



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

TUESDAY 17 DECEMBER 2013

**CLUNES TOWN HALL
BAILEY STREET
CLUNES
6:00PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 17 DECEMBER 2013

**Clunes Town Hall
Bailey Street, Clunes
Commencing 6:00PM**

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
17 DECEMBER 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 Don Henderson, Deputy Mayor Councillor Kate Redwood AM, Birch Ward Councillor Pierre Niclas, Cameron Ward Councillor Neil Newitt, Coliban Ward Councillor Sebastian Klein, Creswick Ward Councillor Greg May, Holcombe Ward Councillor Bill McClenaghan.

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, General Manager Community Services Kathleen Brannigan, Manager Community Development Adam McSwain, Governance Officer Mary Dancuk.

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 Bill McClenaghan declared an indirect Conflict of Interest – conflicting duty in Agenda Item 9.2 Petition – Bullarto to Lyonville Rail Trail Project and BBQ as a Director of The Central Highlands Tourist Railway which leases part of the former railway reserve. Councillor McClenaghan left the meeting at 6:28 pm and returned to the meeting at 6:31 pm. Councillor McClenaghan was absent while this matter was considered.

Councillor Greg May declared a direct Conflict of Interest in Agenda Item 10.5 Four Seasons Events Grants Program as he is a member of the Anderson's Mill Festival Organising Committee. Councillor May left the meeting at 7:31 pm and returned to the meeting at 7:43 pm. Councillor May was absent while this matter was considered.

Councillor Greg May declared a direct Conflict of Interest in Agenda Item 10.7 Review of Policy 48 (C) – Community Facility Hire Fee Waiver Policy as he is the Secretary of the Newlyn Community and Sporting Complex Inc. Councillor May left the meeting at 7:49 pm and returned to the meeting at 8:01 pm. Councillor May 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 19 November 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 19 November 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Don Henderson, Creswick Ward

During the last month I have attended many and varied events.

The Central Highlands Mayors and CEO end of year function was a chance to meet some people from other councils.

I attended along with Mr. Van Egmond.

The International Women's Day function is on target for March and the committee is currently working hard to procure the right speaker for the event.

Daylesford Show was very good but I think some of the organisers are getting tired. This show would do well to have an injection of willing workers to see that this great show continues.

I attended the opening of a new initiative at the Creswick Woollen Mills where I met the wife of the first owner of the mill who told me of coming to this country and Creswick. This mill was the mainstay of employment over decades and is the last coloured mill still producing fine fabric in Australia. It attracts over 80,000 visitors per annum.

I was present at the Daylesford and surrounding area end of year volunteer's function before chairing the AGM of Creswick Railway Workshops Association.

Kingston Show was a great success and the volunteers from around the area and visitors had a good time. This show is in the process of building after some decline over the years. I assisted with a display of pigeons and stories of how pigeons were used in the wars. People were amazed that some birds had flown through after being shot to pieces to deliver vital messages.

I attended an end of year event hosted by The Hon Catherine King MP and met some people who were putting their names forward for pre selection for the forthcoming State elections.

It must be Scottish time in the area as I attended the various events in Daylesford in connection with the Daylesford Highland Gathering. One feature was a drum major who was an original Rat of Tobruk who was still striding it out.

Still not enough of Scotland, I left to attend a concert at Creswick along with Cr Redwood. We were treated to the best of Scotland on fiddle and guitar; all the way from the Shetland Islands. The music was absolutely fantastic and the two artists have fallen in love with Creswick and have promised to return.

Young performers from Creswick Dance and Fitness put on a display of their talents at the Ballarat Performing Arts Centre.

I was fortunate to be present for the recording of the last living Battery man, Jack Cocks, who was speaking to local identity Len Robbins who ran the Creswick Battery for many years. The old battery is under restoration and will hopefully be safe to open for public viewing.

Last Saturday I launched an excellent book *Portraits of Creswick Through The Years*. So many famous achievers and wonderful stories of our rich built and cultural heritage.

Mt Prospect Tennis Association will host the Victorian Inter Regional Country Tennis Championships next year and the year after, bringing many visitors and fine players to our area.

Lastly, I had the absolute pleasure of attending the Creswick Senior Citizens' Christmas Lunch. I really enjoyed the company of so many who have contributed to our community over many decades.

COUNCILLOR REPORTS

Councillor Kate Redwood AM, Birch Ward

This has been an unforgettable month.

Implementation of Streetscape works in Vincent Street

It has been great to see the work on Vincent Street begin. Councillor Niclas and I spoke at the Daylesford and Hepburn Springs Business and Tourism Association (BATA) Christmas meeting, along with General Manager Infrastructure Bruce Lucas, about streetscape works. Great to be working with the BATA members and to have their input on plans.

Maybe symbolically we managed to get Christmas decorations from the City of Melbourne. Les Faulkhead organised a removal van for free from Avis. Kevin Clohesy and I drove down to Little Bourke Street, Melbourne to the City of Melbourne warehouse to collect as many street decorations as we could in an hour. BATA took on the role of putting up the decorations, and once again thank you to Mr Lucas for assisting with locations. Brian Fells provided the large cherry pickers. BATA leafleted every premise in Vincent Street and Robyne Head and I did personal visits to each shop. Thank you to the officers who assisted with safety, closing the road as the decorations went up. More next year!

New sporting facilities for Vic Park

Bad news! We have been made aware through the media that we are no longer to receive a Regional Development Australia grant of \$1.2 million for the rebuild of facilities in Vic Park. I will continue to work with all the Vic Park users on the design and the fundraising for these much needed facilities. Thank you to our CEO for going to Canberra to meet with The Hon Warren Truss MP on regional funding issues.

Wombat Hill Botanic Gardens

We celebrated the hugely successful open garden at Musk Farm, which raised \$120,000 for the Wombat Hill Botanic Gardens, and then reeled in horror at the violent and totally unexpected death of Stuart Rattle. Vale Stuart, this community loved you greatly. There will be a service at St Peters on Sunday at 2.00pm. All are welcome.

