water pipes, valves and inspection points	Water Authority
Sewer service pits, pump stations and pipes	Water Authority
Gas service points and pipes	Gas Authority
Advertising	Property owner
Veranda/Balcony	Property owner

The provision and maintenance of these assets is to conform to the Management of Infrastructure in Road Reserves Code of Practice – October 2008. Financial Resources

This plan is supported by the Budget set each year by Council. Funds are provided for both operating and capital components and budget levels are determined after consideration of various inputs including:

- Levels of Service requested by the community;
- Condition reports;
- Cost benefit analysis; and
- Council's Strategic Resources Plan.

Current levels of funding for road maintenance and road improvements have been built using past expenditure results and asset condition needs.

Continued monitoring and review of asset condition and customer requests will form the basis of future budget requirements as part of Council's asset and resource planning.

7. Exceptional Circumstances (Force Majeure)

Council will make every effort to meet its commitments under its Road Management Plan.

However there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels of the RM Plan. These include but are not limited to: natural disasters, such as fires, floods or storms, or a prolonged labour or resource shortage, due to a need to commit or redeploy Council staff and/or equipment elsewhere.

In the event that the Chief Executive Officer of Council has considered the impact of such an event on the limited financial resources of Council and its other conflicting priorities, and determined that

the RM Plan cannot be met, then pursuant to Section 83 of the Wrongs Act, the CEO will write to Council's officer in charge of its Plan and inform them that some, or all of the timeframes and responses in Council's RM Plan are to be suspended.

Once the scope of the event/s have been determined, and the resources committed to the event response have been identified, then there will be ongoing consultation between the CEO the officer responsible for the RM Plan, to determine which parts of the RM Plan are to be reactivated and when.

Council statements to residents about the suspension or reduction of the services under the RM Plan will include reference to how the work that will be done will be prioritised, and the period for which it is likely to be affected.

8. Plan Review

This Road Management Plan will be reviewed in accordance with Sections 303 and 304 of the Road Management (general) Regulations 2005 and will be conducted every four years in line with Council elections.

Where changes to the RM Plan result in the need for significant changes, the amended plan will go through the Council approval and public consultation process required by the Road Management Act 2004.

9. References

Road Management Act 2004

Road Management Act Regulations

Ministerial Code of Practice as gazetted under the Road Management Act

Hepburn Shire Council Documents

Council Plan

Council Budget

Council Strategic Resource Plan

Road Asset Management Policy and Plan

Risk Management Policy

Roadside Management Plan 2003

10. Maintenance and Repair

10.1 Levels of Service

Service levels are based on:

- Community feedback and expectations via
 - State Government's Community Satisfaction Survey results;
 - Council's Customer request System; and
 - Elected Council representatives.
- Budget constraints;
- Level of risk;
- Legislative requirements that impact on the way assets are managed; and
- Design standards and Codes of Practice

These are used to determine the

- Frequency of inspections;
- Intervention Levels; and,
- Response Times

10.2 Inspection Schedules

A schedule of programmed inspections on the road infrastructure is used to measure the condition of the road and document any hazards that may have arisen since the last inspection. The frequency of the inspections varies depending on classification of the road and usage, community expectations, potential risk and available resources.

Inspections are of the utmost importance as they are used to ensure a prioritised and timely intervention in removing hazards as part of Council's maintenance regime.

Refer Appendix 13.1 for a complete inspection schedule.

An annual night time inspection, with primary focus on signs and guideposts, will be done on all roads except maintained tracks.

Reactive inspections are conducted as a result of customer requests and/or notifications attaining to a hazard/defect identified in the RM Plan and are to be done within 20 working days of receipt of request/notification.

10.3 Maintenance Works

Council carries out routine maintenance works on its road network. These works are programmed after the input of data on road condition issues is received via:

- Regular road inspections
- Community and other requests for road repairs

Hazards/defects have been identified which are deemed to have a direct impact on vehicle and pedestrian safety. Intervention levels for each hazard/defect have also been determined.

Refer Appendix 13.2 for a complete list of defined hazards/defects and intervention levels.

10.4 Temporary Measures

When any maintenance works are identified that need to be carried out and it is not practical or feasible to undertake the works within the required timeframes, it may be necessary for temporary measures to be undertaken to reduce the risk to road users.

These temporary measures may take the form of:

- Minor physical works to temporarily make the site safe, and/or
- Highlighting the defect/hazard through the use of appropriate signage or visually distinctive pavement markings and regular inspection of the site.

10.5 Response Times

Response times have been determined for a range of identified hazards.

They are based on classification of the road and usage, community expectations, potential risk, available resources and the specific nature of the hazard.

Refer Appendix 13.2 for a complete list of response times.

10.6 Programmed Maintenance

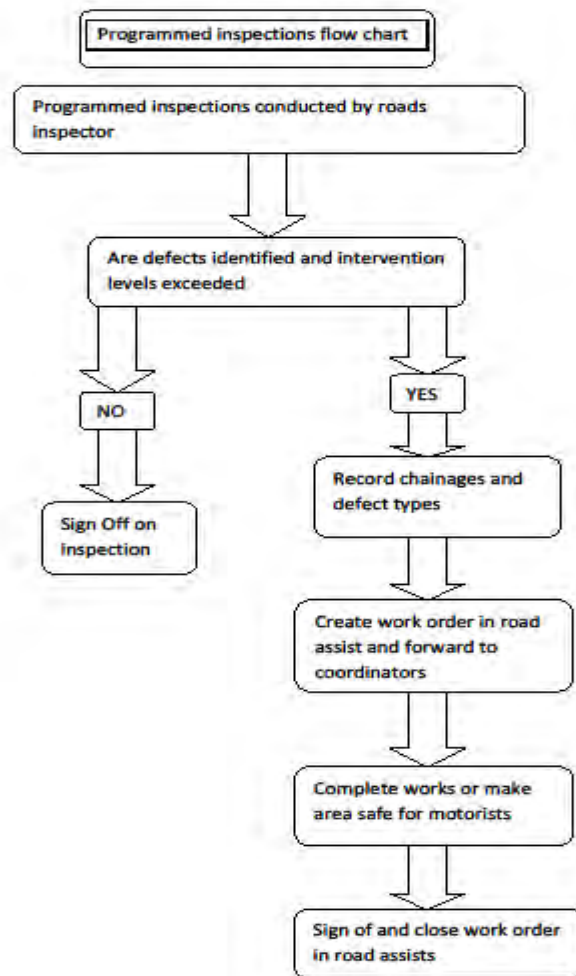
Each year budget allocations are dedicated to preventative maintenance on the road infrastructure. Planned routine maintenance is essential to reduce the amount of reactive maintenance on the roads. The type of works may include:

- Reseals
- Edge sealing or edge break repairs
- Shoulder grading
- Regulation
- Minor pavement stabilisation

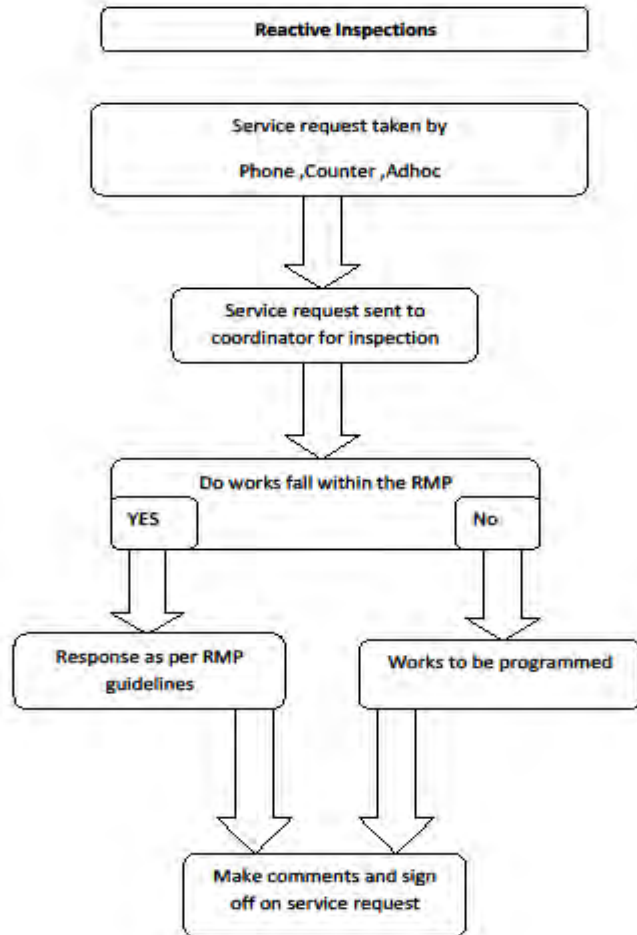
The roads are ranked according to their hierarchy and their current condition and the works allocated according to a cost benefit analysis to ensure that the funds are used in a location where the greatest benefit will be derived from the works.

11. Maintenance procedures.

Programmed Inspections



Reactive Inspections



12. Appendices

12.1 Appendix 1 – Scheduled Inspections

Roads

Road Classification	Frequency
Link	3 months
Collector	6 months
Local access	Sealed – 12 months Unsealed - 6 months
Maintained Track	As required

Footpaths

Location	Frequency
Commercial Areas	Annually
Urban areas	Every 2 years
Local access	Sealed – 12 months Unsealed - 6 months
Maintained Track	As required

12.2 Appendix 2 – Service Standards

Infrastructure	Defects	Intervention Levels	Response Times
Sealed Roads	Potholes/	Potholes > 300mm diameter or \geq 75mm depth.	Link - 2 weeks Collector - 2 weeks Local access - 4 weeks Maintained Trk - NA
	Edge Repair (Break)	Reduction in original sealed width > 250mm over 20m length or 300mm in isolation	Link - 4 weeks Collector - 4 weeks Local access - 8 weeks Maintained Trk - NA
	Shoulder Defects	Potholes > 100mm in depth and > 450mm in width Drop off from the edge of seal > 75mm over 20m or > 100mm over 2m	Link - 4 weeks Collector - 8 weeks Local access - as resources permit Maintained Trk - NA
Unsealed Roads	Potholes/Corrugations	Potholes > 100mm in depth and > 500mm in width over 20% of the road surface Corrugations > 40 mm in depth for a length > 20m of road length.	Link - 4 weeks Collector - 4 weeks Local access - 8 weeks Maintained Trk - as resources permit
General	Signs	Missing or damaged regulatory or warning sign or reflectivity reduced by > 50%	Link - 1 week Collector - 2 weeks Local access - 4 weeks Maintained Trk - as resources permit
	Guide Posts	Missing or damaged guideposts or reflectors	Link - 2 weeks Collector - 3 weeks Local access - 6 weeks Maintained Trk - as resources permit
	Obstructions/hazards	Obstruction or hazard which has detrimental impact on road safety	All - As soon as reasonably possible but within 24 hrs

Footpaths	Lip	Sealed surface vertical displacement between two adjacent surfaces >10mm in commercial areas and 20mm in urban areas	Commercial – 20 working days Urban – 30 working days
	Potholes	Gravel surface potholes >300mm diameter and > 25mm deep	

Councillor Kate Redwood left the meeting at 7:06 pm due to an indirect Conflict of Interest and returned to the meeting at 7:19 pm.

**10.3. APPLICATION TO RENEW B-DOUBLE PERMIT – PETER & GEOFF JENKIN TRANSPORT – STANBRIDGE STREET, DAYLESFORD
GENERAL MANAGER INFRASTRUCTURE**

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

PURPOSE

The purpose of this report is for Council to consider the renewal of a permit to use Stanbridge Street, Daylesford for B-Double and commercial trucks (heavy vehicles) to access the East Street, Daylesford industrial precinct.

BACKGROUND

Council issued a two year permit in 2010 for PGH Daylesford Pty Ltd trading as Peter & Geoff Jenkin Transport to operate heavy vehicles and B-Doubles in Stanbridge Street, Daylesford subject to the following conditions:

- Hours of operation 12.00 noon to 5.00 pm on Friday
- 9.00 am to 5.00 pm Saturday & Sunday
- 9.00 am to 12.00 noon Monday
- The use of compression brakes to be avoided
- Whenever possible, vehicles should use the East Street/Raglan Street route.

Peter & Geoff Jenkin Transport use the Stanbridge Street route for their trucks to return to the industrial precinct for safety wash and maintenance and have sought to renew the permit with the same conditions and operating hours listed above.

ISSUE / DISCUSSION

Access to the East Street industrial precinct is restricted by a railway bridge which has a height limit of 3.7 metres. This height restriction prevents trucks that operate at the legal height of up to 4.6 metres from using East Street to access the industrial precinct. The alternative route for trucks over 3.7 metres to access East Street is Central Springs Road or Stanbridge Street. Of these two streets Stanbridge Street has lower grades, whereas Central Springs Road has steeper grades and a more difficult truck route alignment.

There is ongoing concern from residents regarding the use of Stanbridge Street as a heavy vehicle access route to the industrial precinct; however there is no available alternative.

An investigation into improving height clearance of the railway bridge as well as discouraging trucks from using Stanbridge Street are high priorities in Council's recently adopted Freight Strategy. To discourage heavy vehicles, a low cost signage treatment was recently installed and \$25,000 has been allocated in the current budget to complete some traffic calming treatments. Peter & Geoff Jenkin Transport has written to Council seeking to have their permit for the use of Stanbridge Street renewed with the same operating hours as the previous permit that was issued in 2010.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council's Freight Strategy 2012 provides a framework for the consideration of issues relating to heavy vehicle movements around the Shire. This Strategy includes an action plan to improve amenities for residents and businesses around the East Street industrial precinct.

FINANCIAL IMPLICATIONS

The main financial implications arising from this request for a permit renewal relates to wear and tear on the road. Due to the minimal expected B-Double and commercial truck movements, this consent is not expected to have significant detrimental impact on the road. Evidence gathered through the Council's road asset management system indicates there is no significant or unanticipated deterioration of the road during the time of the previous permit.

RISK IMPLICATIONS

No specific risks are believed to be associated with granting consent for the renewal of this permit to use Stanbridge Street. The lawful use of this road which is a 50 kph speed zone, by B-Doubles and commercial trucks, is not expected to increase risks that may already exist.

The Daylesford Community Park is located on Stanbridge Street but is some distance from the road and has been operating during the operation of the previous permit. The new playground located beside Stanbridge Street, is accessed from Duke Street where parking is provided for users of the park. However, it is noted that there is no formal footpath along Stanbridge Street that provides pedestrian access to the park.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Council is obliged to provide an acceptable access route for industries located in East Street but also respect the wishes of residents in Stanbridge Street. Stanbridge Street is the most economical route for Peter & Geoff Jenkin Transport to use for their trucks to obtain routine washing and maintenance. The granting of a conditional permit is an endeavour to balance the needs of Peter & Geoff Jenkin Transport and the amenity of the Stanbridge Street residents. Council has recently written to Victoria Police and VicRoads seeking the enforcement of speed and heavy vehicle load limits in Stanbridge Street following the Council resolution at the June Council meeting.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

During the Freight Strategy public consultations, it was acknowledged that Stanbridge Street is not the preferred route to access the industrial precinct and until the East Street bridge provides high clearance, the use of Stanbridge Street remains the only practical option. This permit request will effectively continue the current arrangement and is not expected to create any changes to the current amenity of the residents.

CONCLUSION

Peter & Geoff Jenkin Transport seek to renew their permit to use Stanbridge Street in Daylesford for B-Double and commercial trucks as per conditions of their previous permit. Council is not able to provide a more suitable access to the East Street industrial precinct at this time for heavy vehicles. Residents in Stanbridge Street are concerned about the use of their street by heavy vehicles. Council is seeking to investigate better access options through the implementation of the 2012 Freight Strategy. It is recommended that the permit be renewed for one year with the same conditions as the previous permit.

OFFICER'S RECOMMENDATION

10.3.1 That Council consents to the issue of a permit to Peter & Geoff Jenkin Transport to operate B-Doubles and Commercial Trucks in Stanbridge Street, Daylesford for 12 months from 17 July 2013 subject to the following conditions:

- Hours of operation 12.00 noon to 5.00 pm on Friday
- 9.00 am to 5.00 pm Saturday & Sunday
- 9.00 am to 12.00 noon Monday
- The use of compression brakes to be avoided

- Whenever possible, vehicles should use the East Street/Raglan Street route.

MOTION

10.3.1. That Council consents to the issue of a permit to Peter & Geoff Jenkin Transport to operate B-Doubles and Commercial Trucks in Stanbridge Street, East Street and Wombat Dam Road, Daylesford for 12 months from 17 July 2013 subject to the following conditions:

- *Hours of operation 12.00 noon to 5.00 pm on Friday, excluding signed school zone times*
- *9.00 am to 5.00 pm Saturday & Sunday*
- *9.00 am to 12.00 noon Monday, excluding signed school zone times*
- *The use of compression brakes to be avoided*
- *Whenever possible, vehicles should use the East Street/Raglan Street route.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried.

10.4. RISK MANAGEMENT POLICY AND STRATEGIC FRAMEWORK REVIEW GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to review the updated Risk Management Policy and Risk Management Strategic Framework.

BACKGROUND

The Risk Management Policy was last reviewed in 2011 and is due for review. In addition, the Risk Management Strategic Framework was first implemented in 2011 and is also due for review.

These were both presented to the Audit and Risk Advisory Committee in May 2013. The committee endorsed them for Council's adoption.

ISSUE / DISCUSSION

The revised Risk Management Policy and Risk Management Strategic Framework are attached.

The changes made seek to address issues which have arisen through the implementation of the Risk Management Policy and Strategic Framework over the past two years and feedback from Internal Audit. The changes include:

- Simplifying the risk matrix and definitions to make it more user friendly.
- Improving the process for regular review and update of the identification, assessment and management of risks, including the use of a web-based risk register system.
- Implementing a process for regular monitoring and review of risks and opportunities.

A key activity to occur over the next 12 months is the implementation of a web-based risk register system using the Advent Manager software, which is currently being used for legislative compliance monitoring and reporting.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Continuous improvement of Council's risk management system is a key part of Innovative Corporate Systems.

FINANCIAL IMPLICATIONS

The additional cost of the web-based risk register system is included in the IT software recurrent budget for 2013-14.

RISK IMPLICATIONS

The revisions to the framework seek to achieve better risk management outcomes across Council's operations.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

This Risk Management Strategic Framework seeks to achieve positive risk management outcomes across Council's operations, including managing environmental, social and economic risks and opportunities.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Both revised documents were reviewed by the Extended Leadership Team. In addition, they were both presented to the Audit and Risk Advisory Committee in May 2013. The committee endorsed them for Council's adoption.

CONCLUSION

The revised Risk Management Policy and Risk Management Strategic Framework are presented for Council's adoption.