International Women's Day Advisory Committee

This committee continues to work well. I am pleased to announce that our guest speaker for our International Women's Day function on 6 March will be Mary Crooks, the longstanding CEO of the Victorian Women's Trust. Mary is a wonderful speaker and widely known in this State as a courageous champion of women's equality.

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

- 19/11/2013 Mayor CEO Time/Councillor briefings/ Councillor only time/ Councillor/CEO meeting, Council meeting
- 23/11/2013 Open Garden Musk Farm for Wombat Hill Botanic Gardens
Daylesford Agricultural Show
- 25/11/2013 Hepburn Health AGM
- 26/11/2013 Mayor/CEO meeting
- 27/11/2013 Meeting with Keith Pyers and Heather Mutimer and Cr May
re WW1 projects
Trip to Melbourne to collect Christmas decorations
- 28/11/2013 Daylesford Visitor Information Centre Christmas function
- 30/11/2013 Leonards Hill CFA 60th Anniversary
- 2/12/2013 Daylesford and Hepburn Springs Business and Tourism
Association (BATA) Christmas function
- 3/12/2013 Mayor/CEO meeting, Councillor briefing

- Horticultural Society Christmas function and elections
- 5/12/2013 Christmas photo for Local
- 6/12/2013 Friends of Wombat Hill Botanic Gardens Christmas function
Recruiting members for Daylesford Agricultural Society
- 7/12/2013 Daylesford Highland Gathering breakfast, Town Hall
- 08/12/2013 Vic Chorale, Uniting Church celebrating Val Pyers,
Friends of Cornish Hill Christmas party in Cornish Hill
- 9/12/2013 Launch of Tourist Guide Daylesford and the Macedon Ranges
(DRM) at Hanging Rock
- 10/12/2013 Mayor/CEO meeting, Councillor briefings
Delegated Planning Committee
- 11/12/2013 Sisters of Creswick Christmas function
- 12/12/2013 International Women's Day a/c
- 13/12/2013 Meeting to consider nominations for Australia Day awards
- 15.12.2013 Ecumenical Carols Christchurch Daylesford - reading
Yandoit Carols
- 16/12/2013 Birch Ward meeting, Daylesford Library

Councillor Neil Newitt, Cameron Ward

On 21 November I attended the Tourism Hepburn meeting. As background, Tourism Hepburn is comprised of representatives from each local tourism and business groups across the Hepburn Shire. Discussion continues on their future role, with consideration focussing on how they provide information to Council on behalf of their members.

On 4 December, I attended the Lee Medlyn Home of Bottles meeting. I can report back that work toward removal of the asbestos roof is well on its way with work scheduled to be carried out during January next year. Although logistically difficult, given the thousands of bottles on display, nevertheless, I can report the volunteers remain enthusiastic to have this vital work completed.

On 9 December, I along with Cr Redwood attended the launch of the Daylesford and Macedon Ranges (DMR) Official Visitors Guide (OVG) and the digital OVG. DMR has produced the most industry engaged OVG for

years with many operators returning with renewed enthusiasm to capitalise on the marketing of our region.

On 13 December, I met with the group working toward the return of the Clunes Sunday Market. Council may recall the group was successful in obtaining funding for a feasibility study into the market. With support from Council by way of a community grant, plus contributions from the Clunes Tourist and Development Association and other community groups in Clunes, the group is taking a very professional approach to the returning the market to Clunes, identifying early the need to provide a quality product if the market is to be successful.

On 13 December along with Cr May and officers from our Economic Development Unit, I attended the end of year lunch for the Clunes and Creswick Visitor Information Centre (VIC) volunteers. Without the enthusiasm of our VIC volunteers, we would not be able to give this service to our visitors.

Finally, I would like to report back on the Clunes RSL Christmas breakup. What I would like to mention is the success of the Ladies Auxiliary of the Clunes branch. For over 20 years, the ladies have been running Devonshire teas and a sausage sizzle as a fund raiser. This year the auxiliary raised over \$6,000 for the Clunes RSL. I wish them and all our volunteers all the best for the festive season, and continued success for the New Year.

Councillor Sebastian Klein, Coliban Ward

The past month has been a full one with commitments here and further afield in Melbourne:

The Victorian Adaptation and Sustainability Pathways Ministerial Advisory Committee on which I served finally recommended its first round of funding for the renewed focus of the Victorian Sustainability Accord.

It is, of course, one thing to provide funding for these projects for councils, it was quite another to witness the amazing array of community activity that has been generated by The Community Recycling Network who had their annual conference in Melbourne this year. I was impressed by the diversity of outcomes that has been achieved across the country by organisations picking up the litter after the rest of society. These organisations employ the long-term unemployed, those of less ability, or sometimes those looking for a new start after incarceration. At the same time they make a more efficient use of waste and resources - in this case one of the stand out examples was a business based on washing gloves used in industrial processes and returning them to the businesses for a fee - providing both a cost-saving to mining,

manufacturing and other industries, as well as resource use efficiency and employment for special needs workers.

Another standout event giving hope for the future was the John Jago Awards for good governance and the READYS youth awards for youth services. A little known project called *What's the Big Idea?* was pipped by the city of Swan Hill for their tremendous work at delivering the community consultation for the river waterfront in Swan Hill. While the youth awards were a tremendous example of what can be achieved in providing support for our young people to have as good a start to adulthood as possible.

It was an honour to present these as the Acting President of the Victorian Local Governance Association - a role that has taken some significant chunk of my time through the last month.

Some other events I attended included the Waste Management Strategy Community Reference Group, a Forum meeting and Carols by Candlelight in Trentham. The rest of my commitments will be included with my written report.

Other events attended:

- Community Recycling Network Conference
- Victorian Local Governance Association Board - Resources and Finance Sub-Committee (November and December)
- Victorian Local Governance Association Board meeting (November and December)
- Spoke at the Leadership Ballarat and Western Region Graduation Ceremony
- Attended a Biochar workshop run by Ballarat Renewable Energy and Zero Emissions (BREAZE)
- Trentham Neighbourhood Centre Committee of Management meeting
- Chris Walsh talk - Trentham Food Hub event
- Trentham Community FORUM Meeting
- Met with Shadow Minister Richard Wynne, Minister Jeanette Powell and Shadow Minister Brian Tee on behalf of the Victorian Local Governance Association
- Waste Management Strategy Community Reference Group
- Victorian Local Governance Association End of Year Celebration and awards

Councillor Greg May, Creswick Ward

Another year almost over, Christmas almost here and it's a busy time for all. Hopefully the Christmas break will provide some time for everyone to relax a little and spend some time and share some goodwill with friends and loved ones.

Since my last Councillor report, I have attended all Council briefing sessions as well as some other meetings and community events. On Sunday 1st December I attended the 146th Kingston Agricultural Show. Whilst not attracting huge crowds, the show is important locally and given that it was the 146th Show, it has been for quite a while. The Show Committee are to be congratulated on their efforts this year as they have worked hard to increase crowd numbers and the number of attractions. I know the committee were grateful for the Council assistance they received to run the event.

On the same Sunday, I was invited to the Dean Recreation Reserve for a car show but was unable to attend. From all accounts the event was a great success with a large numbers of cars of predominantly Italian origins on show.

The people of Dean have responded to the call to utilise their reserve and I note have another function planned at the reserve later this month.

I also attended a meeting, along with Councillor Henderson, with representatives of the Mount Prospect Tennis Association. The Association is hosting the 2014 Victorian Country Tennis Championships in January, an event which will bring hundreds of visitors to Creswick and the Shire generally.

Another meeting I attended was with Councillor Redwood and some community members to discuss proposals for 2015 ANZAC centenary commemorations.

Finally I'd like to wish everyone a very happy festive season and urge everyone to be courteous and careful while driving during this busy period.

Councillor Bill McClenaghan, Holcombe Ward

After five weeks out of the Mayoral position I find that there is less for me to report today. There are only fourteen matters this month.

The Municipal Emergency Management Planning Committee met again in November and considered the risk matrix for the CERA program (Community Emergency Risk Assessment) as well as the Creswick Flood Mitigation Plan and another forthcoming audit of the MEMP (Municipal Emergency Management Plan) by the SES next year.

The Drummond Hall Special Committee also met and considered long awaited repairs to the resurfaced tennis court that requires two weeks of fine weather before commencement can occur.

I also attended the Daylesford Show and the final meeting of the Highlands Regional Waste Management Group before its demise and amalgamation with the Grampians and Desert Fringe Waste Management Groups in mid 2014. This will reduce the number of municipalities represented by appointed Councils from twelve currently to only four and potentially impact negatively on all of our waste management budgets.

On 27th November I attended the opening of the Interactive Display at the Creswick Woollen Mills. This enterprise has reinvented itself on tourism and attracted 80,000 visitors in the last year. Not bad for a town deemed to have no tourism product by a peak tourism body.

The next weekend I attended a meeting of the Woodduck Community Fireguard Group at Wheatsheaf. The forest is currently green but will be a dangerous place to live in the heat of summer. Well prepared Fireguard Groups who support their members are a great asset in the summer fire danger period. Many people are still concerned about not being able to rebuild after a fire and may stay to defend the un-defendable with tragic results.

The Glenlyon Recreation Reserve Special Committee met last fortnight and I again attended to support the volunteer committee members who manage the reserve for Council.

I also attended an onsite meeting on the Taradale Road at North Drummond with officers of Council and the CFA from District 15 (Ballarat) as well as local volunteers from the Malmsbury brigade who brought their tanker along to demonstrate clearance problems along a narrow section of a Council managed road through Parks Victoria forest, right at the very edge of Hepburn Shire. We plan to remove dangerous encroaching trees and widen the road somewhat

One highlight of the month was the official opening of the new Glenlyon Fire Station last Saturday week. This involved the official handover of a new tanker truck and acknowledgement of Group Officer Gerald Coffey after virtually five decades of volunteering. Gerald was awarded Her Majesty's National Emergency Services Medal.

After the Daylesford Highland Gathering and a meeting to plan this year's Christmas Cheer program in Daylesford, I organised a Fire Ready Meeting in Drummond and promoted it in local media. A good attendance was achieved

with several new residents coming along to make their fire plans. If this meeting saves one life, it was a good way to spend an evening.

Last Saturday was the annual Glenlyon Christmas BBQ at the local recreation reserve where locals came together as a community and to meet Santa riding on the new fire tanker. After that came my monthly Holcombe Ward meeting yesterday evening and that's all I did this month.

Councillor Pierre Niclas, Birch Ward

28/11/2013 Hepburn Mineral Springs Reserve Advisory Committee meeting at Daylesford Town Hall

Flood recovery work is coming to an end at the reserve and if you haven't been out there to see it, I can highly recommend an afternoon's walk around. You'll be impressed with both the quality and magnitude of the work completed.

My thanks and congratulations to all involved.

As this was the last meeting of this committee for 2013, the very important matter of the organisation of the 150th Anniversary celebration was brought up again and after some discussion it was decided to begin the organisation of the event in earnest in the first few months of next year - more reports to follow.

2/12/2013 Daylesford & Hepburn Springs Business and Tourism Association (BATA) Christmas get together.

Cr Redwood and I attended the Christmas celebration for the Daylesford & Hepburn Springs BATA where we mixed with local business owners and identities. The Shires General Manager Infrastructure, Mr Bruce Lucas was also there and took the opportunity to deliver the latest information on the Daylesford Streetscape roll-out to all those individuals with vested interest in the redevelopment of Vincent Street.

This information was well received by all and generated some great ideas as to how the local traders could also join Council and assist in developing local events in the street in the coming year.

7/12/2013 Daylesford Highland Gathering

I and many other Councillors attended this year's welcome breakfast for the members of the Highland Gathering organising committee. It was a great morning where I met some of the key players in this event.

From all reports, it was a great weekend with many looking forward to returning to our Shire next year.

I was very pleased to hear that Daylesford was recently voted as Australia's best country town, no mean feat as this award has always been won by coastal towns so it is an honour and recognition of our whole Shire. Congratulations to all those who made it possible.

On a special note, I would like to pass on my condolences to the family and friends of Stuart Rattle. His passing will surely be mourned by many.

If you'll indulge me for a moment, I'd like to thank all my fellow Councillors for their patience and help this past year and to the CEO and Officers of this Shire, thank you for your professionalism and help with negotiating the day to day business of Council.