OFFICER'S RECOMMENDATION

10.4.1 That Council adopts the revised Risk Management Policy and the revised Risk Management Strategic Framework.

MOTION

That Council:

10.4.1. *Adopts the revised Risk Management Policy and the revised Risk Management Strategic Framework.*

10.4.2. *Makes the revised Risk Management Policy available for public inspection on Council's website.*

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

ATTACHMENT 3 - REVISED RISK MANAGEMENT POLICY



POLICY NUMBER: 24 (C)

RISK MANAGEMENT POLICY

DATE AMENDED: 16 July 2013
DATE OF NEXT REVIEW: 31 July 2017
DATE ADOPTED: 20 July 1999
RESPONSIBLE OFFICER: Manager Risk and Property

REFERENCES:

- Hepburn Shire Council's Council Plan 2013-2017
- Australian/New Zealand Standard AS/NZS 31000:2009 Risk Management – Principles and Guidelines

Best Value Principles

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

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

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

Introduction

Hepburn Shire Council has a responsibility to effectively identify, assess and manage the risks and opportunities associated with its operations and facilities, as far as reasonably practicable. As per our Council Plan 2013-2017, we seek to maintain organisation wide risk registers.

Our objectives for managing risks and opportunities are to:

- Successfully meet our goals and objectives.
- Deliver high quality services which make efficient use of the limited resources available.
- Support our approach to meeting legislative and other regulatory requirements.
- Safeguard our assets – people, financial, property and information.
- Create an environment where all councillors, employees, volunteers and contractors will assume responsibility for managing risk.
- Continuously improve our approach and performance, seeking to become a leading local council in Victoria in risk management

1. Scope

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

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

The Risk Management Policy is in place to guide councillors, employees, volunteers and contractors in the consistent and systematic identification, assessment and management of risks and opportunities relating to our strategic objectives and goals in the Council Plan 2013-2017, business plans, and other service delivery plans.

2. Policy

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

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

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

Hepburn Shire Council considers and manages risks relating to business capability, reputation, community, finance, the environment, legal and regulatory compliance, occupational health and safety, property and assets, emergency management and business continuity.

Where possible, risk management practices are to be embedded in existing policies and procedures to manage significant risks and opportunities identified, including project management and business planning.

Each functional area is to be subject to a process of identification, assessment and management of risks and opportunities associated with that area's processes performed to meet the objectives and commitments in the Council Plan 2013-2017 and its business plan. The ongoing management of risks in all functional areas is to be documented in a risk register and action plan.

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

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

All risk management actions (e.g. risk assessments, risk registers, management reviews) are documented and recorded in Council's web-based Advent Manager database.

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

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

3. Process

The Strategic Risk Management Framework (refer TRIM DOC/13/13828) documents the processes used to manage risk, including:

- Consequence, likelihood and risk rating definitions
- Council's risk appetite
- Continuous development of a risk management culture
- Specific roles and responsibilities
- Definitions
- Risk assessment processes, including maintenance of a risk profile
- Developing, implementing and monitoring control measures
- Training and support provided
- Measurement and continual monitoring of risk performance

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

**ATTACHMENT 4 - REVISED RISK MANAGEMENT STRATEGIC
FRAMEWORK**



RISK MANAGEMENT STRATEGIC FRAMEWORK

DATE AMENDED:	16 July 2013
DATE OF NEXT REVIEW:	31 July 2015
DATE ADOPTED:	28 June 2011
RESPONSIBLE OFFICER:	Manager Risk and Property

REFERENCES:

- Hepburn Shire Council's Council Plan 2013-2017
- Hepburn Shire Council's Risk Management Policy
- Australian/New Zealand Standard AS/NZS 31000:2009 Risk Management – Principles and Guidelines

1. Introduction

As outlined in the Risk Management Policy, Hepburn Shire Council ('Council') seeks to proactively manage risks and opportunities to support its achievement of Council Plan 2013-2017 and business plan objectives.

This strategic framework supports the Policy by providing the details of who, how, what and when in relation to risk management (i.e. the processes). It outlines the organisation-wide standards and processes used by Council to continuously improve its approach to effectively identify, assess and manage the risks and opportunities associated with its operations and facilities. This document outlines the definitions, procedures, templates, responsibilities, and implementation approaches that together facilitate an effective risk management process at Council.

2. Scope

This framework is applicable to all councillors, employees, volunteers and contractors working for the Council.

It requires all councillors, employees, volunteers and contractors to apply proactive, systematic and consistent risk management practices in the delivery of Council services to support the achievement of Council's objectives.

3. Objectives and Targets

For the period until 31 July 2015, Hepburn Shire Council has set the following objectives and targets in relation to risk management:

- Implementation of a web-based risk register system using the Advent Manager platform.
- Specific training in relation to applying risk processes and owning risks for all managers and coordinators.
- Revision and update of risk assessments across all functional areas and the development of risk registers, which identify existing and proposed controls, including existing management plans.

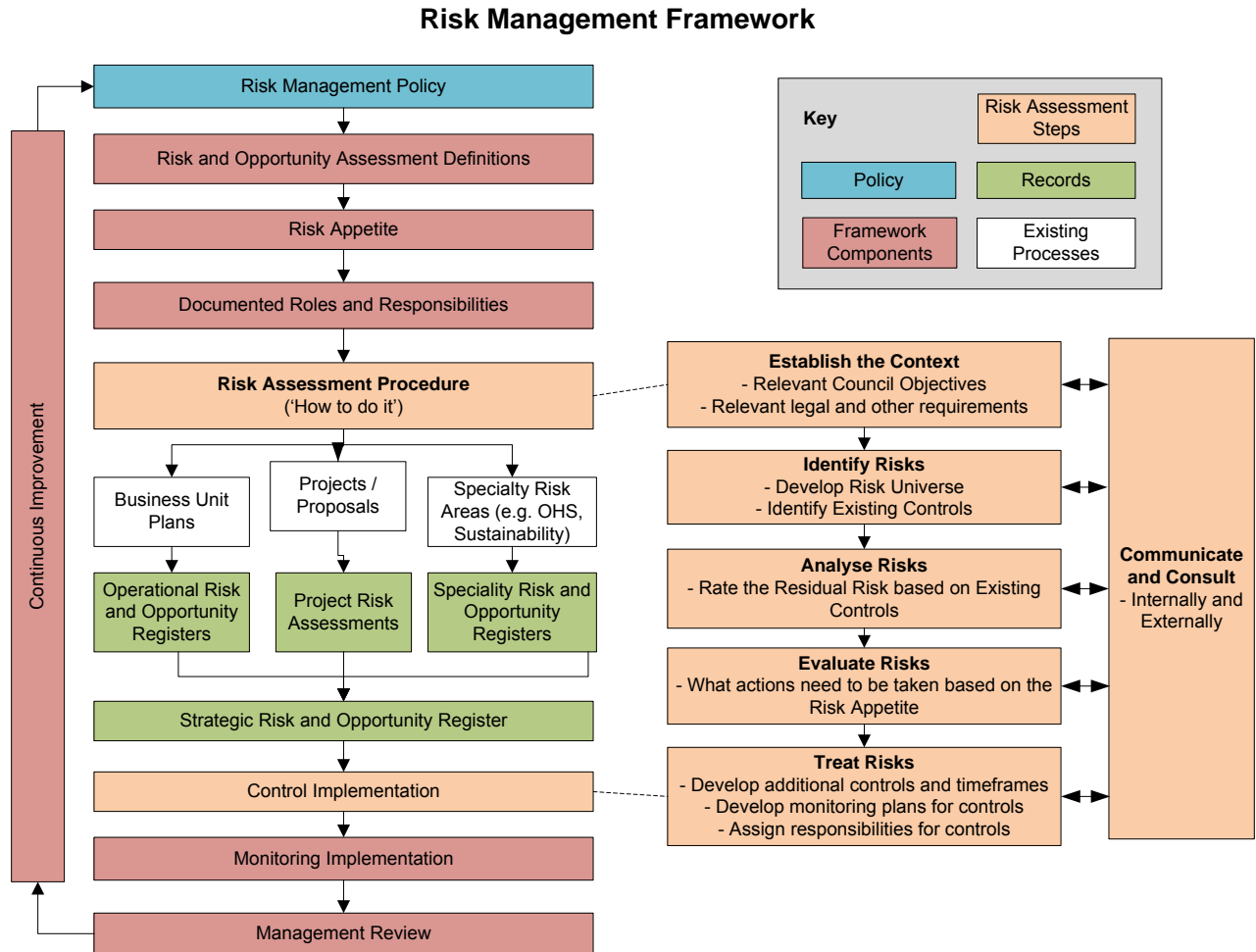
- Regular EMT update (at least six monthly) of the consolidated strategic risk register and identification of Council's key risks and opportunities.
- Development and implementation of action plans for all high and urgent rated risks.
- Inclusion of a risk assessment as part of all business case and budget bids.
- Update of the OHS risk management process in line with the Risk Management Strategic Framework.
- Development and implementation of contract management procedures, incorporating standard risk management requirements and templates.
- Development and implementation of a schedule of proactive building inspections to manage risks.
- Improvement in the MAV Insurance liability insurance risk audit results of at least 2%.

4. Framework Overview

Fundamentally, the management of risks and opportunities at Council relies on the following:

- A consistent set of likelihood and consequence definitions in order to measure risks and opportunities, including how to compare different consequences (e.g. financial vs community impacts)
- A consistent system to identify, assess and manage risks – i.e. How to do a 'Risk Assessment'
- A defined appetite, which designates reporting and response requirements for each risk rating
- A system to record risk assessments and responsibilities
- Monitoring that risk assessments are completed and controls are implemented

The following diagram outlines how the above key components work together and what key steps are to be undertaken.



Risk Management Policy

Risk management at Council is primarily guided by the policy.

TRIM Ref: DOC/13/13093



24 (C) Risk Management Policy -

Framework Components

The framework components are defined in this document.

In particular, the risk assessment process is described in detail to enable each functional area to assess their operations for risks and opportunities and implement controls to manage the risks and take advantage of the opportunities.

Records - Risk Registers

The risk assessment process is to be applied to the business plans, new proposal/projects and specialty risk areas (such as environment, OHS, etc.) and risks are to be identified, assessed and documented in the central register.

Based on the information in individual risk registers and internal and external consultation, an enterprise-wide risk and opportunity register is developed and implemented to manage the key risks.

5. Risk and Opportunity Assessment Definitions

Council has defined consequence and likelihood definitions across a range of impact areas to allow the consistent assessment of risks and opportunities under various contexts (e.g. budgeting, OHS, business case preparation, grant submission).

Definitions are included in Appendix A and also in the separate document:

Risk Assessment Definitions - Likelihood, Consequence and Risk Matrix Ratings



Risk Assessment
Definitions - Likelihood

(TRIM Ref: DOC/11/11840

6. Council's Risk Appetite

Council's risk appetite defines the levels of action required for each risk rating, including additional requirements for additional controls/risk treatments and management or executive reporting. In effect, the risk appetite defines Council's requirements for decision-making on risks and opportunities, which in effect sets how aggressive or conservative we will be in relation to risk and opportunity management.

This includes two key components:

- **Risk Matrix** - which defines a risk rating (e.g. High) for each likelihood (e.g. Possible) and consequence rating (e.g. Severe)
- **Action Requirements** – which define minimum responses to a given risk rating

Both aspects of Council's risk appetite are also included in Appendix A and the separate document:

Risk Assessment Definitions - Likelihood, Consequence and Risk Matrix Ratings

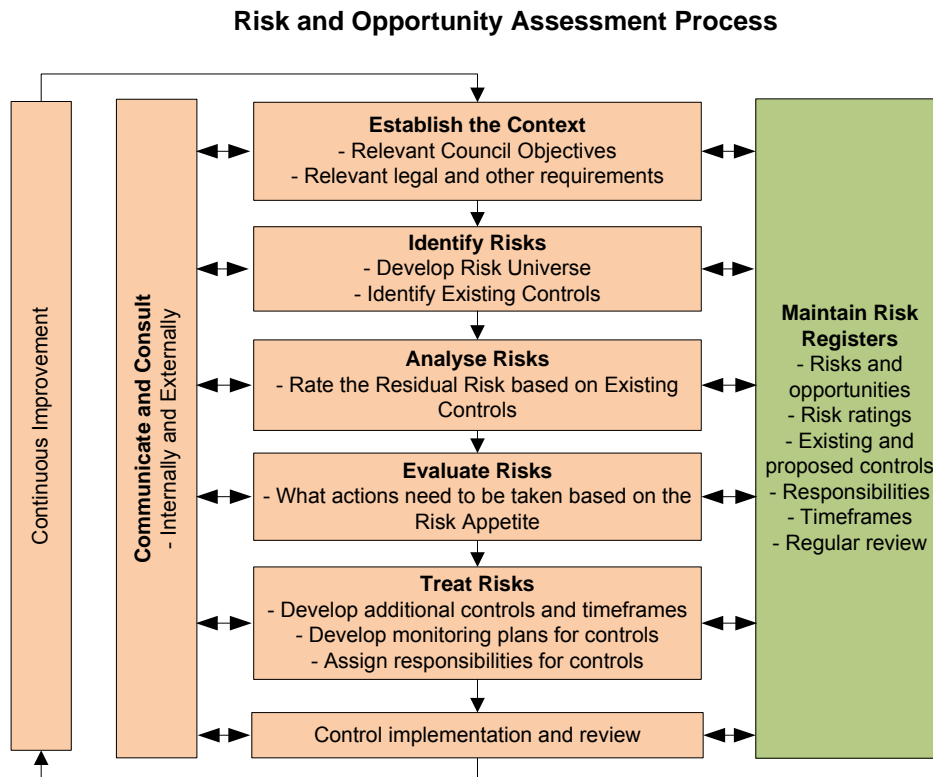


Risk Assessment
Definitions - Likelihood

(TRIM Ref: DOC/11/11840

7. Risk and Opportunity Assessment Procedures

The following diagram outlines the specific risk and opportunity assessment process to be applied, irrespective of what is being assessed.



1. Establish the Context

Determine the 'scope' or 'boundary' or 'thing' you are assessing the risks for. For example, understand whether it is a once off project or an ongoing process.

Go through a process of understanding the drivers for your project, such as using the P-E-S-T-L-E framework:

- Political
- Economical
- Socio-Cultural
- Technological
- Legal
- Ecological

Understand what impacts on the area being assessed, including considering:

- The Council Plan objectives
- Legal and regulatory obligations
- Voluntary commitments of Council
- Other groups outside the 'boundary' being assessed

2. Identify the Risks

After understanding the boundary and drivers, identify as many risks and opportunities as you can.

Find other lists of risks that others may have previously developed (e.g. other Councils) to assist with the process of developing a 'risk universe'

Use the following categories of risks to help with the brain-storming:

- Business Capability
- Reputation
- Community
- Finance
- Environment
- Legal and Regulatory Compliance
- Occupational Health and Safety
- Property and Assets
- Emergency Management
- Business Continuity

For all risks and opportunities identified, list any existing controls in place.

3. Analyse Risks

For each risk, consider the impact of the existing controls on managing the risk in relation to the area being assessed, and rate the current residual risk using the likelihood and consequence definitions.

Most importantly, consult widely when analysing risks. Consider internal and external stakeholder views. Conduct risk workshops where participants vote on risks to gauge different viewpoints on risk/opportunity importance.

4. Evaluate Risks

After rating all the risks, rank them in order and consider the overall impact on the area being assessed. These results are documented in the risk register.

It may help to plot the risks on a risk matrix to get a visual idea of how many urgent, high, medium and low risks there are overall.

Identify those risks and opportunities which need additional controls in line with Council's 'risk appetite' (i.e. the rules for taking actions).

5. Treat Risks

Based on the results of the evaluation, develop additional controls and document them in the risk register, together with timeframes for implementation.

Assign responsibility to the additional controls. Responsibilities for controls are to be assigned to individuals who will actually implement the controls (i.e. not just the CEO or General Managers).

Also assign responsibilities to the existing controls, including details of how the controls are monitored.

6. Document Risk Assessment

All ELT and EMT members have a responsibility to document risk management processes. The organisations risks and controls are to be documented in the Risk Module of Council's Advent Manager web-based system:

<https://www.adventmanager.com.au/login.aspx>

For isolated project risk assessments, the risk assessment and register template is to be used:

Register - Project Risk Assessment template for assessing risks



Project Risk Register
- High Performance Pl

(TRIM Ref: DOC/13/19204

All completed project risk assessments must be stored in TRIM and must be reviewed regularly to confirm that they are up to date and controls are being implemented during the project.

7. Implement and Monitor

In order to be of use, the additional controls identified must be acted upon. To support implementation, risks must have an assigned responsibility and timeframe for implementation. They are to be regularly reviewed at team meetings to track implementation and to see that risks are being managed and opportunities taken.

The Manager Risk and Property will be responsible for providing a summary of the strategic risk register to EMT members on a quarterly basis for monitoring that controls are being implemented, and to the Audit and Risk Advisory Committee annually.

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

8. Training and Support

All managers and supervisors will be trained by the Manager Risk and Property at least once every two years in relation to applying the risk management strategic framework.

The Manager Risk and Property is to be available to support all areas undertaking risk assessments and to provide advice in relation to the assessment, consideration and management of risks and opportunities.

9. Roles and Responsibilities

As individuals, we all play a part in managing risk at Hepburn Shire in relation to our Council, our people and the environment. Specifically, the following roles and responsibilities are assigned for managing risks and opportunities:

Audit and Risk Advisory Committee

- Review the Risk Management Policy, Council's risk appetite, and the risk management system when revised and the risk profile on an annual basis, and suggest amendments as required.

Councillors

- Provide adequate people and budget resource provision for risk management.

- Based on recommendations from the Audit and Risk Advisory Committee, review and approve the Risk Management Policy, and Council's risk appetite, risk management system and risk profile, and suggest amendments as required.

Chief Executive Officer

- Maintain overall responsibility for the effective identification and management of all types of risk across Council's operations.

General Managers

- Overall accountability for the ongoing implementation and continuous improvement of risk management within their division. This includes the ongoing maintenance of risk registers and action plans for all functions in their division.
- As part of EMT, review and approve the Risk Management Policy, Council's risk appetite, and the risk management system when revised and the risk profile on an annual basis.
- Ensure Council's Risk Management policy, program and the application of sound risk management practices within the workplace and community are observed and complied with at all times.

Manager Risk and Property

- Facilitate the identification and management of strategic and operational risks across the organisation, including Section 86 special committees of Council.
- Advise management and staff of compliance risks in terms of relevant legislation and standards and the action necessary to manage these risks.
- Ensure that Council's assets and operations, together with liability risks to the public are adequately protected through appropriate insurance and loss control programs and measures.
- Build a risk aware culture across the Council that ensures risks are actively identified and treated and opportunities maximised.
- Ensure Council's Risk Management policy, program and the application of sound risk management practices within the workplace and community are observed and complied with at all times.