I would like to wish all of you and everyone in the Shire a happy and joyous Christmas and a safe and prosperous New Year.

RECOMMENDATION

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

MOTION

<p>8.1. <i>That Council receives and notes the Mayor's and Councillors' reports.</i></p>
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Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

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 received by 12 noon on the day of the Council meeting may be taken on notice and responded to later. Likewise, some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

9.1. PETITION – OBJECTION TO PROPOSED CFA FIRE STATION SITE IN MAIN ROAD, KINGSTON – PA160

SUMMARY

A Petition has been received with 20 signatures from local residents which reads:

“We request that the Hepburn Shire Council reject the proposal for the development of the CFA Fire Station (and 24m communication tower) in the Main Road of Kingston for the following reasons:

- The proposed CFA development is inappropriate for the site, which is situated within the Avenue of Honour on the Main Road of Kingston. It is out of character with the streetscape and amenity of the Kingston township, which includes many heritage buildings and would have a detrimental visual impact.
- The proposed level of car parking is not adequate for the amount of cars required to be parked on site for such a facility. This will mean cars will need to park on the nature strip within the heritage listed Avenue of Honour trees which is inappropriate.
- The 24m communication tower will have a looming presence and will detract from the Heritage value of the Avenue of Honour.
- The design of the building and choice of materials is out of keeping with the Heritage values of the area and clashes with the traditional design of many adjacent buildings.
- Trucks entering an 80km zone road without the assistance of a service road will cause a traffic hazard.

As residents, we feel that we should have been consulted in the decision making for the location of the new site. We strongly feel that the CFA Fire Station should not be developed on the Main Road but on a side street that will not negatively affect this important heritage precinct’.

RECOMMENDATION

- 9.1.1 That Council receives the petition objecting to the proposed CFA Fire Station Site in Main Road (393 Kingston Road), Kingston and that it lay on the table for one month.
- 9.1.2 Refers the petition to the Manager Planning for preparation of a report for consideration at the January 2014 Council meeting.
- 9.1.3 Advises the head Petitioner of the above process.

MOTION

That Council:

- 9.1.1. *Receives the petition objecting to the proposed CFA Fire Station Site in Main Road (393 Kingston Road), Kingston and that it lay on the table for one month.*
- 9.1.2. *Refers the petition to the Manager Planning for preparation of a report for consideration at the January 2014 Council meeting.*
- 9.1.3. *Advises the head Petitioner of the above process.*

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

Councillor Bill McClenaghan left the meeting at 6:28 pm due to an indirect Conflict of Interest and returned at 6:31 pm.

9.2. PETITION – BULLARTO TO LYONVILLE RAIL TRAIL PROJECT AND BBQ SUMMARY

A Petition has been received with 358 signatures from local residents which reads:

“We the undersigned support the Bullarto to Lyonville rail trail project including the establishment of a covered BBQ and interpretative display being located at Bullarto detailing the historic heritage railway and history of Bullarto and surrounding areas.

The Bullarto to Lyonville rail trail is Stage 2 of the Daylesford Macedon Ranges Rail Trail.

Rail Trails offer a broad range of physical activity and community participation opportunities, with a strong focus on recreational walking, bushwalking, running, cycling and mountain bike riding.

A copy of the plan can be found at:

<http://www.hepburn.vic.gov.au/files/20-08-2013-Attachment14-CrossingBordersTracksandTrails-DaylesfordtoMacedonRangesRailTrail-FINAL.pdf> “.

In addition to the Petition, six letters of support for the Bullarto to Lyonville Rail Trail Project and BBQ have also been received from the following organisations:

- Rotary Club of Daylesford
- Trentham Residents and Traders Association (Friends of Trentham Station)
- Daylesford Spa Country Railway
- Bullarto Primary School
- Wombat Forest Care Inc
- Bushwalking Group of The Ballarat U3A.

One letter of support was also received from a Life Member of the Kyneton District Trail Riders Club.

RECOMMENDATION

- 9.2.1 That Council receives the petition and supporting letters for the Bullarto to Lyonville Rail Trail Project and BBQ and that the petition lay on the table for one month.
- 9.2.2 Refers the petition to the General Manager Community Services for preparation of a report for consideration at the January 2014 Council meeting.
- 9.2.3 Advises the head Petitioner of the above process.

MOTION

That Council:

- 9.2.1. *Receives the petition and supporting letters for the Bullarto to Lyonville Rail Trail Project and BBQ and that the petition lay on the table for one month.*
- 9.2.2. *Refers the petition to the General Manager Community Services for preparation of a report for consideration at the January 2014 Council meeting.*
- 9.2.3. *Advises the head Petitioner of the above process.*
- 9.2.4. *Organises a meeting between two representatives from the Bullarto Hall Committee and two representatives from the Bullarto to Lyonville Rail Trail and BBQ Project, the General Manager Community Services or other relevant Council officer/s and Ward Councillor to discuss this project.*

Moved: Councillor Sebastian Klein
Seconded: Councillor Kate Redwood
Carried.

9.3. QUESTIONS

Question: From Mr David McCallum, Trentham

On how many occasions in the past six years, has Council allocated interest to the notional account for the Open Space Levy/Sub -Division Levy Fund? What is the total amount earned and allocated to the account over the past six years?

Answered by Mayor Cr Don Henderson

Council does not allocate interest on the Open Space Reserve back to the reserve.

Over the past six years Council has earned notionally approximately \$176,548 in interest from the funds allocated to the Open Space Reserve. These funds have been included in general revenue and used to benefit the Shire as a whole.

9.4. REQUESTS TO ADDRESS COUNCIL

Nil

10. OFFICERS' REPORTS

10.1. MID YEAR BUDGET REVIEW

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is for Council to approve and adopt the reviewed Budget for 2013-2014.

BACKGROUND

Council adopted the 2013-2014 Budget at its Ordinary Meeting held on 18 June 2013. Each year, Council reviews the budget at mid-year to take into account unanticipated changes in revenue and expenses, additional grants and projects.

ISSUE / DISCUSSION

Using October year to date results, responsible officers have completed an in-depth analysis of all income and expenditure in order to formulate a forecast to 30 June 2014.