Managers and Supervisors

- Ensure Council's Risk Management policy, program and the application of sound risk management practices within the workplace and community are observed and complied with at all times.
- Support their General Manager to identify, assess and manage risks and opportunities in their functional area, including the development and implementation of approved work practices and the regular update of their area's risks in the web-based Advent Manager risk register.
- Ensure the provision of a safe and healthy work environment and the implementation of appropriate safe work practices and control measures.
- Communicating risk management policy and procedures to employees, volunteers and contractors.
- Consulting with employees, volunteers and contractors to identify, assess and manage risks and opportunities associated with their work.

Employees

- Ensure Council's Risk Management policy, program and the application of sound risk management practices within the workplace and community are observed and complied with at all times.
- Perform duties in a manner that considers significant risks and opportunities, adhering to approved work practices at all times and implementing all control measures requested of them.
- Identifying new or emerging threats or opportunities in their actions everyday, and communicating with their supervisors and managers to adequately manage the associated risks.
- Provide risk management related information as requested.
- Consulting with managers and supervisors if there is any uncertainty in relation to risks and opportunities in their work.

Contractors and Volunteers

- Perform duties in a manner that considers significant risks and opportunities, adhering to approved work practices at all times and implementing all control measures requested of them.
- Consulting Hepburn Shire Council supervisors and contacts if there is any uncertainty in relation to risks and opportunities in their work.
- Provide risk management related information as requested.

10. Definitions

Consequence	The impact of an event or hazard on objectives.
Control/Treatment Action	A measure, action or process taken to modify risk.
Design Effectiveness	Confirmation that a control is designed appropriately to reduce the risk(s) it is designed to mitigate. A control which is designed ineffectively will either increase a risk or only deal with it in limited circumstances if and when it is implemented. A control which is designed effectively may be ineffective if it is not completely implemented.
Hazard	A source or a situation with a potential for negative impact on one or more objectives (e.g. harm in terms of human injury or ill-health, damage to property, damage to the environment).
Implementation Effectiveness	Confirmation that a control, as designed, has been implemented completely and appropriately. This is often established by testing a sample of events to confirm that the control is in place.
Likelihood	The chance of something happening.
Mitigate	To develop and implement controls or treatment actions to reduce the risk or to take advantage of opportunities.

Opportunity	The positive effect of uncertainty on objectives (i.e. a positive deviation from the expected).
Risk	<p>As per AS/NZS 31000, risk is the effect of uncertainty on objectives, where:</p> <p>An effect is either a positive or negative deviation from the expected (i.e. opportunities or threats)</p> <p>Objectives can have different aspects (e.g. financial, environmental, health and safety) and can apply at different levels (e.g. strategic, project, process)</p> <p>Risk is often characterised by reference to potential events, the consequences from those events and the likelihood of occurrence</p>
Risk Appetite	The organisation's prescribed levels of action required for each risk rating, including additional requirements for additional controls/risk treatments and management or executive reporting. In effect, the risk appetite defines Council's requirements for decision-making on risks and opportunities, which in effect sets how aggressive or conservative the organisation will be in relation to risk and opportunity management.
Risk Assessment	<p>A risk assessment process is undertaken to implement risk management in practice. It involves the following steps:</p> <p>Establish the internal and context being assessed</p> <p>Identify the sources of risk (i.e. hazards and events)</p> <p>Assess the range of consequences and associated likelihoods relating to each potential risk, taking into account the existing controls to establish the level of risk or risk rating</p> <p>Based on the established risk appetite, evaluate the risk and determine the action required, including monitoring of existing controls or implementation of additional controls/treatment actions</p> <p>Develop a list of controls/treatment actions required to adequately treat the risks and opportunities</p>
Risk Management System	The overall collection of policy, procedures, practices, templates, risk registers, personnel and records that are implemented to identify, analyse, evaluate, treat, monitor and review (i.e. manage) risks and opportunities.
Risk Matrix	A risk matrix relates defined likelihood and consequence levels to defined risk ratings, which enables risks to be assigned a risk rating or level of risk.
Risk Profile	A summary of the set of risks affecting a particular area (i.e. as often documented in a risk register).
Risk Rating	The level or magnitude of a risk or a combination of risks, expressed as a combination of the consequences and their

likelihood.

In assigning a risk rating, the existing controls are considered.

Risk Register

A documented list of risks that have been risk assessed, which includes the hazards or events considered, the existing controls, the risk rating for each risk, and proposed additional controls.

Appendix A: Risk Assessment, Likelihood and Consequence Definitions, Risk Matrix and Risk Appetite

Risk Rating Matrix					
	1 Very Unlikely	2 Unlikely	3 Possible	4 Likely	5 Almost Certain
E Catastrophic	High	High	Urgent	Urgent	Urgent
D Severe	Medium	Medium	High	High	Urgent
C Major	Low	Medium	Medium	High	High
B Moderate	Low	Low	Medium	Medium	Medium
A Insignificant	Low	Low	Low	Low	Medium

Likelihood Definitions				
1 Very Unlikely	2 Unlikely	3 Possible	4 Likely	5 Almost Certain
The event will only occur in exceptional circumstances.	The event is not expected to occur in the foreseeable future.	The event could occur once in the next year.	The event will probably occur in the next year.	The event is expected to occur in most circumstances.
1 in 100,000 or less probability.	1 in 1,000 to 1 in 100,000 probability.	1 in 100 to 1 in 1,000 probability.	1 in 10 to 1 in 100 probability.	Up to 1 in 10 probability.

Consequence Rating Definitions						
NB: Criteria descriptions are indicative, and not a complete list.						
Consequence Rating	Business Capability	Reputation	Community	Financial	Environmental	OHS
E Catastrophic	<ul style="list-style-type: none"> The organisation is totally incapacitated for >1 month. Significant organisational effort is consumed by recovery for > 3 months. 	<ul style="list-style-type: none"> Council is specific subject of debate and/or legislation in State parliament 	<ul style="list-style-type: none"> A major population centre is inhabitable, with 100s of fatalities. An essential service/utility in the Shire is incapacitated for > 1 month. 	<ul style="list-style-type: none"> The organisation is bankrupt. Lenders foreclose on existing loans. 	<ul style="list-style-type: none"> Total and permanent loss of an area of national significance. 	<ul style="list-style-type: none"> Multiple deaths
D Severe	<ul style="list-style-type: none"> Business unit management is consumed by single issue >3 months. Disruption from mass resignation or termination of CEO and senior management. 	<ul style="list-style-type: none"> Repeated negative reporting in State or national media. Organisation is openly criticised publicly for actions over a period of 12 months 	<ul style="list-style-type: none"> An essential service/utility is not available for several days in a town. The majority of a township is diverted from normal business for several days. 	<ul style="list-style-type: none"> The organisation needs to make unplanned borrowings to manage cash flow \$1M-\$5M loss/gain. >\$100,000 breach of delegation 	<ul style="list-style-type: none"> Total and permanent loss of area of state significance 	<ul style="list-style-type: none"> Repeated notifiable incidents or injury Injury incapacitates someone permanently
C Major	<ul style="list-style-type: none"> Repeated failure to deliver business unit objectives. High staff turnover and vacancies results in regular unsuccessful efforts to fill roles. Issue requires dedicated resources >3 month to fix. 	<ul style="list-style-type: none"> Negative reporting in State or national print media. Organisation is perceived as an employer to avoid. 	<ul style="list-style-type: none"> Significant failure of businesses, increase in unemployment Permanent closure of a major facility. 	<ul style="list-style-type: none"> \$250,000-\$1M loss/gain. \$30,000-\$100,000 breach of delegation 	<ul style="list-style-type: none"> Long term damage to resources (e.g. water, land) resulting in government assistance required to community and businesses Total and permanent loss of local area of significance 	<ul style="list-style-type: none"> Notifiable/serious incident or injury Injury results in > 1 month lost time
B Moderate	<ul style="list-style-type: none"> Total failure of a strategic project or service objective Organisation is unable to attract suitably qualified candidates to fill vacancies. Issue requires dedicated resources >1 month to fix. 	<ul style="list-style-type: none"> Negative campaign in local media over several weeks. Negative opinion expressed by multiple ratepayers for > 1 month. 	<ul style="list-style-type: none"> Violent aggression/ reaction to social/ cultural change. Material increase in negative social indicators (e.g. crime/ problem gambling/ substance abuse/violence) 	<ul style="list-style-type: none"> \$50,000-\$250,000 loss/gain. \$10,000-\$30,000 breach of delegation 	<ul style="list-style-type: none"> Total loss of native fauna/flora species. Greenhouse gas emissions increase. 	<ul style="list-style-type: none"> Multiple minor injuries Lost time injury Near miss serious incident with the potential for permanent disablement.
A Insignificant	<ul style="list-style-type: none"> Delivery of a major project is delayed <2 months. Failure to achieve a minor project outcome/deliverables. Existing resources are diverted from normal duties <1 month. 	<ul style="list-style-type: none"> Once-off mention in local media. A few letters of complaint received on an issue. 	<ul style="list-style-type: none"> Widespread sense of low worth/ morale as a community. Closure of isolated business. 	<ul style="list-style-type: none"> <\$50,000 loss/gain. <\$5000 breach of delegation 	<ul style="list-style-type: none"> Spill/release of hazardous substance is contained to immediate vicinity, with no lasting impact. High environmental impact of purchasing or activities on a small scale. 	<ul style="list-style-type: none"> First aid or minor medical treatment injury. Low risk near miss incident.

Action Requirements

Risk Rating	Response	Reporting
Urgent	<p>Actions must be taken immediately, in consultation with the Manager Risk and Property, to develop a plan to address the risk/opportunity before continuing.</p> <p>Where possible interim measures must be identified to manage the risk before a permanent control can be implemented.</p> <p>Permanent controls are to be implemented as soon as practicable to reduce the risk to high or lower.</p> <p>Existing controls are to be monitored to confirm they are effective.</p>	<p>Urgent rated risks and opportunities, as they are identified are to be communicated to EMT immediately, and discussed at the next Council briefing session.</p> <p>Actions plans are to be agreed by EMT and monitored at weekly EMT meetings, reported to the Audit and Risk Advisory Committee each quarter, and reported on monthly to Council.</p>
High	<p>Plans to reduce the risk or take advantage of the opportunity are to be developed, in consultation with the Manager Risk and Property, within a month of identifying the risk.</p> <p>Permanent controls are to be implemented within six months to reduce the risk to medium or lower.</p> <p>Existing controls are to be monitored to confirm they are effective.</p>	<p>High rated risks and associated actions plans are to be reviewed by EMT within one month of being identified and the Audit and Risk Advisory Committee at its next quarterly meeting.</p>
Medium	<p>Plans are to be developed to reduce these risk areas to low within two years.</p>	<p>Risk assessment and action plans are to be reviewed and approved by a GM.</p> <p>Where no reasonable options can be identified, the risk may be accepted, provided it is approved by EMT and reviewed by the Audit and Risk Advisory Committee.</p>
Low	<p>Existing controls are to be maintained, but no additional controls are necessary.</p>	<p>Risk assessment is to be reviewed and approved by a GM.</p>

**10.5. CLUNES NEIGHBOURHOOD HOUSE - LICENCE TO USE PART OF LEE MEDLYN HOME OF BOTTLES
GENERAL MANAGER CORPORATE SERVICES**

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

PURPOSE

The purpose of this report is to grant a licence for the Clunes Neighbourhood House to occupy part of The Lee Medlyn Home of Bottles in Clunes.

BACKGROUND

The Clunes Neighbourhood House approached The Lee Medlyn Home of Bottles Special Committee to seek approval to use space in the buildings at 70 Bailey Street, Clunes which is owned by Council.

The property is managed by a special committee appointed under section 86 of the *Local Government Act 1989*.

The Clunes Neighbourhood House has been renting a property in Service Street, Clunes. It has been asked to vacate this site in July 2013.

ISSUE / DISCUSSION

The Lee Medlyn Home of Bottles Special Committee is supportive of incorporating the Clunes Neighbourhood House in its facility.

A three staged approach is suggested:

1. Make superficial modifications to allow the Clunes Neighbourhood House to occupy some of the current spaces. This includes reducing the Lee Medlyn's 'retail' space and installing new electrical outlets to allow computers to be placed there. The Clunes Neighbourhood House has agreed that it will cover these costs.
2. Investigate the potential to incorporate the development of effective building space for the Neighbourhood House operations (e.g. multi-purpose room). The ability to do this is dependent on the cost of asbestos and toilet works scheduled to be undertaken this year, as part of a \$201,000 allocation from the Local Government Infrastructure Fund (LGIF).
3. Undertake further expansion works as funds are secured by the Clunes Neighbourhood House. The Neighbourhood House and/or Lee Medlyn aspire to create areas such as a 'messy arts space', 'training kitchen'

and 'open air stage'. These would be dependent on funding being obtained, with no commitment by Council to contribute to these works.

In order to allow stage one to occur, a licence is required to formalise the Clunes Neighbourhood House's occupancy in the Lee Medlyn Home of Bottles.

The licence proposed includes a term of approximately two years commencing 20 July 2013 and ending on 31 July 2015. Subsequent to this period, arrangements under phase two can be agreed and a new licence put in place.

The licence will have some shared spaces (the current retail room, arts room, reception and outside areas) and a dedicated office for the Clunes Neighbourhood House.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council is empowered to enter into this licence under the *Local Government Act 1989*.

FINANCIAL IMPLICATIONS

- **Licence fee and/or payment for expenses at the facility** - Compared to other community facilities, Council would usually charge a nominal community based licence fee (\$104/year) and expect the licensee to pay operating costs. However, as the operating expenses at this facility are the responsibility of a special committee, it would be fair that a fee be charged that contributes to those costs. That fee would be paid directly to the special committee. The Clunes Neighbourhood House has proposed an annual rent of \$5,200 paid quarterly, plus shared payment of electricity costs. Based on the annual expenditure of The Lee Medlyn Home of Bottles (approximately \$8,000) that amount would seem appropriate to contribute to the costs.

Given that Council is undertaking renovation works in some parts of the building to remove asbestos, install toilets and other works, the facility will not be fully available to the Clunes Neighbourhood House for the whole year. As such, it is proposed to provide two months rent-free in the first year, with payments required as follows:

- 31 July 2013 - \$433
- 31 October 2013 - \$1300
- 31 January 2013 - \$1300
- 30 April 2013 - \$1300

- **Costs of modifications** - The electrical work to install additional power points and set up the computer space and office will be the responsibility of the Clunes Neighbourhood House.

Council has committed \$201,000 to the facility for renovations including removal of asbestos and installation of toilets in the 2013-14 budget. The scope of these works is still to be determined. The extent of asbestos replacement will determine what modifications are made to the building. It is possible that no money will be available for modifications to the spaces available for use by the Clunes Neighbourhood House.

Costs for subsequent work will depend on the availability of funds and agreement between Council, the special committee and the Neighbourhood House. At this stage, Council is not able to commit to contributing to future stages.

RISK IMPLICATIONS

Two occupants in a facility can have its challenges. However, in this case the Neighbourhood House and Special Committee have been working closely together and share a common view of the benefits to both groups. The licence proposed will help clarify the rights and responsibilities of each party. In addition, the two groups intend to agree additional conditions (e.g. cleaning responsibilities) in an Operating Agreement.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The benefits of the proposed licence include:

- Increased community use of the relatively large Lee Medlyn facility.
- Council providing direct support to a Neighbourhood House in the Shire.
- A potential increase in opportunities for external funding to further improve the site due to the increased use of the site and needs of multiple groups.
- The special committee having an additional income source to help meet its ongoing maintenance challenges and operating expenses.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The original request for this licence was made by the Clunes Neighbourhood House to The Lee Medlyn Home of Bottles Special Committee. Council officers have worked closely with representatives of both the Neighbourhood House and Special Committee to develop the terms of the licence. Feedback from them has been incorporated into the licence.

There is no requirement to advertise this licence under the *Local Government Act 1989*.

CONCLUSION

The attached licence for the Clunes Neighbourhood House to occupy parts of The Lee Medlyn Home of Bottles is presented for Council's approval.

OFFICER'S RECOMMENDATION

That Council:

- 10.5.1 Grants a licence to the Clunes Neighbourhood House Inc to occupy part of The Lee Medlyn Home of Bottles at 70 Bailey Street Clunes, as per the attached licence.
- 10.5.2 Authorises the Chief Executive Officer to execute the licence for and on behalf of Council.

MOTION

That Council:

- 10.5.1. Grants a licence to the Clunes Neighbourhood House Inc to occupy part of The Lee Medlyn Home of Bottles at 70 Bailey Street Clunes, as per the attached licence.*
- 10.5.2. Authorises the Chief Executive Officer to execute the licence for and on behalf of Council.*

Moved: Councillor Neil Newitt

Seconded: Councillor Sebastian Klein

Carried.

**ATTACHMENT 5 - LICENCE - CLUNES NEIGHBOURHOOD HOUSE IN
THE LEE MEDLYN HOME OF BOTTLES**

Hepburn Shire Council

LICENCE

THIS LICENCE is granted by the Licensor to the Licensee and commences on the date set out in the Schedule.

In consideration of the payment of the licence fee and the conditions contained in this Licence, the Licensor or a person authorised by the Licensor, at the request of the Licensee **HEREBY AUTHORISES** the Licensee to use the licensed premises described in the Schedule for the specified purposes set out in the Schedule.

This Licence is granted subject to the provisions of the *Local Government Act 1989* and Regulations thereunder, the licence conditions attached and any Statutory and other Special Conditions set out in the Schedule.

DRAFT

.....
Licensor or Authorised person
Aaron van Egmond, Chief Executive Officer
On behalf of **Hepburn Shire Council**

The Licensee hereby agrees to comply with the terms and conditions of this Licence

.....
Licensee –
Anna Phillips, President
On behalf of **Clunes Neighbourhood House Inc**

NOTE:

<i>1</i>	<i>This licence is not valid until it has been executed</i>
<i>2</i>	<i>This licence is an important document and should be stored in a secure and safe place. In the event of loss, a replacement fee will be charged.</i>

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SCHEDULE

ITEM

- 1 **Licence Number: FOL/13/396**
- 2 **Licensor: Lee Medlyn Home of Bottles Special Committee on behalf of the HEPBURN SHIRE COUNCIL ABN 76 845 763 535**
- 3 **Licensee: CLUNES NEIGHBOURHOOD HOUSE INC ABN 14 982 753 940**
- 4 **Licensee's Address: 70 Bailey Street, Clunes VIC 3370**
- 5 **Commencement Date: 20 July 2013**
- 6 **Term: Until 31 July 2015**
- 7 **Licence fee: \$4,333 + GST for 20 July 2013 until 31 July 2014
\$5,200 + GST for 1 August 2014 until 31 July 2015**
- 8 **Payable: Quarterly by cheque to the Lee Medlyn Home of Bottles in advance as follows:
\$433 + GST by 31 July 2013
\$1,300 + GST by 31 October 2013 and then quarterly thereafter**
- 9 **Property description: Lee Medlyn Home of Bottles building, 70 Bailey Street Street, Clunes VIC 3370 (the Property - as shown on the attached Location Plan)**
- 10 **Licensed premises: An area of the Property including Common Areas and Dedicated Space, as shown on the attached Licence Plan. In addition, the licenced premises includes all the areas outside the buildings in the Property.**
- 11 **Area: Approximately 300 sq m + areas outside the buildings in the Property.**
- 12 **Powers under which licence granted: Sections 3E and 3F *Local Government Act 1989***
- 13 **Specified Purposes: To operate the Clunes Neighbourhood House, including planned and informal activities, computer services and community strengthening.**
- 14 **Amount of Public Liability Insurance: \$10,000,000**
- 15 **Licensor Address: PO Box 21, Daylesford Vic 3460.**
- 16 **Special Conditions:**
 - 16.1 **The Clunes Neighbourhood House will have a dedicated office for its purposes. It will also be able to establish public access computers in the 'retail' space and utilise the Arts Room at times agreed with the Lee Medlyn Home of Bottles Special Committee.**
 - 16.2 **The Clunes Neighbourhood House will have shared access to Common Spaces (including reception, kitchen, toilets and interconnecting spaces) (as per the attached Licence Plan).**

- 16.3 The Clunes Neighbourhood House will be responsible for the costs associated with its equipment, activities, exhibitions and day to day operating costs.**
- 16.4 The Lee Medlyn Home of Bottles Special Committee for and on behalf of Hepburn Shire Council will be responsible for the payment of utilities (water, electricity), building maintenance, cleaning, and telephone expenses in the Lee Medlyn Home of Bottles.**
- 16.5 The Clunes Neighbourhood House and Lee Medlyn Home of Bottles Special Committee agree to share the costs of the shared utilities and cleaning, with details outlined in a separate Operating Agreement.**

LICENCE CONDITIONS

1 **Grant**

The rights conferred by this Licence are non-exclusive, do not create or confer upon the Licensee any tenancy or any estate or interest in or over the licensed premises or any part of it, and do not comprise or include any rights other than those granted or to which the Licensee is otherwise entitled by law.

2 **Licensee's Obligations (Positive)**

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will:-

2.1 **Licence fee**

Duly and punctually pay or cause to be paid the licence fee to the Licensor at the payment address shown in Item 15 of the Schedule or as advised by the Licensor from time to time on the days and in the manner provided in Item 8 of the Schedule without demand, deduction, set-off or abatement.

2.2 **Rates and Taxes**

2.2.1 Duly and punctually pay as and when they respectively fall due all rates and taxes on the licensed premises.

2.2.2 If requested to do so by the Licensor, produce receipts to the Licensor evidencing payment of the rates and taxes.

2.2.3 Duly and punctually pay to the Licensor at the same time and in the same manner as the licence fee is payable to the Licensor (or as otherwise notified to the Licensee by the Licensor) under clause 2.1 above the amount of any GST payable on or in relation to this licence and/or the rent payable thereunder or that becomes payable by the Licensor during the period covered by the fee.

2.3 **Indemnity**

Indemnify the Council in respect of any claim or liability for property damage and/or injury or death of any person which arises directly or indirectly out of negligence, tort, contract, breach of any relevant Special Condition, or breach of a statutory duty by the Licensee or any associated party consequential to the use or occupation of the licensed premises, including, but without restricting the generality of the foregoing, the pollution or contamination of land or water, and any costs, charges and expenses incurred in connection therewith.

2.4 **Public Liability Insurance**

A public liability insurance policy over the premises (providing no less limit of indemnity for any one occurrence during the policy period than the amount shown at Item 14 of the Schedule), which is endorsed (as follows), to note:

‘the Hepburn Shire Council, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of Professional duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Council (and others above mentioned), and is limited to the amount shown in Item 14 of the Schedule for any one occurrence.’

2.5 **Maintenance**

2.5.1 Throughout the term keep the licensed premises, including the pipeline to be installed therein, in good order and condition and the improvements (if any) on it in good order and condition having regard to their condition at the commencement date or, if constructed or added to the licensed premises after the commencement date, at the date of such construction or addition as the case may be and in particular but without restricting the generality of the foregoing will remedy every default of which notice is given by the Licensor to the Licensee within a reasonable time specified in the notice but in any event the time specified in the notice will not be less than 14 days.

2.6 **Fire Protection Works**

Undertake all fire protection works on the licensed premises required by law to the satisfaction of the Licensor and the responsible fire Authority

2.7 **Condition at Termination**

On expiry or prior determination of this Licence return the licensed premises to the Licensor in good order and condition and otherwise in accordance with the Licensee's obligations. Refer Special Condition 16.3.

2.8 Notice of Defects and other matters

- 2.8.1 Give the Licensor prompt notice in writing of any accident to or defect in the licensed premises and of any circumstances likely to cause any damage risk or hazard to the licensed premises or any person on it;
- 2.8.2 Give to the Licensor within 7 days of its receipt by the Licensee a true copy of every notice, proposal or order given, issued or made in respect of the licensed premises and full details of the circumstances of it;
- 2.8.3 Without delay take all necessary steps to comply with any notice, proposal or order referred to in paragraph 2.8.2 with which the Licensee is required to comply; and
- 2.8.4 At the request of the Licensor make or join with the Licensor in making such objections or representations against or in respect of any notice, proposal or order referred to in paragraph 2.8.2 as the Licensor deems expedient.

2.9 Compliance with Law

Comply at the Licensee's cost with the provisions of all statutes, regulations, local laws and by-laws relating to the licensed premises and all lawful orders or direction made under them;

2.10 Arrears and Interest

- 2.10.1 Pay to the Licensor:-
 - 2.10.1.1 on any moneys payable by the Licensee to the Licensor and outstanding for thirty (30) days or on any judgment for the Licensor in an action arising under the Licence, interest at the penalty rate of interest for the time being made payable under the **Penalty Interest Rates Act 1983** computed from the date the moneys or judgment became payable until all moneys (including interest on them) are paid in full;
 - 2.10.1.2 on demand all the Licensor's legal costs and disbursements payable in respect of or in connection with any assignment of this Licence or under-licensing of the licensed premises, any surrender of this Licence, the giving of any consent by the Licensor or any failure by the Licensee to perform and observe this Licence, or any deed or other document executed in connection with this Licence.

2.11 Further Conditions

Comply with the Special Conditions (if any) contained in Item 16 of the Schedule.

3 Licensee's Obligations (Negative)

The Licensee **Hereby Covenants** with the Licensor that during the term the Licensee will not -

3.1 Use of Licensed premises

Use the licensed premises for any purpose other than the specified purpose referred to in Item 13 of the Schedule without first obtaining the Licensor's written consent which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

3.2 Create nuisance

Do not cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the licensed premises or to use any land in the vicinity or to occupiers of properties adjoining the licensed premises.

3.3 Allow rubbish

Permit any rubbish to accumulate in or about the licensed premises.

3.4 Hazardous Chemicals

Keep any hazardous materials on the premises without the Licensor's written consent save a reasonable quantity of any hazardous material which is normally used in any specified purpose actually carried on in or upon the premises and which is kept in compliance with the requirements of any authority charged with regulating the keeping of it.

3.5 Assignment

Without first obtaining the written consent of the Licensor assign, under-license, mortgage, or charge this Licence or part with or share possession of the licensed premises or any part of it.

3.6 Licensor's Entry

- 3.6.1 Prevent, attempt to prevent or in any other way hinder, obstruct or permit the hindrance or obstruction of the Licensor or the Licensor's employee or agent or any other person who may have a right to use the Property at any time from entering and remaining on the licensed premises either with or without motor vehicles or other equipment for any purpose, and in particular, but without restricting the generality of the foregoing, for any of the following purposes:-
 - 3.6.1.1 retaking or attempting to retake possession of the licensed premises;
 - 3.6.1.2 inspection; or
 - 3.6.1.3 any other lawful purpose.

3.6.2 Notwithstanding 3.6.1 nothing contained herein permits the Licensor or the Licensor's employee or agent or any other person using the Property to access, interfere with, or damage the pipeline constructed in the licensed premises.

3.7 Void insurance

Do or allow anything to be done which might result in any insurances relating to the licensed premises becoming void or voidable or which might increase the premium on any insurance.

3.8 Erection of Improvements

Erect or permit the erection of any improvement on the licensed premises without the Licensor's prior written approval, which can be given or withheld at the absolute discretion of the Licensor or be given subject to conditions.

4 General Conditions

4.1 Termination upon Default

If the Licensor is satisfied, after giving the Licensee a reasonable opportunity to be heard, that the Licensee has failed to comply with any terms or conditions of the Licence, the Licensor may, by notice given to the Licensee, declare that the Licence is cancelled, and upon cancellation the Licensee will not be entitled to any compensation whatsoever.

4.2 Termination without Default

4.2.1 In addition to and not in substitution for the power to cancel this Licence under clause 4.1, the Licensor may by giving to the Licensee at least 30 days written notice to that effect cancel this Licence upon a date to be specified in that notice notwithstanding that there has been no breach by the Licensee of any term or condition of this Licence.

4.2.2 If the Licence is terminated under this clause the Licensee is entitled to receive and will be paid by the Licensor a refund of an amount of the Licence fee paid.

4.2.3 The amount of refund will be determined by the Licensor on a pro rata basis, taking into account any period of the Licence remaining at the date of cancellation.

4.2.4 Except as provided in sub clause 4.2.2 above no compensation is payable in respect of the cancellation of the licence.

4.3 Ownership of Improvements

The Licensee acknowledges that all buildings and structures on the licensed premises at the date of commencement of this Licence and all new structural works (except for any Licensee's trade fixtures or fittings) and any additions or modifications to the existing or new buildings and structures carried out during the term of this Licence are and remain the property of the Licensor.

4.4 Licensee's Chattels

4.4.1 Except as provided in sub-clause 4.4.3 the Licensee's chattels will remain the property of the Licensee.

4.4.2 On the cancellation or expiration of the Licence the Licensee must, within a period of time specified by the Licensor, remove all Licensee's chattels from the licensed premises and forthwith make good all damage caused to the licensed premises by the affixing, retention or removal of Licensee's chattels to the satisfaction of the Licensor.

4.4.3 If the Licensee's chattels are not removed at the end of the period of time specified under sub-clause 4.4.2, the Licensee's chattels will become the property of the Licensor.

4.5 Licensor may remove and dispose of Licensee's chattels

If the Licence expires, or is cancelled, the Licensor may at the end of the period of time specified under Clause 4.4.2 remove the Licensee's chattels and store them at the Licensee's expense without being liable to the Licensee for trespass, detinue, conversion or negligence. After storing them for at least one month, the Licensor may sell or dispose of them by auction, private sale, gift, distribution or otherwise and apply the net proceeds towards the payment of any moneys owed by the Licensee to the Licensor.

4.6 Licensor's Agents

Every act or thing to be done, decision to be made or document to be signed pursuant to this Licence by the Licensor and not required by law to be done, made or signed by the Licensor personally may be done made or signed by any person or class of person to whom such power has been delegated by the Licensor.

4.7 Notices

Any notice consent or demand or other communication to be served on or given to the Licensee by the Licensor under this Licence will be deemed to have been duly served or given if it is in writing signed by the Licensor and delivered or sent by pre paid post to the Licensee's address set out in Item 4 of the Schedule or to the latest address stated by the Licensee in any written communication with the Licensor.

4.8 Debt recovery

All moneys payable by the Licensee to the Licensor under this Licence are recoverable from the Licensee as liquidated debts payable on demand.

5 **Definitions**

Unless inconsistent with the context or subject matter each word or phrase defined in this clause has the same meaning when used elsewhere in the licence.

"**commencement date**" means the date described in Item 5 of the Schedule and is the first day of the term;

"**Council**" means the Hepburn Shire Council (its successors in law) and includes the Licensor and each employee and agent of the Council;

"**GST**" means a goods and services tax within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*.

"**hazardous chemical**" includes gas, inflammable liquid, explosive substance, pesticide, herbicide, fertilizer and other chemicals;

"**improvement**" includes building, dam, levee, channel, sign, permanent fence, or other structure and any addition to an existing improvement;

"**licensed premises**" means the land and structures described in Item 10 of the Schedule;

"**Licence fee**" means the licence fee described in Item 7 of the Schedule as varied during the term;

"**Licensee**" means the person named in Item 3 of the Schedule and includes the permitted assigns and successors in law to a Licensee;

"**Licensor**" means the Council;

"**person**" includes a body corporate as well as an individual;

"**rates and taxes**" means all existing and future rates (including water by consumption and any special rates or levies) taxes, charges, tariffs, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against the licensed premises or the Licensor or the Licensee or payable by the owner or occupier of the licensed premises;

"**schedule**" means the schedule to this Licence;

"**sign**" includes names, advertisements and notices;

"**soil**" includes gravel, stone, salt, guano, shell, sand, loam and brick earth;

"**term**" means the period of time set out in Item 6 of the Schedule, as and from the commencement date;

"**writing**" includes typewriting, printing, photography, lithography and other modes of representing or reproducing words in a visible form and "written" has a corresponding meaning.

6 **Interpretations**

6.1 A reference importing the singular includes the plural and vice versa.

6.2 The index and headings are included for ease of reference and do not alter the interpretation of this Licence.

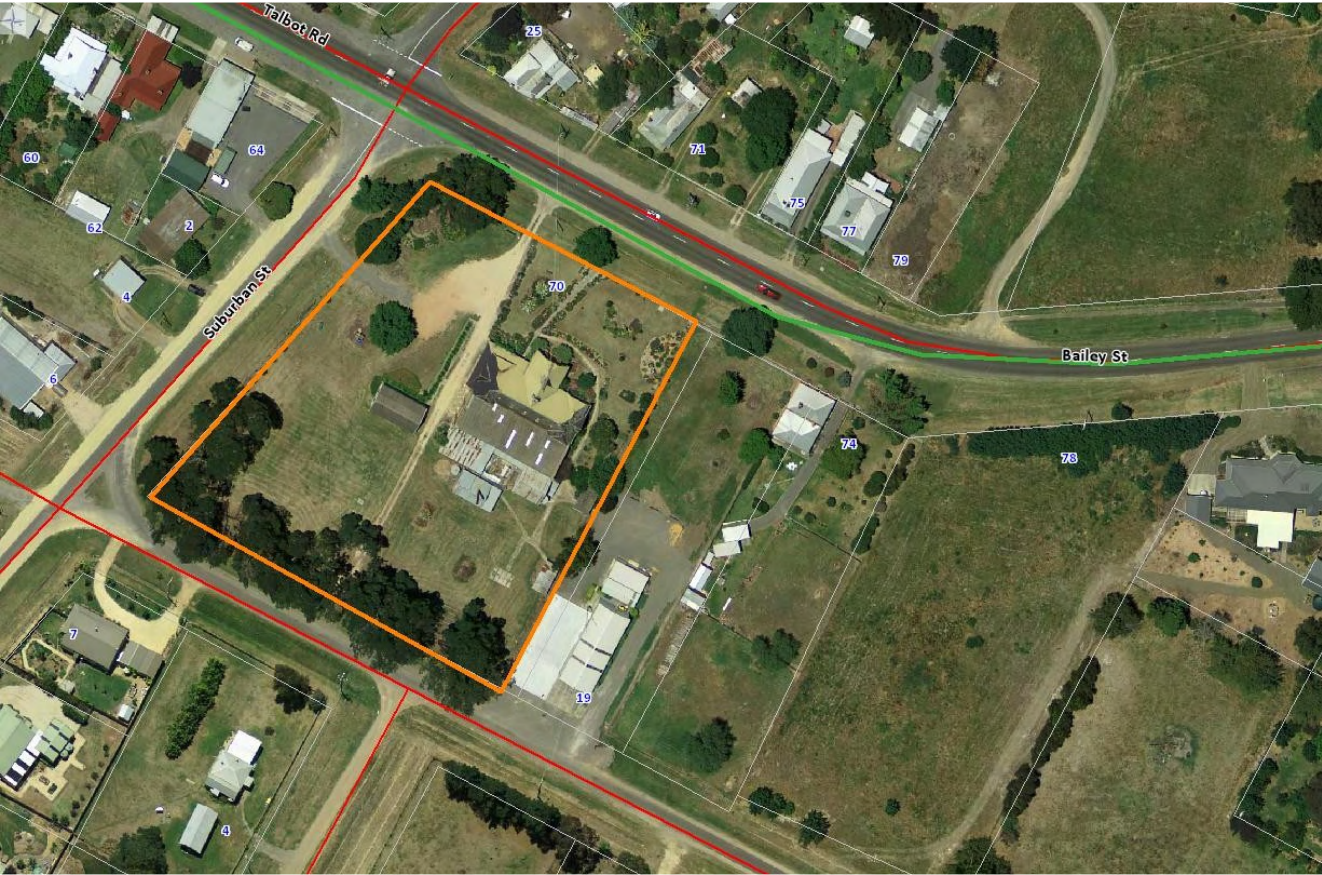
6.3 If any day appointed or specified by this Licence falls on a Saturday, Sunday or a day appointed under the *Public Holidays Act 1993* as a holiday for the whole day the day so appointed or specified is deemed to be the first day succeeding the day appointed or specified which is not a Saturday, Sunday or day appointed as a holiday.

6.4 References to an Act of Parliament or a section or schedule of it shall be read as if the words "or any statutory modification or re-enactment thereof or substitution therefor" were added to the reference.