All additional costs identified during the review have been offset by savings or additional income.

Projects not completed but committed to during 2012-2013 have been "carried forward" and included in the reviewed Budget.

An estimate of flood recovery expenditure has been included in the revised Budget, offset by anticipated reimbursements.

A reviewed set of Financial Statements are attached (refer Attachment 1). A list of all capital and other projects is also attached (Attachment 2).

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council has a statutory responsibility to prepare and adopt a budget. A reforecast to 30 June 2014 at mid-year supports good financial management and good governance.

The Council Plan is the Council's medium term planning tool which guides the development of the Council budget. The Council Plan strategic objectives are achieved through the funding of the activities and initiatives that support each objective within the Council Budget.

FINANCIAL IMPLICATIONS

The mid year budget review process has been undertaken to ensure that all unanticipated changes in revenue and expenses have been accounted for ensuring that the budgeted year end result will be achieved.

RISK IMPLICATIONS

This review will assist in decision making and help mitigate the risk that departments will exceed their budget allocations.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Any changes to projects that will impact on Council staff, our community or the environment have been detailed in the attachments.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

As per the Hepburn Shire's Community Engagement framework, level 1 engagement has been undertaken. This information will be available to the public via the minutes published on the Council's website.

This mid-year review and reforecast does not require specific community engagement under the *Local Government Act 1989*.

CONCLUSION

The mid-year budget review has been completed, and all additional costs have been offset by savings or increases in revenue.

OFFICER'S RECOMMENDATION

10.1.1 That Council approves and adopts the reviewed budget for the 2013-2014 financial year.

MOTION

<p>10.1.1. <i>That Council approves and adopts the reviewed budget for the 2013-2014 financial year.</i></p>
--

Moved: Councillor Pierre Niclas

Seconded: Councillor Bill McClenaghan

Amended.

AMENDED MOTION

That Council

- 10.1.1. *Approves and adopts the reviewed budget for the 2013-2014 financial year.*
- 10.1.2. *Commits a \$5,000 allocation to provide for the watering of the Trentham Recreation Reserve through the summer.*

Moved: Councillor Sebastian Klein
Seconded: Councillor Kate Redwood
Lost.

AMENDED MOTION

That Council

- 10.1.1. *Approves and adopts the reviewed budget for the 2013-2014 financial year.*
- 10.1.2. *Investigates the issue of a bore for the Trentham Recreation Reserve and whether this can be funded from the Open Space Reserve.*
- 10.1.3. *A report on the investigations to be presented to Council for consideration.*

Moved: Councillor Bill McClenaghan
Seconded: Councillor Pierre Niclas
Carried.

Councillor Bill McClenaghan called for a division.

Councillors that voted in favour of the motion: Councillor Bill McClenaghan, Councillor Pierre Niclas, Councillor Don Henderson, Councillor Neil Newitt.

Councillors that voted against the motion: Councillor Kate Redwood, Councillor Greg May, Councillor Sebastian Klein

MOTION

That Council:

- 10.1.1. *Approves and adopts the reviewed budget for the 2013-2014 financial year.*
- 10.1.2. *Investigates the issue of a bore for the Trentham Recreation Reserve and whether this can be funded from the Open Space Reserve.*
- 10.1.3. *A report on the investigations to be presented to Council for consideration.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 1 - FINANCIAL STATEMENTS

Income Statement for year ending 30 June 2014

	Annual Budget 2013/14 \$,000	Revised Budget 2013/14 \$,000	Variance \$,000	%	Note
Revenue from ordinary activities					
Rates and charges	16,226	16,226	0	0%	
Statutory fees and fines	645	630	-15	-2%	1
User charges	780	767	-13	-2%	2
Grants - Recurrent	6,274	6,380	106	2%	3
Grants - Non-recurrent	2,876	2,876	0	0%	
Contributions	12	12	0	0%	
Other revenue	1,372	2,565	1,193	87%	4
Total Revenue	28,185	29,456	1,271	5%	
Expenses from ordinary activities					
Employee benefits	11,238	11,238	0	0%	
Materials and services	7,578	9,108	1,530	20%	5
Bad and doubtful debts	5	113	108	2160%	6
Depreciation/amortisation	5,200	6,182	982	19%	7
Finance costs	320	320	0	0%	
Other expenses	951	951	0	0%	
Total Expenses	25,292	27,912	2,620	10%	
Surplus/Deficit for the year	2,893	1,544	-1,349	-47%	

Notes:

- Statutory Fees and Fines** - Planning fees are \$40,000 below budget whilst building fees are \$20,000 above budget.
- User Charges** - VIC merchandise sales are \$15,000 under budget which will be significantly offset by a reduction of \$10,000 in the cost of merchandise sold (which shows in the Materials & Services expense line item).
- Recurrent Grants** – The Victoria Grant Commission general allocation is \$82,000 above budget and the roads allocation is \$24,000 over budget.
- Other Revenue** – No provision was made in the budget for flood recovery activities. A number of unbudgeted flood recovery grants totalling \$1,042,000 will be received. Interest on Investments is \$50,000 above budget. The rent on a commercial property continues to be subject to a legal dispute. This rent was budgeted for at the proposed new (lower) level, but is currently being raised at the (higher) level stipulated in the current contract. This rent will be \$108,000 above budget but should the proposed rental be adopted, Council will incur a bad debt of \$108,000.

5. **Materials and services** – The operating costs associated with the flood recovery program were not included in the original budget. These costs of \$690,000 are fully funded by grants. Carry forward projects that will be expensed are \$742,000 and these are not included in the budget. A number of material and services variances have been identified and the net effect of these is that they are \$111,000 over budget. These cost overruns have been funded by the additional general grants commission allocation and interest on investments.
6. **Bad and doubtful debts** – As a result of the rent dispute discussed in the “Other Revenue” line item above, Council has the potential for a bad debt of \$108,000 above budget, which is fully offset by additional rental income.
7. **Depreciation/amortisation** – As a result of the asset revaluations adopted at 30 June 2013, the actual depreciation for 2013-14 will be \$982,000 above the budget. This is a non-cash expense.

In cash budget terms the following table sets out a summary of the key non-flood recovery changes to Council’s 2013-2014 cash budget.

Cash budget reconciliation	
Income	
Planning Fees	-40,000
Building Fees	20,000
Other Fees	-5,000
Merchandise Sales Income	-15,000
Other User Charges	2,000
VGC General Allocation	82,000
Grants - Grants Commission Local Roads Grant	24,000
Interest on Investments	50,000
Other Income	-7,000
Net Cash Income	111,000
Expenditure	
L2P - Hepburn Health 2012	-60,000
Legal - General Advice	-5,000
Legal - FOI	-5,000
Legal Advice-Bathhouse	-5,000
Trentham Spudfest	-8,000
VISDA 85% of rent returned to facility	-4,000
Roads Capital	-24,000
Net Cash Expense	-111,000

Cash Flow Statement for year ending 30 June 2014

	Annual Budget 2013/14 \$,000	Revised Budget 2013/14 \$,000	Variance \$,000	%	Note
Cash flows from operating activities					
<i>Receipts</i>					
General rates and charges	16,226	16,226	0	0%	
Grants - Recurrent	6,274	6,380	106	2%	
Grants & contributions - Non recurrent	2,984	2,984	0	0%	
Interest	280	330	50	18%	
User charges and fees	780	767	-13	-2%	
Other revenue	1,720	2,740	1,020	59%	
Total Receipts	28,264	29,427	1,163	4%	
<i>Payments</i>					
Employee costs	-12,661	-12,661	0	0%	
Other expenditure	-8,776	-10,306	-1,530	17%	
Total Payments	-21,437	-22,967	-1,530	7%	
Net cash provided by operating activities	6,827	6,460	-367	-5%	
Cash flows from investing activities					
Proceeds from sales of property, plant & equipment	296	421	125	42%	8
Payments for property, plant and equipment	-7,841	-16,085	-8,244	105%	9
Net cash used in investing activities	-7,545	-15,664	-8,119	108%	
Cash flows from financing activities					
Proceeds from borrowings	1,423	1,423	0	0%	
Repayment of borrowings	-632	-632	0	0%	
Net cash used in financing activities	791	791	0	0%	
Net increase/(decrease) in cash and cash equivalents	73	-8,413	-8,486	-11625%	
Cash and cash equivalents at the beginning of the year	4,252	16,285	12,033	283%	10
Cash and cash equivalents at end of the year	4,325	7,872	3,547	82%	

Notes:

8. **Proceeds from sale of plant** – Includes \$125,000 proceeds from the trade-in of plant and vehicles purchased from funds carried forward from 2012-2013.
9. **Payments for property, plant and equipment** – Includes \$4,746,000 flood recovery capital works and \$3,498,000 carried forward capital works, neither of which were included in the budget.
10. **Cash at the start of the year** – Includes \$4,370,000 flood recovery grants in advance, \$4,142,793 unspent funds carried forward and \$2,058,000 Victoria Grants Commission allocation in advance.

Balance Sheet as at 30 June 2014

	Annual Budget 2013/14 \$,000	Revised Budget 2013/14 \$,000	Variance \$,000 %	
Current assets				
Cash and cash equivalents	4,325	7,872	3,547	82%
Trade and other receivables	2,260	2,345	85	4%
Other assets	80	610	530	663%
Total current assets	6,665	10,827	4,162	62%
Non-current assets				
Financial assets	521	250	-271	-52%
Investment in associates	40	0	-40	-100%
Property, infrastructure, plant and equipment	211,322	211,425	103	0%
Total non-current assets	211,883	211,675	-208	0%
Total assets	218,548	222,502	3,954	2%
Current liabilities				
Trade and other payables	3,397	2,541	-856	-25%
Interest-bearing loans and borrowings	651	2,041	1,390	214%
Trust funds and deposits	1,061	1,044	-17	-2%
Other liabilities	86	207	121	141%
Provisions	1,909	1,894	-15	-1%
Total current liabilities	7,104	7,727	623	9%
Non-current liabilities				
Interest-bearing loans and borrowings	3,776	2,386	-1,390	-37%
Other liabilities	188	188	0	0%
Provisions	580	525	-55	-9%
Total non-current liabilities	4,544	3,099	-1,445	-32%
Total liabilities	11,648	10,826	-822	-7%
Net assets	206,900	211,676	4,776	2%
Equity				
Accumulated surplus	131,817	134,156	2,339	2%
Asset revaluation reserve	74,091	76,433	2,342	3%
Other reserves	992	1,087	95	10%
Total equity	206,900	211,676	4,776	2%

ATTACHMENT 2 - 2013-2014 CAPITAL AND PROJECT PROGRAM

Capital works and projects program for the year ending 30 June 2014			
Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
ROADS & BRIDGES			
Asset renewal			
Reseal Council Roads (shire wide)	0	1,215,000	1,215,000
Gravel Resheets - Roads (shire wide)	0	524,600	524,600
Revaluation (Maloney)	25,090	0	25,090
McLennans Rd gravel road works	0	127,750	92,756
Reseal Preparation (shire wide)	0	85,000	85,000
Bridge Rehabilitation (shire wide)	125,423	640,000	765,423
Bridge Replacement Design - 2nd part for Wheelers Bridge	116,144	0	116,144
Bleakley St Bridge Design & Construction (Walking & Cycling Projects 9,10,11)	93,255	0	125,000
Footpath Rehabilitation (shire wide)	180,143	65,500	244,598
Albert St, Daylesford Footpath - Special Charge Scheme	1,920	0	2,965
Hepburn Springs Pedestrian Strategy Implementation	24,835		24,835
Kerb & Channel Rehabilitation (shire wide)	0	135,000	135,000
Signage Renewal - LGIF	11,050	0	14,299
Pavement Rehabilitation, Formation & Drainage (shire wide)	0	1,831,466	1,831,466
Total asset renewal	577,860	4,624,316	5,202,176
Asset expansion/upgrade			
Installation of Traffic Calming kerbs and signs to discourage heavy vehicles from using Stanbridge Street	0	25,000	25,000
Total asset expansion/upgrade	0	25,000	25,000