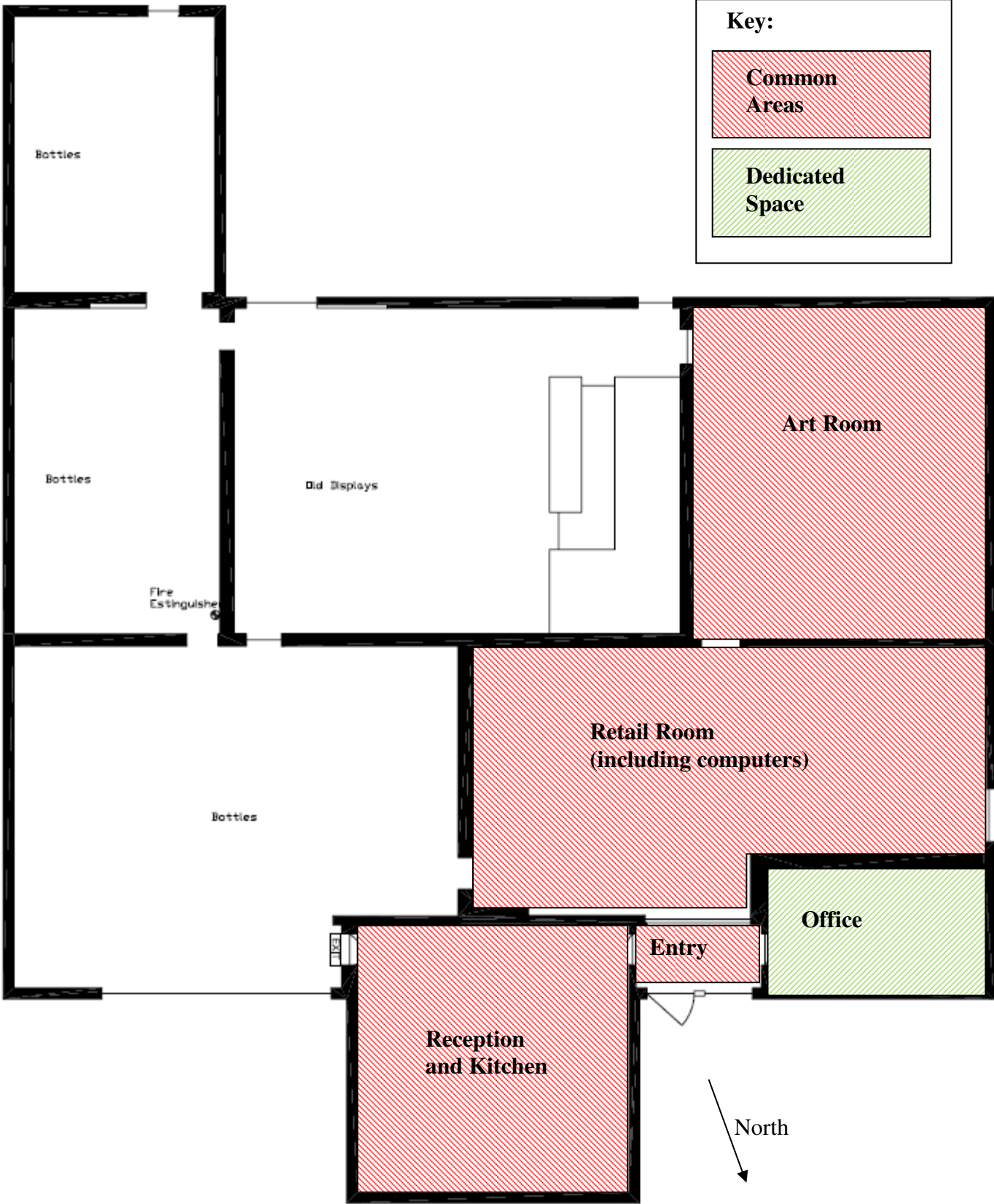
6.5 If the Licensee comprises more than one person, the covenants and agreements contained in this Licence shall be construed as having been entered into by, and are binding, both jointly and severally on all and each of the persons who constitute the Licensee.

6.6 References to clauses, sub-clauses and Items are references to clauses, sub-clauses and Items of this Licence respectively.

Location Plan (refer to Licence Plan for detailed Licenced Area within the Lee Medlyn Home of Bottles)



Licence Plan - Licenced Premises including Dedicated Space and Common Areas



10.6. CLUNES COMMUNITY AND INTERPRETIVE CENTRE PROGRESS REPORT

GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to provide Council with a progress report about the Clunes Community and Interpretive Centre (CCIC) project for the following reporting period:

Reporting Period: 12 June 2013 - 8 July 2013

BACKGROUND

This is a great project for the township of Clunes, Hepburn Shire and the region. It will deliver enhanced services to the community and encourage increased economic activity in Clunes and surrounding communities.

The project includes the redevelopment and expansion of the existing Clunes Museum building, which will incorporate the Clunes Library, the Clunes Museum, visitor information services, community activity and exhibition spaces.

Nicholson Construction Pty Ltd (Nicholson Construction) was awarded the tender to construct the Clunes Community Interpretive Centre at the Ordinary Council meeting on 18 September 2012.

ISSUE / DISCUSSION

PROGRESS DURING REPORTING PERIOD

Construction

- External doors nearing completion.
- Render for rear wall complete.
- Plaster walls complete and ceilings nearing completion.
- Water services nearing completion.
- Electrical services in progress.
- Mechanical services nearing completion.
- Elevator installation complete.
- Joinery in progress.
- Internal painting in progress.

- External painting (front wall) in progress.
- Timber cladding, multi purpose room, in progress.
- Floor finishes in progress – timber 50% complete and carpet commenced.
- Connecting roof plumbing down pipes to drainage system commenced.
- Electrical works to connect to power in Collins Place commenced.

Powercor augmentation works continue to have logistic delays due to issues with previous commitments to other projects, co-ordinating power cut-off timing with local businesses and rain delaying scheduled works. As a result, the Powercor works are unlikely to be completed by the building completion date despite the contract with Powercor specifying that these works would be completed prior to Booktown event.

Administration, Funding and Reporting

Budget

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Design Phase	\$307,000	\$228,126	\$215,562
Construction Phase	\$2,401,000	\$2,452,050	\$2,405,777
Other (including multi-media & fit out).	\$351,000	\$428,824	\$131,373
Total	\$3,059,000	\$3,109,000	\$2,752,712

- Note a further \$50,000 Living Libraries grant has been received, increasing the total budget

Design Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$200,000	\$198,800	\$198,800
Contingency	\$107,000	\$21,200	\$8,636
Tender	-	\$8,126	\$8,126
Total	\$307,000	\$228,126	\$215,562

Construction Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$2,276,000	\$2,298,709	\$2,298,709
Contingency	\$113,000	\$62,341	\$27,693

Electricity supply	-	\$50,000	\$39,339
Tender	-	\$1,000	\$718
Sewer	\$12,000	\$40,000	\$39,318
Total	\$2,401,000	\$2,452,050	\$2,405,777

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017: Active and engaged communities

FINANCIAL IMPLICATIONS

The Clunes Community and Interpretive Centre development has been made possible through funding contributions from the Federal Government Regional Development Australia Fund, the Victorian State Government Living Libraries program, Hepburn Shire Council and the Clunes Museum.

A summary of variations received to date and status is below.

Variations	Cost (ex-GST)	Status
Energy Monitoring	- \$19,750	Approved
Latent conditions to skillion	+ \$17,302	Approved
Removal of foundations of old toilet block	+ \$8,000	Assessing
Removal of foundations, concrete upstand and additional concrete works	+ \$11,397	Approved
Replace first floor	+ \$19,895	Approved
Delete glass floor panels	- \$3,000	Approved
Reduced timber studs	-\$4,393	Approved
Reduced sump at lift	-\$181	Approved
Treatment to stable wall – foundations and weatherboards	+ \$10,992	Approved
Copper roofing - delete	- \$14,200	Approved
Alternative to copper roofing	\$1,650	Approved
Additional columns 89x89x3	+ \$1,320	Approved

Additional blinding concrete	+ \$3,500	Assessing
Change stair nosing from 20mm to 50mm	+ \$1,156	Assessing
Modification to downpipe at old to new building interface	+ \$1,441	Assessing
South & East bluestone walls – frameout/plaster alterations	+\$2,822	Approved
Additional bracing West wall.	+\$1,755	Assessing
Additional framing for windows.	+\$1,044	Assessing
Alterations to windows w2.02 & w2.05	+\$902	Assessing
Access toilets backrests	+\$1,565	Approved
Hand rail credit	-\$500	Assessing
Generator hire for Powercor delay	+\$1,098	Approved
Concrete floor levelling works in old museum	+\$1,650	Approved
Store 2 exhaust fan	+\$1,892	Assessing
North entry display area flooring	+\$978	Approved
North wall 1 st floor window works	+\$880	Approved
Multi purpose room SA5 180 rotation	+\$319	Approved
Alucabond non standard colour	+\$572	Approved
Change eave butt joints to express joints	+\$704	Approved
Scope reduction in library area	-\$3,040	Approved

These variations will, if all approved, leave a contingency balance of \$14,571. Variations will continue to be closely monitored.

RISK IMPLICATIONS

The following summarises the key risks and actions taken during the reporting period in relation to the project.

Key Risks	Controls Implemented	Additional Controls / Next Steps
Potential injuries to workers and the public resulting from renovation works.	Ongoing monitoring against the Site Safety Plan by Senior Project Engineer. Non-compliances have been advised to site superintendent and corrective actions taken.	Continue to monitor safety plan.
Construction is delayed resulting in delays in opening the facility and community dissatisfaction with council's project management.	Regular progress reviews with builders. Detailed project timeline is updated every three weeks and circulated to Project Control Group. Senior Project Engineer monitors progress against timelines and reports any issues to the Project Control Group.	Continue to monitor timelines.
Variations in construction costs result in budget being exceeded.	Regular contractor meetings to discuss progress and variations. Variations need to be advised to the project manager in advance of them being undertaken and detail provided to support claims. All variations are disclosed to CEO and in this monthly council report.	Continue regular contractor meetings and negotiation on variations.
Powercor delays may lead to delay in building opening for operation.	Generator can be hired to test services.	CEO to liaise with Powercor.
Transition and change for current volunteers and staff at the museum, library and information centre is poorly managed.	Key stakeholders are represented on Community Reference Group. Regular Fact Sheets produced and distribute to Clunes community.	Volunteer recruitment strategy to be developed.
Operating the facility when it is operational results in Council staff being diverted from other tasks and a reduction in services in other areas.	Staff structure agreed and costs included in recurrent budget. Governance arrangements approved by Council. CCIC Team Leader position advertised.	Report to Council recommending new delegation for Special Committee.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nicholson's have provided the following report against social procurement targets for end March:

Use of staff from local area - Utilised 80% of trades from the Ballarat and outlying areas to complete works.

Level of local content - 20% local content. Trades working to date - carpentry, concrete, structural steel, hydraulic, electrical, masonry and mechanical, flooring.

Expenditure in local businesses and use of local tradespeople and suppliers - Local shops providing food & drink. Local trades have expressed interest which is evaluated on a case by case basis. Local accommodation has been utilised to house Nicholson's lift installation teams.

Work experience placements: Nicholson's have an existing work experience program and would gladly open this to local young people.

Number of apprentices employed: Nicholson's employ three apprentices

Council officers are exploring the possibility of displaying the old glass bottles and clay jars unearthed from excavations in the CCIC as a way of cross-promoting The Lee Medlyn Home of Bottles. They remain securely stored on site, pending further discussion and exhibition planning.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Community Reference Group met on 1 July 2013.

CONCLUSION

This report provides Council with an update on progress of the Clunes Community and Interpretive Centre project for the reporting period 12 June – 8 July 2013.

OFFICER'S RECOMMENDATION

- 10.6.1 That Council receives and notes the progress report for the period 12 June – 8 July 2013.

MOTION

10.6.1. That Council receives and notes the progress report for the period 12 June - 8 July 2013.

Moved: Councillor Neil Newitt

Seconded: Councillor Don Henderson

Carried.

10.7. HEPBURN SHIRE COUNCIL INTERNATIONAL WOMEN'S DAY WOMEN'S HONOUR ROLL ORGANISING COMMITTEE – APPOINTMENT OF MEMBERS
CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Chief Executive Officer, I Aaron van Egmond have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to appoint members to the Hepburn Shire Council International Women's Day Women's Honour Roll Organising Committee.

BACKGROUND

In August 2009, Council adopted the following terms of reference for the Hepburn Shire Council International Women's Day Women's Honour Roll Organising Committee:

- To advise Council on the Women's Honour Roll nomination process;
- To oversee the Women's Honour Roll nomination process
- To provide recommendations to Council as to who to induct onto the Honour Roll
- To advise Council when to hold the Honour Roll event, and
- To organise the Honour Roll event.

The committee will comprise:

- a Councillor. who will be the Chair of the Committee
- at least six community members
- a Council Staff member to provide administration support.

Members of the Committee are appointed by Council and may at any time be removed from the Committee by resolution of Council.

Following a review of Council meeting minutes, it appears the term of appointment for committee members has not been formally determined.

ISSUE/DISCUSSION

Advertisements seeking Expressions of Interest for the Hepburn Shire Council International Women's Day Women's Honour Roll Organising Committee were placed in *The Advocate* newspaper and on Council's website during April and May 2013.

Council received seven nominations from community representatives.

Three new nominations were received from:

1. Vicki Adamson
2. Gillie Gough
3. Suzanne Phillips.

Four nominations were received from the following members of the last committee seeking to be appointed for another term:

1. Lorene Gottschalk
2. Mabel Moran
3. Joan Rattray
4. Roma Wiseman.

It is recommended that all seven applicants are appointed as members, with three appointed for three years and four appointed for two years, to provide continuity of members when the next reappointment occurs.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017: Active and engaged communities

FINANCIAL IMPLICATIONS

Council has allocated \$4,000 in the 2013-14 Budget for the 2014 International Women's Day Women's Honour Roll event.

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Hepburn Shire Council International Women's Day Women's Honour Roll Organising Committee plays an important role in organising the annual International Women's Day – Hepburn Women's Honour Roll civic function which celebrates International Women's Day and recognises the contribution of outstanding Hepburn Shire women who are inducted to the Women's Honour Roll.

Interested members of the public are invited to attend the civic function.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Expressions of Interest were publicly advertised in The Advocate and on Council's website during April and May 2013.

CONCLUSION

That Council appoints three Committee members for a period of three years ending 16 July 2016 and four committee members for a period of two years ending 16 July 2015 to provide continuity of members.

OFFICER'S RECOMMENDATION

That Council:

10.7.1 Appoints the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee for a period of three years ending 16 July 2016:

- Vicki Adamson
- Gillie Gough
- Suzanne Phillips.

10.7.2 Appoints the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee for a period of two years ending 16 July 2015:

- Lorene Gottschalk
- Mabel Moran
- Joan Rattray
- Roma Wiseman.

MOTION

That Council:

10.7.1. *Appoints the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee for a period of three years ending 16 July 2016:*

- *Vicki Adamson*
- *Gillie Gough*
- *Suzanne Phillips.*

10.7.2. *Appoints the following community members to the Hepburn Shire International Women's Day Women's Honour Roll Organising Committee for a period of two years ending 16 July 2015:*

- *Lorene Gottschalk*
- *Mabel Moran*
- *Joan Rattray*
- *Roma Wiseman.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

10.8. SPECIAL COMMITTEE REVIEWS - DELEGATIONS AND MEMBERS GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to review four instruments of delegation to special committees and to appoint new members to five special committees.

BACKGROUND

The following four committees have delegation expiry dates of 31 July 2013:

- Clunes Community Centre
- Glenlyon Recreation Reserve
- Dean Recreation Reserve and Tennis Courts
- Campbelltown School Grounds.

In addition, the terms of appointment for some members are expiring over the next two months. Council officers have recently advertised for applications from members of the public to be appointed to the following special committees:

- Clunes Community Centre
- Glenlyon Recreation Reserve
- Dean Recreation Reserve and Tennis Courts
- Creswick Museum
- Lyonville Hall.

Applications closed on Friday 28 June 2013.

ISSUE / DISCUSSION

Each special committee is considered separately on the following pages.

Clunes Community Centre

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2013	9	7 on 31/07/2013 2 on 31/07/2014

The Clunes Community Centre has the following user groups:

- Clunes Football and Netball Club
- Basketball
- Badminton
- Wesley College
- Clunes Primary School
- Indoor Netball
- Cricket

Delegation

The current committee's delegation states that the committee is comprised of at least seven community members. The proposed new delegation has a minimum of five members.

In reviewing the Clunes Community Centre facility, it is important to consider the similarities between it and the Doug Lindsay facility. It is proposed that the arrangements at the Clunes Community Centre be reviewed in more detail after the operating arrangements at the Doug Lindsay facility are finalised. As such, it is proposed to set the term of the instrument of delegation for the Clunes Community Centre at approximately one year (until 31 August 2014).

A revised instrument of delegation until 31 August 2014 has been prepared and is attached.

This centre has a number of different regular user groups with an interest in it. It is important that one group doesn't dominate the committee and all user groups are fairly represented. In the past, there has been no requirement for the members to represent the user groups, although a few members have been appointed in recognition of their involvement with the user groups.

To maintain some balance in perspectives, it is proposed to add the Cameron Ward Councillor as an ex officio member and Chairperson, and Council's

Recreation Officer as a voting member (and minutes secretary) of the committee.

Most special committees of Council are responsible for up to \$3,000 of minor maintenance each year, and Council manages the rest either within annual budgets or as part of budget bid submissions. This has been set to balance the revenue generating capacity of the committees with the need to maintain these facilities. It is noted that the Clunes Community Centre had a significant solar PV system installed in 2010 using external grant funding. This has significantly reduced its power bill and in effect given it an additional income stream (approximately \$3,000-\$4,000 per year). Based on this, it is recommended that the amount of minor maintenance that the committee should undertake is increased to \$6,000 per year.

Current Members

The term for most members expires on 31 July 2013. It is proposed to extend all current members until after the Annual General Meeting on 21 August 2013 to allow for an easier handover.

We note that two members were appointed in 2012 with a term ending 31 July 2014. We recently reviewed attendance records to determine whether these members should continue after the Annual General Meeting. On the basis of attendance, it is proposed that Elizabeth Garth continues as representative for the Clunes Primary School for another year. However, the minutes of meetings showed that Tanya Eldridge has attended only one of the last seven meetings and been an apology at two other meetings. On this basis, it is proposed to remove Tanya Eldridge from the committee after the Annual General Meeting.

New Members

Council advertised for new members to be appointed to this committee. The following applications were received by the closing date.

Name	Information / User Groups Represented
Norah Campbell	Current member, previously secretary of committee for 11 years. Community member application.
Doug Garth	Vice-president of Clunes Football-Netball Club President of the Cricket Club

A further application was received from John Bedwell, President of the Clunes Football-Netball Club, 6 days after the due date. As Doug Garth had already submitted an application, it is proposed that Doug be appointed as representative of the Clunes Football-Netball Club.

As per the instrument of delegation, a minimum of four community or club representative members are required.

Given the small number of applicants, Council officers contacted each user group without an applicant or current member to determine if they would like to nominate a representative.

The following additional names were nominated:

Name	User Group
Steve Schneider	Wesley College
Andrea Hill	Basketball

No nominations were obtained from Badminton or Indoor Netball.

Based on nominations from user groups and the applications received, the following members are recommended for one year:

Name	User Group / Role
Council's Recreation Officer (current incumbent: Laura Campbell)	Council officer
Cr Neil Newitt	Cameron Ward Councillor – ex-officio Chair
Norah Campbell	Community member
Doug Garth	Clunes Football-Netball Club representative and Clunes Cricket Club representative
Steve Schneider	Wesley College representative
Elizabeth Garth	Clunes Primary School representative
Andrea Hill	Basketball representative

Glenlyon Recreation Reserve

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2013	9	6 on 31/07/2013 3 on 31/07/2014

The Glenlyon Recreation Reserve has the following user groups:

- Gun Club
- Pony Club
- Adult Riding Club
- Cricket Club
- Sports Day Committee

Delegation

The current committee's delegation states that the committee is comprised of at least seven community members. There is no requirement for the members to represent the user groups, although a few members have been appointed as such.

A revised instrument of delegation for 4 years has been prepared.

This reserve has a number of different regular user groups with an interest in it. It is important that one group doesn't dominate the committee and all user groups are equally represented.

It is proposed that the committee comprise one representative from each user group and two additional community members who do not represent a user group (as an employee or committee member).

In addition, it is proposed to add the ward councillor as an ex officio member of the committee.

New Members

As per the revised instrument of delegation, a minimum of seven members is needed. Therefore, in addition to the three members who are appointed for another year, a minimum of four new members need to be appointed.

Council advertised for new members to be appointed to this committee. The following applications were received.

Name	Information Provided
Marion Chris Clare	Long term member and treasurer

Name	Information Provided
Bob Kennedy	Long term member and chair
Shelley Sandow	Member of Glenlyon & District Riding Club Inc - representative on committee
Desmond Leonard	Glenlyon Sports Day/Club Representative
Gerald Coffey	Current member for 6 years
Brenda Blackmore	Current member since 2011
John Cable	Landcare member, board member of Red Cross
Neil Bruce	Current member and secretary (10 years)

It is recommended that all eight applicants are appointed as members, with three appointed for three years and five appointed for two years, to enable continuity of members when the next reappointment occurs. A random computer program was used to select the three members to be appointed for three years. The results of the random selection are reflected in the recommendation for appointments below.

Dean Recreation Reserve and Tennis Courts

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2013	3	All on 31/07/2013

Delegation

A revised instrument of delegation for 4 years has been prepared.

Members

As per the revised instrument of delegation, a minimum of seven members is needed.

Council advertised for new members to be appointed to this committee. The following applications were received.

Name	Information Provided
Rachael Bell	Experience with previous committee, interest in being secretary of the committee
Michelle McCann	Run's own business, lives in Dean, on Dean Hall committee
Jon Rofe	Dean resident, involved with Dean Hall Committee
Paul O'Brien	Run's own business, is electrical contractor, lives in Dean
Brian Maher	Involved in a number of Dean groups since 1970s
Kaleen Faull	6 years on the committee - treasurer
Liz Kelly	Current member Strongly involved with Dean Hall Committee
Sheryl Gatens	Involved in school committees, Dean resident
Wayne Slater	Long term Dean resident
Bruce Trengove	Marketing, administration, management and board member experience

It is recommended that all ten applicants are appointed as members, with five for two years and five for three years to enable continuity of members when the next reappointment occurs. A random computer program was used to select the five members to be appointed for three years. The results of the random selection are reflected in the recommendation for appointments below.

Campbelltown School Grounds

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2013	6	All on 31/07/2013

Delegation

The Campbelltown School Grounds committee is not active and no meeting minutes have been received for three years. It is proposed to discontinue this committee and revoke the instrument of delegation.

The future use or sale of the land of the former Campbelltown School Grounds will be considered by Council at a later date.

Creswick Museum

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2017	8	4 on 5/8/2013 4 on 4/8/2014

Members

Council advertised for new members to be appointed to this committee. The following applications were received.

Name	Information Provided
Jack Van Beveren	Current member
Geoff Newmarch	Current member and curator of exhibitions
Evelyn Wright	Current member, Treasurer and Research Centre coordinator
Diane Sewell	Experienced teacher and scientist - lifelong interest in local history

As per the instrument of delegation, a minimum of seven members is needed. Therefore, in addition to the four members who are appointed for another year, a minimum of three more members is needed. It is recommended that all four applicants are appointed as members for two years.

Lyonville Hall

The following information is provided in relation to the current committee:

Delegation expiry	Number of members	Member expiry dates
31/07/2017	8	All on 28/8/2013

Members

Council advertised for new members to be appointed to this committee. The following applications were received.

Name	Information Provided
George Bremner	Current member and Lyonville resident
Anne Bremner	Current member and Lyonville resident
Jill Little	Current member and secretary, Lyonville resident
Shirley Corneille	Current member and Lyonville resident
Tony Corneille	Current member and Lyonville resident

In follow up to the small number of applicants received, Council officers contacted current members to determine if they wanted to continue on the committee. The following members advised that they did wish to apply for another term:

Name
Kareena Hodgeson
Jackie Airey

As per the instrument of delegation, a minimum of seven members is needed. It is recommended that all applicants (both on-time and late) are appointed as members, with three for two years and four for three years to enable continuity of members when the next reappointment occurs. A random computer program was used to select the four members to be appointed for three years. The results of the random selection are reflected in the recommendation for appointments below.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under the *Local Government Act 1989*, Council is required to review all delegations to special committees within 12 months of a general election (i.e. by 27 October 2013).

FINANCIAL IMPLICATIONS

It is proposed that the Clunes Community Centre takes an increased responsibility for maintenance due to the reduced cost of electricity at that site. No other financial obligations will change.

RISK IMPLICATIONS

Regularly reviewing and updating instruments of delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or special committees.

It is important that committees for facilities with a number of user groups are balanced. This allows all user groups to be fairly heard and represented.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No change to current arrangements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The draft instruments of delegation have been provided to the existing committees to seek feedback. Minor requested changes have been incorporated.

CONCLUSION

The adoption of these revised instruments of delegation and appointment of members will contribute to meeting Council's regulatory requirements for special committees and update the arrangements in place for managing these facilities.

OFFICER'S RECOMMENDATION

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

Clunes Community Centre Special Committee

10.8.1 From the date of this resolution, the special committee formerly known as Clunes Community Centre Committee of Management, be henceforth known as Clunes Community Centre Special Committee.

- 10.8.2 The term of appointment for all current members is changed to the end of the committee's Annual General Meeting on 21 August 2013.
- 10.8.3 The following community members are appointed as members for the period commencing after the Annual General Meeting on 21 August 2013 until 31 August 2014:
- Norah Campbell as a general community representative
 - Doug Garth as representative of both the Clunes Football-Netball Club and the Clunes Cricket Club
 - Steve Schneider as representative of Wesley College
 - Elizabeth Garth as representative for the Clunes Primary School
 - Andrea Hill as representative of the Basketball Club.
- 10.8.4. The Cameron Ward Councillor and Council's Recreation Officer are appointed as an ex-officio member and a voting member, respectively, from the date of this resolution until 31 August 2014.
- 10.8.5 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.8.6 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.8.7 The Instrument:
- 10.8.7.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.8.2.2 remains in force until Council determines to vary or revoke it, or until 31 August 2014.
- 10.8.8 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 10.8.9 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

Glenlyon Recreation Reserve Special Committee

- 10.8.10 From the date of this resolution, the special committee formerly known as Glenlyon Recreation Reserve Committee of Management,

be henceforth known as Glenlyon Recreation Reserve Special Committee.

10.8.11 The following community members are appointed as members for the period 1 August 2013 until 31 August 2016:

- Bob Kennedy
- Shelley Sandow
- Neil Bruce.

10.8.12 The following community members are appointed as members for the period 1 August 2013 until 31 August 2015:

- Marion Chris Clare
- Desmond Leonard
- Gerald Coffey
- Brenda Blackmore
- John Cable.

10.8.13 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.

10.8.14 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).

10.8.15 The Instrument:

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

10.8.15.2 remains in force until Council determines to vary or revoke it, or until 31 July 2017.

10.8.16 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.

10.8.17 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

Dean Recreation Reserve and Tennis Courts Special Committee

10.8.18 From the date of this resolution, the special committee formerly known as the Dean Recreation Reserve and Tennis Courts

Committee of Management, be henceforth known as the Dean Recreation Reserve and Tennis Courts Special Committee.

10.8.19 The following community members are appointed as members for the period 1 August 2013 until 31 August 2016:

- Jon Rofe
- Brian Maher
- Liz Kelly
- Sheryl Gatens
- Wayne Slater.

10.8.20 The following community members are appointed as members for the period 1 August 2013 until 31 August 2015:

- Rachael Bell
- Michelle McCann
- Paul O'Brien
- Kaleen Faull
- Bruce Trengove.

19.8.21 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.

10.8.22 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).

10.8.23 The Instrument:

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

10.8.23.2 remains in force until Council determines to vary or revoke it, or until 31 July 2017.

10.8.24 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.

10.8.25 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

Campbelltown School Grounds Special Committee

10.8.26 The Instrument of Delegation for the Campbell Town School Grounds Special Committee dated 17 November 2009 is hereby revoked and the committee disbanded from the date of this resolution.

Creswick Museum Special Committee

10.8.27 The following community members are appointed as members for the period commencing after the Annual General Meeting on Monday 5 August 2013 until the end of the Annual General Meeting on Monday 3 August 2015:

- Jack Van Beveren
- Diane Sewell
- Geoff Newmarch
- Evelyn Wright.

10.8.28 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.

Lyonville Hall Special Committee

10.8.29 The following persons are appointed as members to the Lyonville Hall Special Committee for a period of two years, commencing after the Annual General Meeting on Wednesday 28 August 2013 until 31 August 2015:

- George Bremner
- Jackie Airey
- Kareena Hodgeson.

10.8.30 The following persons are appointed as members to the Lyonville Hall Special Committee for a period of three years, commencing after the Annual General Meeting on Wednesday 28 August 2013 until 31 August 2016:

- Anne Bremner
- Jill Little
- Shirley Corneille
- Tony Corneille.

- 10.8.31 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.

MOTION

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

Council defers Clauses 10.8.1 to 10.8.9 in the Officer's Recommendation for consideration at the next Ordinary Meeting of Council.

Clunes Community Centre Special Committee

- 10.8.1. *From the date of this resolution, the special committee formerly known as Clunes Community Centre Committee of Management, be henceforth known as Clunes Community Centre Special Committee.*
- 10.8.2. *The term of appointment for all current members is changed to the end of the committee's Annual General Meeting on 21 August 2013.*
- 10.8.3. *The following community members are appointed as members for the period commencing after the Annual General Meeting on 21 August 2013 until 31 August 2014:*
 - *Norah Campbell as a general community representative*
 - *Doug Garth as representative of both the Clunes Football-Netball Club and the Clunes Cricket Club*
 - *Steve Schneider as representative of Wesley College*
 - *Elizabeth Garth as representative for the Clunes Primary School*
 - *Andrea Hill as representative of the Basketball Club*
- 10.8.4. *The Cameron Ward Councillor and Council's Recreation Officer are appointed as an ex-officio member and a voting member, respectively, from the date of this resolution until 31 August 2014.*
- 10.8.5. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 10.8.6. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*

10.8.7. *The Instrument:*

10.8.7.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

10.8.7.2. *remains in force until Council determines to vary or revoke it, or until 31 August 2014.*

10.8.8. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.8.9. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

Glenlyon Recreation Reserve Special Committee

10.8.10. *From the date of this resolution, the special committee formerly known as Glenlyon Recreation Reserve Committee of Management, be henceforth known as Glenlyon Recreation Reserve Special Committee.*

10.8.11. *The following community members are appointed as members for the period 1 August 2013 until 31 August 2016:*

- *Bob Kennedy*
- *Shelley Sandow*
- *Neil Bruce.*

10.8.12. *The following community members are appointed as members for the period 1 August 2013 until 31 August 2015:*

- *Marion Chris Clare*
- *Desmond Leonard*
- *Gerald Coffey*
- *Brenda Blackmore*
- *John Cable.*

10.8.13. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

10.8.14. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*

10.8.15. *The Instrument:*

10.8.15.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

10.8.15.2. *remains in force until Council determines to vary or revoke it, or until 31 July 2017.*

10.8.16. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.8.17. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

Dean Recreation Reserve and Tennis Courts Special Committee

10.8.18. *From the date of this resolution, the special committee formerly known as the Dean Recreation Reserve and Tennis Courts Committee of Management, be henceforth known as the Dean Recreation Reserve and Tennis Courts Special Committee.*

10.8.19. *The following community members are appointed as members for the period 1 August 2013 until 31 August 2016:*

- *Jon Rofe*
- *Brian Maher*
- *Liz Kelly*
- *Sheryl Gatens*
- *Wayne Slater.*

10.8.20. *The following community members are appointed as members for the period 1 August 2013 until 31 August 2015:*

- *Rachael Bell*
- *Michelle McCann*
- *Paul O'Brien*
- *Kaleen Faull*
- *Bruce Trengove.*

10.8.21. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

10.8.22. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*

10.8.23. *The Instrument:*

10.8.23.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

10.8.23.2. *remains in force until Council determines to vary or revoke it, or until 31 July 2017.*

10.8.24. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.8.25. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

Campbelltown School Grounds Special Committee

10.8.26. *The Instrument of Delegation for the Campbell Town School Grounds Special Committee dated 17 November 2009 is hereby revoked and the committee disbanded from the date of this resolution.*

Creswick Museum Special Committee

10.8.27. *The following community members are appointed as members for the period commencing after the Annual General Meeting on Monday 5 August 2013 until the end of the Annual General Meeting on Monday 3 August 2015:*

- *Jack Van Beveren*
- *Diane Sewell*
- *Geoff Newmarch*
- *Evelyn Wright.*

10.8.28. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return*

Lyonville Hall Special Committee

10.8.29. *The following persons are appointed as members to the Lyonville Hall Special Committee for a period of two years, commencing after the Annual General Meeting on Wednesday 28 August 2013 until 31 August 2015:*

- *George Bremner*
- *Jackie Airey*
- *Kareena Hodgeson.*

10.8.30. *The following persons are appointed as members to the Lyonville Hall Special Committee for a period of three years, commencing after the Annual General Meeting on Wednesday 28 August 2013 until 31 August 2016:*

- *Anne Bremner*
- *Jill Little*
- *Shirley Corneille*
- *Tony Corneille.*

10.8.31. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

Moved: Councillor Don Henderson

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 6 - INSTRUMENT OF DELEGATION
CLUNES COMMUNITY CENTRE SPECIAL COMMITTEE**

Hepburn Shire Council
Instrument of Delegation
Clunes Community Centre Special Committee

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[#date#] and known as the "Clunes Community Centre Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[#insert date#];
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 August 2014; and
 - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

The COMMON SEAL
of the HEPBURN SHIRE COUNCIL
was affixed in the presence of

..... : **Mayor**

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

Thisday of.....2013.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Clunes Community Centre located on Victoria Park Recreation Reserve, 22A Angus Street, Clunes, but excluding the Clunes Swimming Pool, Sports Oval and immediate surrounds (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property;
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

Membership of the Committee

1. The Committee shall be comprised of at least five voting members, comprising:
 - 1.1 One representative of each of the following user groups (provided a nomination is received and endorsed at a Council meeting):
 - (a) Clunes Football and Netball Club
 - (b) Basketball
 - (c) Badminton
 - (d) Wesley College
 - (e) Clunes Primary School
 - (f) Indoor Netball
 - (g) Cricket; and
 - 1.2 One or two additional community representatives that are neither employees nor committee members of the above listed user groups; and
 - 1.3 Hepburn Shire Council's Recreation Officer who will be the Secretary for the committee.
2. In addition, the Ward councillor, will be a member of the committee in an ex officio capacity.

3. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
4. All members shall be appointed by Council for a maximum duration of three years.

Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Clunes Community Centre Committee of Management
2. Clunes Community Centre Committee
3. Clunes Community Centre Special Committee

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Responsibilities

Procedural Responsibilities

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

Council's Responsibilities

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.

7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

Office Bearers

Council's Recreation Officer will be the Secretary for the committee.

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Treasurer

Duties of Chairperson

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

Duties of Secretary

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

Duties of Treasurer

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. In conjunction with other committee members, organise and arrange payment of suppliers and contractors performing work at the Premises, as approved by the Committee.
3. Keep correct accounts and books showing the financial affairs of the Committee.
4. Prepare statements of receipts and expenditure.
5. Provide a financial report to each regular meeting.
6. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
7. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
8. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 6 and 7) and associated records for audit as requested by 31 July each year.
9. Receive and manage bequests and trust funds made to the Committee.

Meetings

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen days of each meeting.

Conflicts of Interest

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management, control, improvement and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

"This contact/agreement/licence/lease is executed by Clunes Community Centre Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"

Signed _____

Committee member #1

Signed _____

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

Maintenance and Other Outgoings

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
 - Electricity
 - Water
 - Cleaning
 - Security
 - Minor Maintenance
 - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
 - Major Maintenance (subject to priorities and budgets)
 - Electrical equipment testing
 - Annual audit fees
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar

activities. Minor maintenance refers to any activity which has a total cost of \$2,000 or where the Committee has reached the amount of \$6,000 for the financial year in expenditure on maintenance.

4. Report to Council on other items of maintenance, either with a total cost exceeding \$2,000 for an individual activity or when \$6,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

END SCHEDULE

**ATTACHMENT 7 - INSTRUMENT OF DELEGATION
GLENLYON RECREATION RESERVE SPECIAL COMMITTEE**

**Hepburn Shire Council
Instrument of Delegation
Glenlyon Recreation Reserve Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[**#date#**] and known as the "Glenlyon Recreation Reserve Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[**#insert date#**];
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2017; and
 - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL
of the HEPBURN SHIRE COUNCIL
was affixed in the presence of**

..... : **Mayor**

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

Thisday of.....2013.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Glenlyon Recreation Reserve consisting of Crown Allotments 5, 6, and 7 Section 48 and Crown Allotment 2D Section 49, Parish of Glenlyon (Crown Reserve Reference Rs 5480) (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property;
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

Membership of the Committee

1. The Committee shall be comprised of at least seven voting members, comprising:
 - 1.1 one representative of each of the following user groups (provided a nomination is received and endorsed at a Council meeting):
 - (a) Daylesford Field and Game Association;
 - (b) Glenlyon and District Riding Club Inc (Adult Riding Club);
 - (c) Glenlyon and District Pony Club Inc;
 - (d) Glenlyon Sports Club (Sports Day); and
 - (e) Glenlyon Under 14 Cricket Club
 - 1.2 two or more additional community representatives that are neither employees nor committee members of the above listed user groups.
2. In addition, the Ward councillor, will be a member of the committee in an ex officio capacity.
3. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
4. All members shall be appointed by Council for a maximum duration of three years.

Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in

accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Glenlyon Recreation Reserve Committee of Management
2. Glenlyon Recreation Reserve Committee
3. Glenlyon Recreation Reserve Special Committee

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Responsibilities

Procedural Responsibilities

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

Council's Responsibilities

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.

11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

Office Bearers

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Secretary
- Treasurer

Duties of Chairperson

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

Duties of Secretary

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

Duties of Treasurer

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

Meetings

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen days of each meeting.

Conflicts of Interest

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on the management, control, improvement and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

"This contact/agreement/licence/lease is executed by Glenlyon Recreation Reserve Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"

Signed _____

Committee member #1

Signed _____

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

Maintenance and Other Outgoings

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
 - Electricity
 - Water
 - Cleaning
 - Security
 - Minor Maintenance
 - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
 - Major Maintenance (subject to priorities and budgets)
 - Annual electrical equipment testing
 - Annual audit fees
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.