Capital works and projects program for the year ending 30 June 2014			
Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
New assets			
Planning and design of the Slaty Creek Pedestrian Bridge	0	20,000	20,000
Creswick Flood Mitigation Plan Implementation	499,639	0	499,639
Creswick Flood Mitigation Works-Stage 2	0	771,519	771,519
Total new assets	499,639	791,519	1,291,158
TOTAL ROADS & BRIDGES	1,077,499	5,440,835	6,518,334
DRAINS			
Asset renewal			
Golf Links Road Easement Hepburn (easement)	67,000	0	67,000
Total asset renewal	67,000	0	67,000
TOTAL DRAINS	67,000	0	67,000
RECREATION			
Asset renewal			
Playground Renewal program	0	22,000	22,000
Trentham Pool Solar Heating Coils	0	25,000	25,000
Calembeen Park Creswick Tower Relocation	103,953	0	103,953
Crossing Borders Tracks and Trails	19,990	0	19,990
Doug Lindsay Recreation Reserve Resurfacing	33,551	0	33,551
Trentham Football Netball Application	10,000	0	10,000
Netball Court Resurfacing - Hepburn & Newlyn	0	50,000	50,000
Hard-court annual Renewal Program	0	10,000	10,000
Total asset renewal	167,494	107,000	274,494

Capital works and projects program for the year ending 30 June 2014			
Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
TOTAL RECREATION	167,494	107,000	274,494
LAND & BUILDINGS			
Asset renewal			
General Building Renewal	20,007	250,000	270,007
Depot Portable Accommodation	73,120	0	73,120
Daylesford PAG modifications	35,362	0	35,362
Mineral Springs Lake Daylesford Bore	60,322	0	60,322
Clunes Bottle Museum Repairs & Asbestos Removal	0	200,719	200,719
Creswick Calembreen Park Reserve - Improvement Works	0	125,000	125,000
Renovation of Caretakers Cottage - Hepburn Mineral Springs Reserve	0	40,000	40,000
Clunes Town Hall Engineers Report	0	5,000	5,000
Total asset renewal	188,811	620,719	809,530
Asset expansion/upgrade			
Trentham Community Facilities Review Implementation	0	22,500	22,500
Clunes Community & Interpretative Centre Design & Construction	712,938	0	712,938
Cameron Court units	580,336	0	580,336
Total asset expansion/upgrade	1,293,274	22,500	1,315,774
TOTAL BUILDINGS	1,482,085	643,219	2,125,304

Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
PLANT, EQUIPMENT and OTHER			
Asset renewal			
Capital Fleet & Plant Replacement	491,829	1,018,000	1,509,829
Annual Computer hardware renewal	0	58,000	58,000
Corporate Information System	27,544	0	27,544
Relocation of Mineral Water Tank Farm at Hepburn Springs Mineral Reserve	0	96,000	96,000
Waste Strategy - Capital Requirements	19,594		19,594
Library Books renewal	0	50,000	50,000
Total asset renewal	538,967	1,222,000	1,760,967
New Assets			
Triple Interceptor Pit Installation (Creswick Depot)	0	8,000	8,000
Streetscape Revitalisation Planning- Creswick, Clunes, Hepburn, Glenlyon & Trentham	0	120,000	120,000
Daylesford streetscape works	0	300,000	300,000
Total new assets	0	428,000	428,000
TOTAL PLANT, EQUIPMENT and OTHER	538,967	1,650,000	2,188,967
TOTAL CAPITAL WORKS 2013-14	3,333,045	7,841,054	11,174,099
Asset renewal	1,540,132	6,574,035	8,114,167
New assets	499,639	1,219,519	1,719,158
Asset expansion/upgrade	1,293,274	47,500	1,340,774

Capital works and projects program for the year ending 30 June 2014			
Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
Telephony System	0	40,000	40,000
Old Council Depot Demolition & Decontamination	0	40,000	40,000
Business Analyst	0	120,000	120,000
Organisational Development Resource	0	50,708	50,708
Proactive Tree Removal (risk mitigation)	0	70,000	70,000
Annual Oval fertilisation and Maintenance	0	15,000	15,000
Service Reviews	0	20,000	20,000
Advancing Country Towns project contribution - Shopfront reactivation	0	5,000	5,000
Advancing Country Towns project contribution - Clunes Booktown Transformation	0	5,000	5,000
Street Tree Replacement - LGIF	25,395	0	25,395
Lindsay Arts Trail - Stage 3 Design	2,015		2,015
Lindsay Arts Trail - Stage 4 Construction (Council \$)	100,000	0	100,000
Advancing Country Towns	370,033	78,073	448,106
Chinese Sister City	2,581	0	2,581
Significant Tree Register	5,000	0	5,000
MSS Review	10,000	0	10,000
Preschools Project	26,278	0	26,278
Volunteer Capacity (Flood)	17,412	0	17,412
HPV Vaccination Program	2,380	0	2,380
Wombat Trail Stage 1 (Walking & Cycling Project 15)	15,000	0	15,000
Industrial Land Study	67,000	0	67,000
Public Health & Wellbeing Plan	8,920	0	8,920
Bio-energy Pilot Study	20,773	0	20,773
HACCPAC Mobile	46,117	0	46,117
Revegetation of Roadsides	40,500	0	40,500

Capital Works and Projects Area	Carry Forwards	Adopted Budget	Total Budget
Wayfinding Initiative Clunes Talbot Creswick	8,625	0	8,625
Planning Panels - Hepburn Planning Scheme	10,000	0	10,000
Trentham Community Facilities Review	22,180	0	22,180
Domestic Wastewater Management Plan Review	0	20,000	20,000
Bulk change energy efficient street lighting	0	45,000	45,000
Hepburn Shire Council Services & Community Hub planning	0	250,000	250,000
Website Redevelopment including Branding Review	0	25,000	25,000
Council Contribution to Anzac Centenary	0	5,000	5,000
Planning for the Redevelopment and Relocation of the Creswick Skate Park	0	5,000	5,000
Creswick Events support (Four Seasons)	0	18,000	18,000
TOTAL OTHER PROJECTS	800,209	811,781	1,611,990
Environmental Projects and Initiatives			
Contribution to Land Care Groups	0	30,000	30,000
Sustainability Community Grants	0	13,000	13,000
Planet Footprint; ICLEI & Eco Buy subscriptions	0	7,800	7,800
Roadside Survey for Shire Roadside Management Plan	0	45,050	45,050
Victorian Local Sustainability Accord project	9,540	0	9,540
TOTAL ENVIRONMENTAL PROJECTS & INITIATIVES	9,540	95,850	105,390
TOTAL ALL PROJECTS	4,142,794	8,748,685	12,891,479

10.2. NAMING OF THE CLUNES COMMUNITY AND INTERPRETIVE CENTRE GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to recommend that Council adopt a new name for the Clunes Community and Interpretive Centre (CCIC).