4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

END SCHEDULE

**ATTACHMENT 8 - INSTRUMENT OF DELEGATION
DEAN RECREATION RESERVE AND TENNIS COURTS SPECIAL
COMMITTEE**

Hepburn Shire Council
Instrument of Delegation
Dean Recreation Reserve and Tennis Courts Special Committee

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[#date#] and known as the "Dean Recreation Reserve and Tennis Courts Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[#insert date#];
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2017; and
 - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

The COMMON SEAL
of the HEPBURN SHIRE COUNCIL
was affixed in the presence of

..... : **Mayor**

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

Thisday of.....,2013.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Dean Recreation Reserve Recreation Reserve (Vol 9509, Fol 032; Section 4 Parish of Dean, Lot 2 LP142549) including the soccer pitches, pavilion, toilet block and storage shed and Tennis Courts (Vol 5939, Fol 616; Crown Allotment Part 3 FA Section 4 Parish of Dean) including tennis courts, shelter and fencing (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property;
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

Membership of the Committee

1. The Committee shall be comprised of at least seven voting members, comprising community representatives.
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

Rescinded Delegations

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Dean Recreation Reserve and Tennis Courts Committee of Management
2. Dean Recreation Reserve and Tennis Courts Committee
3. Dean Recreation Reserve and Tennis Courts Special Committee

Winding Up

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

Responsibilities

Procedural Responsibilities

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

Council's Responsibilities

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

Office Bearers

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Secretary
- Treasurer

Duties of Chairperson

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

Duties of Secretary

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

Duties of Treasurer

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

Meetings

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen days of each meeting.

Conflicts of Interest

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management, control, improvement and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

"This contact/agreement/licence/lease is executed by Dean Recreation Reserve and Tennis Courts Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"

Signed _____

Committee member #1

Signed _____

Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

Maintenance and Other Outgoings

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
 - Electricity
 - Wood for heating
 - Cleaning
 - Security
 - Minor Maintenance
 - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
 - Major Maintenance (subject to priorities and budgets)
 - Electrical equipment testing
 - Annual audit fees
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.

4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

END SCHEDULE

10.9. PROPOSED NEW ROAD NAME - WALLABY ROAD, MOLLONGHIP GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Manager of Finance and Rates, I Anthea Blackford and Emilia Tatti have no interests to disclose in this report.

PURPOSE

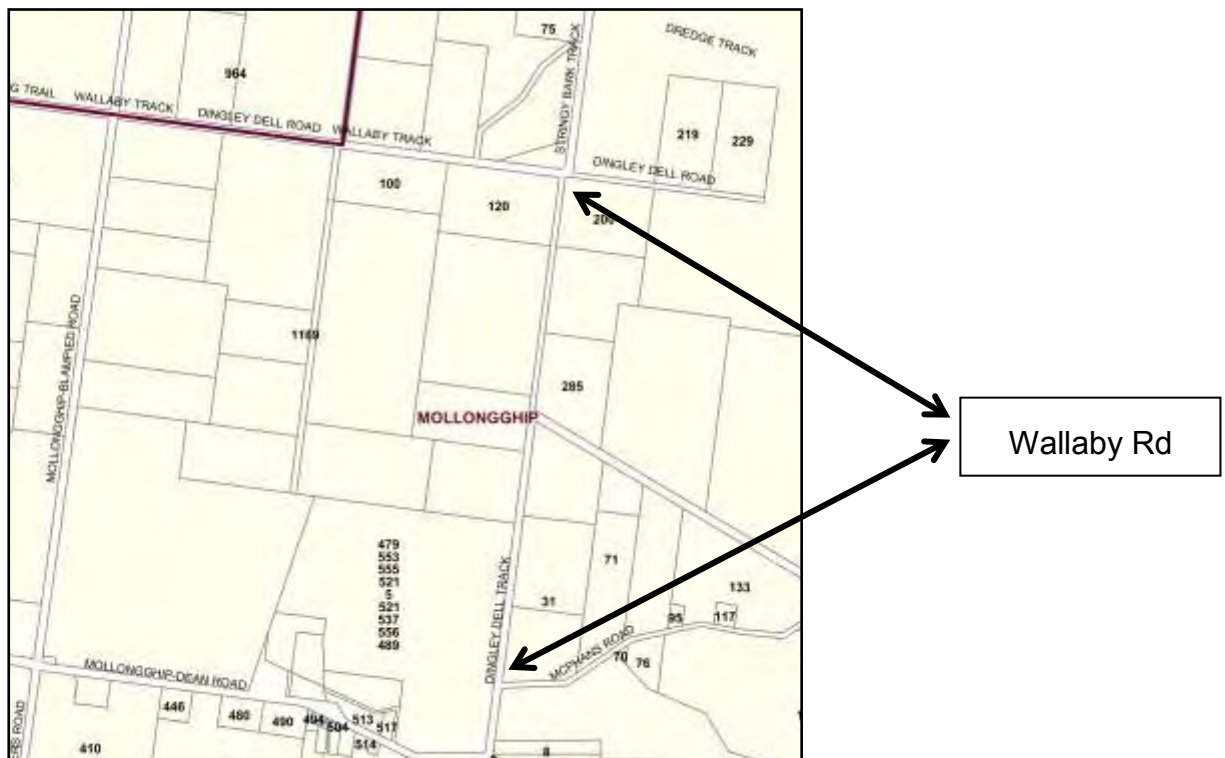
The purpose of this report is to rename a section of road between Dingley Dell Road and McPhans Road Mollonghip, (section of road now known as Wallaby Track; other section known as Dingley Dell Track).

BACKGROUND

This change is due to a submission by a ratepayer stating that this section of road was causing confusion. There is already a Dingley Dell Road which Dingley Dell Track runs into. This has only just come to light due to a fire track being reopened, therefore this road needs renaming in accordance with the Guidelines for Geographic Names 2010.

ISSUE / DISCUSSION

Please refer map below for the road name in question.



The proposed name is Wallaby Road. An advertisement was placed in *The Advocate* on 15 May 2013 and 22 May 2013 and also at the entrance of the road to be named. Submissions were called for name suggestions and one was received. This submission stated that the previous name of Wallaby Track would cause confusion as part of this road is within 90km of a walking track called Wallaby Track. Therefore, it is proposed that the road name be changed to Wallaby Road.

The name 'Wallaby' was chosen due to the fact that part of the road is already known as Wallaby Track. Geographic Names Victoria guidelines require names to have either a historical link, relate to a geological or topographic feature, or be locally known.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The road has been named in accordance with the principles outlined in the Guidelines for Geographic Names 2010.

FINANCIAL IMPLICATIONS

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

RISK IMPLICATIONS

The naming of the road will provide greater guidance for those that use it including emergency services.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not Applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An advertisement was placed in *The Advocate* on 15 May 2013 and 22 May 2013 and also at the entrance of the road to be named calling for road name suggestions. One submission was received during the period which has been referred to in this report.

CONCLUSION

Due to a road name confusion, the need has arisen to rename the road. The recommendation is that the name Wallaby Road be extended the entire length of this road.

OFFICER'S RECOMMENDATION

10.9.1 That Council resolves to rename the section of road between Dingley Dell Road and McPhans Road as 'Wallaby Road', Mollongghip.

MOTION

10.9.1. That Council resolves to rename the section of road between Dingley Dell Road and McPhans Road as 'Wallaby Road', Mollongghip.

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

10.10. REVIEW OF COUNCIL FINANCE POLICIES

GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Financial Accountant, I Kathie Attwood have no interests to disclose in this report.

PURPOSE

The purpose of this report is to review and update 3 Hepburn Shire Council finance policies.

BACKGROUND

The following policies are due for review and are attached as proposed drafts:

- Hardship Policy No 63 (C)
- Investment Policy No 50 (C)
- Borrowing Policy No 65 (C)

Policies designated with a (C) are classified as Council policies.

ISSUE / DISCUSSION

The following changes are proposed for the revised policies.

Hardship Policy No 63 (C)

This policy deals with issues relating to ratepayers who are having difficulty paying rates and charges.

It is proposed to include as an appendix in the Hardship Policy the payment arrangement form and the application for rate/interest waiver or deferral form.

Investment Policy No 50 (C)

This policy sets the guidelines for Council officers when investing surplus funds.

It is proposed to make the following amendments to the Investment Policy:

Specify the institutional rating levels of organisations that Council can invest with rather than listing specific banks (Refer to the attached Investment Policy 50 (C) Section 2). It is proposed that the rating level be set to A1+ to AA-. This range would include the 4 major banks as well as the Bendigo Bank.

Amend the definition of Short Term Investment to be consistent with the bank definition which is any investment up to one year in duration.

Remove the reference to the requirement to hold Long Service Leave provisions in separate investments due to the change in legislation that no longer requires this practice.

Borrowing Policy No 65 (C)

This policy sets the guidelines for officers when borrowing funds under direction from Council.

It is proposed to amend the Borrowing Policy to include procurement procedures that are required to be followed when entering into a new loan agreement. It is proposed that officers have to seek 5 quotes from the 4 major banks and Bendigo Bank. Seeking quotes from 5 banks will provide a competitive quotation process that will ensure the best financial outcome for the Shire.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Sustainable Financial Management and Innovative Corporate Systems

FINANCIAL IMPLICATIONS

The purpose of each of these policies is to maintain strong internal controls surrounding Council's cash and finances.

Any specific implications are noted within the each policy.

RISK IMPLICATIONS

The purpose of each of these policies is to maintain strong internal controls surrounding Council's cash and finances and reduce the risk of fraud and error.

Any specific risk implications are noted within the each policy.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not Applicable – there have been no major changes to the policies that would have such an impact.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

All policies have been reviewed by Corporate Services and endorsed by the Audit and Risk Advisory Committee.

CONCLUSION

The three draft financial policies have been reviewed and updated to include changes in process and legislation.

OFFICER'S RECOMMENDATION

That Council:

10.10.1 Adopts the following revised Council finance policies:

- Hardship Policy No 63 (c) July 2013:
- Investment Policy No 50 (C) July 2013 and the
- Borrowing Policy No 65 (C) July 2013.

10.10.2 Makes the revised policies available for public inspection Council's website.

MOTION

That Council:

10.10.1. Adopts the following revised Council finance policies:

- *Hardship Policy No 63 (C) July 2013,*
- *Investment Policy No 50 (C) July 2013 and the*
- *Borrowing Policy No 65 (C) July 2013.*

10.10.2. Makes the revised policies available for public inspection on Council's website.

Moved: Councillor Kate Redwood

Seconded: Councillor Sebastian Klein

Carried.

ATTACHMENT 9 - HARDSHIP POLICY NO 63 (C)



POLICY NUMBER 63 (C)

HARDSHIP POLICY

DATE AMENDED: March 2013

DATE OF NEXT REVIEW: April 2015

DATE ADOPTED:

RESPONSIBLE OFFICER: Manager Finance

**REFERENCES: Local Government Act 1989
Penalty Interest Rate 1983**

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

AARON VAN EGMOND
Chief Executive Officer

Hardship Policy

Introduction

This policy deals with issues relating to ratepayers who are having difficulty paying part or all of their rates and charges and request a deferment or waiver of such rates and charges.

Scope

This policy applies to those ratepayers who are suffering financial hardship or would suffer financial hardship if they paid the full amount of rates and charges for which they are liable. This policy applies to ratepayers who make an application for deferment of payment or the waiver of rates, charges and/or interest in accordance with sections 170 and 171A of the Local Government Act.

This policy does not apply to those ratepayers who have been unable to pay their rates and charges by the normal instalment due dates and therefore require a personalised payment plan for full payment of their rates and charges within a short period of time, this is less than 12 months. In these situations the matter is dealt with by the Manager Finance with reference to the Revenue and Collections Policy.

Purpose

Under the Local Government Act 1989 Section 171, Council may waive a whole or part of any rate or charge or interest if a person is suffering financial hardship.

Section 170 of the Act goes on to say Council may defer, in whole or part any payment on the grounds of hardship. This policy defines the process for considering applications for deferment or waiver of rates and charges.

Applications for waiver and deferral will be individually assessed against the criteria stated in this policy.

Definitions

A "Deferment" of payment can be provided in whole or in part and be for a specified period and subject to any conditions determined by Council. When rates are deferred, payment is not required until the Council sends the person a notice requiring payment. No interest is charged during the deferment period.

A "Waiver" may be for the whole or part of any rate or charge or of any interest imposed for late payment

"Financial Counsellor" means a qualified financial advisor who can advise on financial situations. (e.g. Counsellor from Hepburn Child and Family Services).

Policy

Damage to a residential or commercial property due to an emergency situation (flood or fire) can result in a revaluation of the property and a recalculation of rates and charges due. Ratepayers must apply for a revaluation in writing. Ratepayers are then eligible to also apply for deferment or a waiver.

Deferment

- 1) Ratepayers seeking a deferment of payment of rates, charges or interest must firstly contact Council in writing to inform of the hardship.
- 2)
 - (a) If the hardship is as a result of an emergency situation (e.g. flood or bushfire) and the property address can easily be identified as in the effected area, a Council hardship form must be completed and if seeking deferment, a Council payment arrangement form must be completed.
 - b) If the above is not applicable, Council will then refer the ratepayer to a Financial Counsellor of its choice. This is a free service offered by Child and Family Services (CAFS).
- 3) The Financial Counsellor will assist the ratepayer to complete the required Council Application for Rate/Interest Waiver or Deferral form and Councils payment arrangement form. Refer to Appendix A for a copy of these forms.
- 4) The Financial Counsellor will then make a written recommendation of whether deferment is applicable to Manager Finance or their delegate.
- 5) The recommendation will be assessed by the Manager Finance or his/her delegate.
- 6) If the Financial Counsellor recommends deferment and it is accepted, the property will be flagged as a deferment and no debt recovery action shall be taken.

Waiver

- 1) Rates and charges will generally not be waived, they will remain a charge on the property. If a ratepayer is not satisfied with Council's offer of a deferment and the Financial Counsellor recommends a waiver further action can be taken at the request of the ratepayer. Documentation will be collated and presented to the CEO for consideration in a confidential report.

Review of Decision

Any applicant who is aggrieved by the decision may refer the matter to the Victorian State Ombudsman.



RATES & CHARGES PAYMENT ARRANGEMENT FORM

Please complete using block print:

Name(s): 1. _____ 2. _____

Address: _____

Telephone: _____ Mobile: _____

Property No(s): _____

Total Owing: \$ _____ As at: ____/____/____

Regular Payment Amount: \$ _____

Payment Interval: Weekly Fortnightly Monthly
(Please Tick Payment Method)

Commencement Date: _____

Payment Method: Cheque Directly into Council bank account
 B-Pay Australia Post
(Please Tick Payment Method)

If choosing to pay into Council bank please use the following details:

Bank	Commonwealth Bank of Australia
Account name	Hepburn Shire Council
BSB	063 010
Account No.	1166 7088

Agreement Date: ____/____/____

Ratepayer Signature(s): _____

Hepburn Shire Council Officer: _____

PLEASE SEE OVER FOR PAYMENT ARRANGEMENT CONDITIONS

Office Use:		
Approved:	Yes/No	Review Date: _____
TechOne Entry-Date: _____		

RATES & CHARGES PAYMENT ARRANGEMENT FORM CONDITIONS

The Ratepayer acknowledges and agrees:-

1. that the rates & charges were levied and demanded by a Rate Notice;
2. that the amount stated on the form is the full amount owing at the date of this Agreement;
3. that the amount is owing in respect of the Property stated on the Form;
4. that the Council will, at its discretion, require the payment of interest on the rates and charges which have not been paid by the date specified in the Rate Notice;
5. that this Special Arrangement does not void the responsibility to pay all current and future amounts declared and levied in respect of the Property;
6. that this Special Arrangement does not void the right of the Council, without further notice, to recover the amount owing in the Magistrates Court or by suing for debt;
7. that this Special Arrangement is not a deferral or waiver of the Rates & Charges; and
8. to pay the regular amounts and at the intervals stated on the Form. Failure to do so may result in Council commencing debt recovery action without further notice.

The Council acknowledges and agrees:-

1. that any personal including financial information supplied by the Ratepayer for the purpose of this Agreement will be treated as strictly confidential; and
2. that subject to the Special Arrangement for payment being maintained, debt collection procedures will not commence.

It is mutually agreed between the Ratepayer and the Council:-

1. that any personal, including financial information, supplied by the Ratepayer for the purpose of this Agreement will be treated as strictly confidential; and
2. that subject to the Special Arrangement for payment being maintained, debt collection procedures will not commence.

It is mutually agreed between the Ratepayer and the Council:-

1. that the Ratepayer may pay additional amounts or the balance of Rates and Charges owing at anytime;
2. **that if the circumstances of the Ratepayer change so that the obligations of this Agreement are not likely to be met, the Ratepayer will contact the Council with the view to making a revised Special Agreement which will be at the Council's discretion; and**
3. that this Agreement ends in one year from the date of its beginning or when all amounts are paid, or if the Ratepayer fails to meet the obligations contained in it, whichever occurs first.



Application for Rate/Interest Waiver or Deferral

Local Government Act 1989

Section 170/171

Application form for rate/interest waiver or deferral, including a statutory declaration is used when payment of charges would cause ratepayers to suffer financial hardship.

This information will be treated as **Strictly Confidential**

I, _____
(name in full)

of _____
(address in full)

(occupation)

Do solemnly and sincerely declare that:

1. I/We am the owner/s of the premises known as:

2. The following are the particulars of the other persons residing at the above premises:

Name	Relationship	Occupation

3. I own the following assets:

Asset	Estimated Value
Bank Account	\$ _____
Financial Institution Account	\$ _____
Land & Buildings	\$ _____
Car	\$ _____
Other _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

NOTE: Examples of assets are such things as cars, boats, caravans, land, buildings, bank accounts, investments, insurance polices, or any other substantial asset.

4. My total weekly income from all sources is as follows:

From Property (Rental, Board, etc)	\$ _____
From Interest	\$ _____
From Investment	\$ _____
From Wages/Salary	\$ _____
From Pension Payments	\$ _____
From Centrelink	\$ _____
From other sources (give details)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Weekly	\$ _____

5. My total weekly payments are as follows:

What the payment is for

Estimated amount

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Weekly	\$ _____

6. Details of other debts:

I have the following financial commitments:

Lender	Asset	Term of Loan	Monthly Payments	Balance	Interest Rate
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of Parliament of Victoria rendering persons making a false declaration punishable for willful and corrupt perjury.

Signed _____

Declared at _____ in the state of Victoria this

_____ day of _____ year _____

Before me _____ Witness _____

Date _____

N.B. A persons who;

- a) gives to the Council any information which is false or misleading in any material particular in respect of this application; or
- b) Fails to notify the Council of any change in circumstances which are relevant to this application or to any waiver granted is guilty of an offence – penalty \$1,000.

ATTACHMENT 10 - INVESTMENT POLICY NO 50 (C)



POLICY NUMBER 50(C)

INVESTMENT POLICY

DATE AMENDED: March 2013

DATE OF NEXT REVIEW: March 2015

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

AARON VAN EGMOND
Chief Executive Officer

Introduction

This policy sets the guidelines for Council officers placing funds on investment with other institutions.

Scope

This policy applies to all investments undertaken by the finance department of the 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's 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.

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 are those with a **Standard & Poor's rating of between A1+ and A2 short term and AA- long term.**

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.

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 and bank balances

- Maintain a maximum average monthly bank balance of \$500,000
- Maintain an average monthly on call balance of \$1,500,000

- Balance of surplus funds is to be invested in short term investments.
- Definition of Terms
 - On Call – Access within 24 hours
 - Short Term – 2 days to 1 year
 - Long term – greater than 1 year

Investment diversification

- No short term investment with one financial institution is to exceed \$2,000,000
- No long term investment with one 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 minimise 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 authorise all new investments over \$500,000, following a recommendation from the General Manager Corporate Services.

The General Manager Corporate Services is to authorise 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 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.

ATTACHMENT 11 - BORROWING POLICY NO 65 (C)



POLICY NUMBER 65 (C)

BORROWINGS POLICY

DATE AMENDED: March 2013
DATE OF NEXT REVIEW: April 2015
DATE ADOPTED:
RESPONSIBLE OFFICER: Manager Finance
REFERENCES: Local Government Act 1989

Best Value Principles

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

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

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

Signed

AARON VAN EGMOND
Chief Executive Officer

Introduction

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

Scope

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

Purpose

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

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

Definitions

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

Policy

1. Financial Management

Councils must implement the principles of sound financial management, this includes:

- Managing financial risks
- Pursuing spending and rating policies that are consistent with a reasonable degree of stability
- Making decisions with future generations in mind
- Ensuring the disclosure of financial information.

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

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

2. Legislative Requirements

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

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

3. Long Term Sustainability of Council

The level of borrowing shall be within acceptable prudential limits to ensure long-term sustainability. Council needs to ensure that the amount of borrowing does not exceed these limits, so that debt servicing costs can be met on an ongoing basis without undue impact on future councils and ratepayers.

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

4. Reporting and Monitoring

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

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

5. Loan Approval Process

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

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

Regardless of the value of the loan, the Manager Finance or delegate will invite the four (4) major banks plus Bendigo Bank to quote on the provision of a new loan. They will be provided with the amount of the loan, number of repayments and frequency and the required draw down date.

When the quotes are received a report will be prepared for the CEO with the details of all quotes and a recommendation as to which offer should be accepted.

The CEO will accept the most advantageous quote to enable a contract to be produced.

6. Borrowing Redemption

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

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

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

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

10.11. RECORD OF ASSEMBLIES OF COUNCILLORS – JUNE 2013
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 June 2013.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as ...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

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

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

Assemblies of Councillors		
Date	Location	Committee Name
4 June 2013	Council Chamber, Daylesford	Councillor Briefing
11 June 2013	Council Chamber, Daylesford	Councillor Briefing
18 June 2013	Council Chamber, Daylesford	Councillor/CEO Meeting
18 June 2013	Council Chamber, Daylesford	Pre Council Meeting
27 June 2013	Duke Street Meeting Room	Wombat Hill Botanic Gardens Advisory Committee

ISSUE / DISCUSSION

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

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

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

- 10.11.1 That Council receives and notes the Records of Assemblies of Councillors for June 2013.

MOTION

10.11.1. That Council receives and notes the Records of Assemblies of Councillors for June 2013.

Moved: Councillor Sebastian Klein

Seconded: Councillor Neil Newitt

Carried.

**ATTACHMENT 12 - RECORDS OF ASSEMBLIES OF COUNCILLORS –
JUNE 2013**

Confidential
Councillor Briefing Agenda
Tuesday 4 June 2013



Tuesday, 4 June 2013 12:30 pm		Council Chamber Daylesford Town Hall	
Chair	Mayor	Cr Bill McClenaghan	
Attendees	Councillors	Cr Pierre Niclas, Cr Kate Redwood, Cr Neil Newitt, Cr Sebastian Klein, Cr Don Henderson	
	Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure and other officers as required	
Apologies	Cr Greg May		

Time		Title	Action Officer	
1.	12:30 pm	Discussion Flood Funding for Creswick Events	Chief Executive Officer	Page 3
2.	1:00 pm	Informal Discussion Lindsay Arts Trail - Update	General Manager Community Services	Page 4
3.	1:30 pm	Presentation & Discussion Final Proposed Budget 2013-2014	General Manager Corporate Services	Page 5
4.	2:00 pm	Presentation & Discussion Council Plan 2013-2017	Chief Executive Officer	Page 6
5.	2:30pm	Report Clunes Community and Interpretive Centre – Governance Arrangements Attachment 1 Attachment 2 Attachment 3	General Manager Community Services & Manager Risk and Property	Page 7 Page 11 Page 22 Page 23
6.	3:30 pm	Report Draft Central Highlands Regional Growth Plan Attachment 4	Chief Executive Officer	Page 24 Page 29
7.	4:00 pm	Report Agreement with the Director of Housing for the Provision of Affordable Housing Assistance	General Manager Community Services	Page 30

Confidential
Councillor Briefing Agenda
Tuesday 4 June 2013



Time		Title	Action Officer	
8.	4:30 pm	Presentation Daylesford Boathouse Rebuilding Plans - Update	General Manager Corporate Services & Manager Risk and Property	Page 32
9.	5:00 pm	CLOSE OF MEETING		Page 33

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: BRIEFING

Date: 11 JUNE 2013

Time: 11-00 AM.

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas | <input type="checkbox"/> Cr Don Henderson |
| <input checked="" type="checkbox"/> Cr Kate Redwood | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Neil Newitt (1-21PM) | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Sebastian Klein | |

Members of Council Staff present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Evan King | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | RICHARD RIEBELL |
| | PETER DARVENIZA |
| | GRANT SCHUSTER |
| | JUSTIN FIDDES |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Evan King | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |

Signature: Evan King

Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.

Confidential
Councillor Briefing Agenda
Tuesday 11 June 2013



Tuesday, 11 June 2013 11:00 am		Council Chamber Daylesford Town Hall	
Chair	Mayor	Cr Bill McClenaghan	
Attendees	Councillors	Cr Pierre Niclas, Cr Kate Redwood, Cr Neil Newitt, Cr Sebastian Klein, Cr Don Henderson, Cr Greg May	
	Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure and other officers as required	
Apologies			

	Time	Title	Action Officer	
1.	11:00 am	External Presentation Creswick Football Netball Club	General Manager Community Services Peter Considine, Creswick Football Netball Club	Page 3
2.	11:30 am	Informal Discussion Delegated Planning Committee Applications	Chief Executive Officer	Page 4
3.	12:00 pm	Verbal Presentation Creswick Flood Mitigation Project – North Parade Options	General Manager Infrastructure & Senior Project Engineer – Flood Mitigation Works	Page 5
4.	12:30 pm	Report Flood Emergency Plan and Community Emergency Risk Assessment (CERA) Attachment 1 Attachment 2 Attachment 3	General Manager Infrastructure & Manager Assets & Engineering Services	Page 6 Page 9 Page 64 Page 68
	1:00 pm	Lunch Break Lunch will be provided		

Confidential
Councillor Briefing Agenda
Tuesday 11 June 2013



Time		Title		Action Officer	
5.	1:30 pm	Report	Clunes Neighbourhood House – Licence to Use Part of The Lee Medlyn Home of Bottles	General Manager Corporate Services & Manager Risk and Property	Page 70
			Attachment 4		Page 73
6.	2:00 pm	Verbal Presentation	Review of Advisory Committees & Community Planning	Executive Management Team	Page 84
7.	2:30 pm	Verbal Presentation	Pedestrian Safety and Access Improvements – Bleakley Street, Lake Daylesford	General Manager Infrastructure & Senior Project Engineer	Page 85
8.	3:00pm	External Presentation	Local Government Financial Sustainability – Whelan Model	General Manager Corporate Services Merv & Rohan Whelan	Page 86
9.	4 30 pm	CLOSE OF MEETING			Page 87

	4 30 pm – 5 30 pm	External Briefing	Local Government Financial Sustainability – Whelan Model	Merv & Rohan Whelan General Managers	
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	5:00 pm	DELEGATED PLANNING COMMITTEE			
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RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor/CEO Meeting

Date: Tues 18 June 2013

Time: 2:00 pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

Cr Pierre Niclas
 Cr Kate Redwood
 Cr Neil Newitt
 Cr Sebastian Klein

Cr Don Henderson
 Cr Greg May
 Cr Bill McClenaghan

Members of Council Staff present:

CEO Aaron van Egmond
 GM Corporate Services Evan King
 GM Community Services Kathleen Brannigan

GM Infrastructure Bruce Lucas
 Other, please specify:

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond
 GM Corporate Services Evan King
 GM Community Services Kathleen Brannigan

GM Infrastructure Bruce Lucas
 Other, please specify:

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.

**AGENDA
COUNCILLOR/CEO MEETING**

Tuesday 18 June 2013 Commencing 2:00 pm		Council Chamber Daylesford Town Hall	
Chair:	Mayor	Councillor Bill McClenaghan	
Attendees:	Councillors	Pierre Niclas, Kate Redwood, Neil Newitt, Don Henderson, Greg May	
Apologies:		Cr Sebastian Klein	
	Officers	CEO, Aaron van Egmond	
AGENDA – COUNCILLOR ONLY TIME			
12:30 pm		Councillors Only	
2:00 pm			
1.	Responses at Public Question Time	Cr Bill McClenaghan	
2.	Recycle Centre situation	Cr Bill McClenaghan	
3.	TechOne Implementation	Cr Bill McClenaghan	
4.	Doug Lindsay Recreation Reserve – leasing issues and state of oval	Cr Bill McClenaghan	
5.	Regional Priorities and ALGA National General Assembly this week	Cr Bill McClenaghan	
6.	Daylesford Streetscape – where to and funding	Cr Bill McClenaghan	
7.	Hepburn Fire Station	Cr Bill McClenaghan	
8.	Fire concerns/fuel levels at Hepburn Mineral Springs Reserve	Cr Pierre Niclas	
9.	CEO Performance Review	CEO	
10.	Appointment of Personal Assistant – CEO	CEO	
3:30pm	Discussion – Council Meeting Agenda 18 June 2013	Councillors and Officers	
5:00 pm	Meal Break		
6:00 pm	Council Meeting – Daylesford		

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: PCE COUNCIL MEETING

Date: 18/6/13

Time: 3-30pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify)

Councillors present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas | <input checked="" type="checkbox"/> Cr Don Henderson |
| <input checked="" type="checkbox"/> Cr Kate Redwood | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Neil Newitt | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input type="checkbox"/> Cr Sebastian Klein | |

Members of Council Staff present:

- | | |
|--|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Evan King | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | ANTHEA BLACKFORD |
| | GRANT SCHUSTER |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Redwood item 10-13	Left 4-15 Returned 4-16

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|---|--|
| <input type="checkbox"/> CEO Aaron van Egmond | <input type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Evan King | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |

Signature: Evan King

Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.



Hepburn Shire Council

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor Kate Redwood hereby disclose
a conflict of interest in the following matter: 10.13 Review of B. Donley
Private - Stranbridge St. Daylight

This matter is being considered at a meeting of Council/ Special Committee or Assembly of Councillors

Council Meeting
(Insert name of any Special Committee)
on 18/06/2013

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A)
- indirect interest because of conflicting duty (section 78B)
- indirect interest because of receipt of gift(s) (section 78C)
- indirect interest through civil proceedings (section 78D)

[NB all references to sections are references to sections in the *Local Government Act 1989*].

The nature of the interest is as follows:

I live at 80 East Street Daylight
The was permitted B. Donley

Print Name: KATE REDWOOD
Signed: Kate Redwood
Date: 18/06/2013



Hepburn Shire Council

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor BILL M^cCLENAGHAN hereby disclose
a conflict of interest in the following matter: PUBLIC PARTICIPATION
TIME - QUESTION TO COUNCIL RE
WHEELERS HILL MUSIC WATER BORES

This matter is being considered at a meeting of Council/ Special Committee or Assembly of Councillors

on TUE 18 JUN 13
(Insert name of any Special Committee)

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 78)
- indirect financial interest (section 78A)
- indirect interest because of conflicting duty (section 78B)
- indirect interest because of receipt of gift(s) (section 78C)
- indirect interest through civil proceedings (section 78D)

[NB all references to sections are references to sections in the Local Government Act 1989].

The nature of the interest is as follows:

THE QUESTION RELATES TO A PLANNING
ISSUE. AS A DIRECTOR OF THE CENTRAL
HIGHLANDS TOURIST RAILWAY, WHICH OBJECTED
TO THE ORIGINAL APPLICATION, I HAVE AN INDIRECT
CONFLICT OF INTEREST.

Print Name: BILL M^cCLENAGHAN
Signed: [Signature]
Date: 18 JUN 13



Hepburn Shire Council

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor Kate Redwood hereby disclose
a conflict of interest in the following matter:
10.13 Review of B Double Permits

This matter is being considered at a meeting of Council/ Special Committee or Assembly of Councillors
Council Meeting
(insert name of any Special Committee)
on 18/06/2013

The class of the interest is (tick as appropriate):

- a direct interest
- OR
- an indirect interest (see below)

The following is the type of indirect interest:

- indirect interest by close association (section 7B)
- indirect financial interest (section 78A)
- indirect interest because of conflicting duty (section 78B)
- indirect interest because of receipt of gift(s) (section 78C)
- indirect interest through civil proceedings (section 78D)

[NB all references to sections are references to sections in the *Local Government Act 1989*].

The nature of the interest is as follows:

I drive on Gark Street which is the road
along which the non permitted B Double
travels to access Strandside Street

Print Name: KATE REDWOOD
Signed: Kate Redwood
Date: 18/06/2013

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Wombat Hill Botanic Gardens Advisory Committee

Date: 27 June 2013

Time: 9.00am – 11.00am

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – Duke St Meeting Room

Councillors present:

- | | |
|---|---|
| <input type="checkbox"/> Cr Bill McCleughan | <input checked="" type="checkbox"/> Cr Kate Redwood |
| <input type="checkbox"/> Cr Don Henderson | <input type="checkbox"/> Cr Pierre Niclas |
| <input type="checkbox"/> Cr Sebastian Klein | <input type="checkbox"/> Cr Greg May |
| <input type="checkbox"/> Cr Neil Newitt | |

Members of Council Staff present:

- | | |
|--|--|
| <input type="checkbox"/> CEO, Aaron van Egmond | <input checked="" type="checkbox"/> GM Infrastructure, Bruce Lucas |
| <input type="checkbox"/> GM Corporate Services, Evan King | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input checked="" type="checkbox"/> Other, please specify:
James Lowe - <i>LATE ARRIVAL</i> |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

- | | |
|--|---|
| <input type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input type="checkbox"/> GM Corporate Services, Evan King | <input type="checkbox"/> GM Sustainable Development, Barry Green |
| <input type="checkbox"/> GM Community Services, Kathleen Brannigan | <input type="checkbox"/> Other, please specify: |

Signature: 

Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.

**WOMBAT HILL BOTANIC GARDENS
ADVISORY COMMITTEE
MEETING No 39**

Thursday 27 June 2013
9.00am – 11.00am
Duke Street Meeting Room

AGENDA

Attendees: Cr Kate Redwood, Bruce Lucas, Gael Shannon, Lisa Gervasoni, Stephen Davis, James Lowe, Robert Hewat

Apologies: David Marshall, Michael O'Neil

Item No.	Time	Agenda Item	Presenter
1	9.00am	Welcome & Apologies	Cr Kate Redwood
2	9.02am	Matters Arising from April Meeting	Cr Kate Redwood
3	9.10am	150th Debrief	Gael Shannon
4	9.25am	Parks & Gardens Report	James Lowe
5	9.35am	FWHBG Report	FOWHBG
6	9.45am	Review of Terms of Reference	All
7	10.05am	Review of Priority Actions for Next 5 years	All
8	10.20am	Annual Stakeholder Meeting - August Meeting	All
9	10.30am	OH&S Issues in Gardens	James /All
10	10.40am	Budget 2013/2014	Bruce Lucas
11	10.50am	General Business	All
	11.00am	CLOSE	

Next Meeting: 15 August 2013 – Annual General Meeting of Stakeholders – Council Chambers

11. COUNCIL SPECIAL COMMITTEES (SECTION 86)

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

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

PURPOSE

The purpose of this report is for Council to note the minutes and recommendations from Council's Special (Section 86) Committees.

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 Lee Medlyn Home of Bottles & Clunes Information Centre – 05/06/2013.

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:

- Nil

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

11.1.1 That Council receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.

MOTION

11.1.1. That Council receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

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

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

BACKGROUND

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

ISSUE/DISCUSSION

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

- Nil.

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

12.1.1 That Council notes that no minutes from Advisory Committees have been received for June 2013.

MOTION

12.1.1. That Council notes that no minutes from Advisory Committees have been received for June 2013.

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

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

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

- 89(2)(d) Contractual matters;

New 21 Year Crown Land Lease – Daylesford Victoria Caravan Park

Contract H425-2013 – Bridge Replacement on Hepburn Newstead Road – Design and Construct New Bridge (Bridge Asset No 35) Over Jim Crow Creek, Shepherds Flat, 6.025km from Daylesford-Newstead Road; and

13.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

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

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

New 21 Year Crown Land Lease – Daylesford Victoria Caravan Park

Contract H425-2013 – Bridge Replacement on Hepburn Newstead Road – Design and Construct New Bridge (Bridge Asset No 35) Over Jim Crow Creek, Shepherds Flat, 6.025km from Daylesford-Newstead Road; and

13.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Neil Newitt

Carried.

The Meeting Closed to Members of the Public at 7:54 pm.

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.

MOTION

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

Moved: Councillor Don Henderson

Seconded: Councillor Pierre Niclas

Carried.

The Meeting re-opened to the Public at 8:04 pm.

In accordance with Council's resolutions, the following information is provided to the public on matters during the confidential section of the Meeting.

13.3.1 *That Council awards Contact No H425-2013 Bridge Replacement on Hepburn-Newstead Road, Design and construct new bridge (Bridge Asset No 35) over Jim Crow Creek, Shepherds Flat, 6.025km from the Daylesford-Newstead Road for the lump sum of \$658,855.00 to VEC Civil Engineering Pty Ltd.*

15. CLOSE OF MEETING

The Meeting closed at 8:07 pm.