BACKGROUND

Following the completion of the construction of the project and development of signage for the CCIC, the *What's in a Name Competition* was launched. Community members were invited to submit suggested names for the Centre, the community meeting room and the community activity space.

- 11 entries have been received for the whole centre;
- 10 entries have been received for the community meeting room; and
- 10 entries have been received for the community activity space

A full list of entries is included in Attachment 3.

ISSUE / DISCUSSION

Following consideration by Council's internal Project Control Group, it is proposed that the building be named The Warehouse - Clunes. The name reflects the original purpose of the building as *".....the former warehouse of contractors Nichol and Wallace who supplied goods to the miners, farmers and residents, of what was then a very busy mining town"* (Clunes Museum website). The new facility will continue to supply goods and services to the community and is considered a contemporary name with strong historical connections, linking new and old.

It is proposed that the Clunes Community and Interpretive Centre Special Committee be authorised to determine names for the community meeting room and community activity space.



COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Not applicable

FINANCIAL IMPLICATIONS

Any costs associated with naming the building are included in the CCIC building and fit out budget.

RISK IMPLICATIONS

Nil identified

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil identified

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The *What's In A Name Competition* was advertised in a CCIC Fact Sheet that was distributed to all households in Clunes, on Council's website and on Council's Advocate page.

CONCLUSION

The Warehouse – Clunes is a contemporary name with strong historical connections, linking new and old.

OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Renames the Clunes Community and Interpretive Centre as The Warehouse – Clunes.
- 10.2.2 Authorises the Clunes Community and Interpretive Centre Special Committee to determine names for the community meeting room and community activity space.

MOTION

That Council:

- 10.2.1. Renames the Clunes Community and Interpretive Centre as The Warehouse – Clunes.*
- 10.2.2. Authorises the Clunes Community and Interpretive Centre Special Committee to determine names for the community meeting room and community activity space.*

Moved: Councillor Neil Newitt
Seconded: Councillor Kate Redwood
Carried.

**ATTACHMENT 3 - COMPETITION ENTRIES – ‘WHAT’S IN A NAME
COMPETITION’**

WHAT'S IN A NAME - CENTRE		
Entry #	Proposed Name	Relevance to Clunes
1	The Cameron Centre	After Donald Cameron, who was the first settler in Clunes, in 1839. This is very appropriate for a Centre which has a Historical Museum as one of it's main components.
2	Jumbunna - To Talk Together	In 2004 a section was added to the Victorian Constitution by the Victorian Parliament recognising Victoria's Aboriginal people as the original custodians of the land. With this in mind, Clunes should pay respect to the first people by naming the CCIC for the land it has been built on.
3	Donald Cameron Access Centre	First Settler in Clunes in 1839.
4	Roz O'Brien Centre	She started the museum. Ripping down the old lath(sic) and plaster with her own hands.
5	The Djadja Wurrung Community Space	Recognition of the first community in the Clunes area.
6	The Djadja Wurrang Encompass Centre(sic)	Clunes was originally the land of the Djadja Wurrang people. The land has changed a lot since then, however, I think it is important to encompass them into it. (Sic)
7	The Plastic Building of Clunes	The building is in Clunes and should be made of bricks like the Museum it was built on, but it is made of glass and wood and doesn't fit in with the rest of the town.
8	The John Longstaff Centre	In recognition of the historical and cultural significance of Clunes' artist who ultimately became Sir John Longstaff.
9	N/A - only proposed one of the rooms	N/A
10	The Warehouse	Museum / CCIC is in former Nichol Wallace Warehouse. Built in 1858 - 63.
11	The Port Phillip Golden Villiage Museum(sic)	The Port Phillip Gold Mine; Golden - Gold; Villiage(sic) - Community

12	N/A - only proposed one of the rooms	N/A
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WHAT'S IN A NAME -COMMUNITY MEETING ROOM (40 People)		
Entry #	Proposed Name	Relevance to Clunes
1	I suggest holding a blind auction amongst any interested Clunes residents who can trace their ancestry back to the early days, to name each of these rooms after one of their ancestors, or with their family name. The money donated through such an auction could be donated to a worthy cause, such as the Clunes Youth Programs	It would be very appropriate to name the rooms after early settlers in Clunes, and also appropriate to forge a link from the past to the present generation, by supporting the youth through donations.
2	Wandarrah - Meeting Place	In 2004 a section was added to the Victorian Constitution by the Victorian Parliament recognising Victoria's Aboriginal people as the original custodians of the land. With this in mind, Clunes should pay respect to the first people by naming the Meeting Room in an effort to retain the indigenous language.
3	Templeton Room	Official Surveyor of Clunes
4	Roz O'Brien Community Meeting Room	She started the museum. Ripping down the old lath(sic) and plaster with her own hands.
5	Donald Cameron Room	In recognition of the first European Settler
6	The Mt Beckworth Meeting Space	Mt Beckworth is one of the main landmarks of Clunes. I think it is important to idolize this.
7	The Meeting Room for Old Miners	People are somewhat mainly old and there was once miners in this town.
8	N/A - only proposed the centre name	N/A

9	N/A - only proposed the Community Activity Space	N/A
10	N/A - only proposed the centre name	N/A
11	The Cameron Room	Donald Cameron and Mount Cameron
12	The Esmond Room	First person to discover gold in the Clunes area and sparked the gold rush.

WHAT'S IN A NAME -COMMUNITY ACTIVITY SPACE (100 People)		
Entry #	Proposed Name	Relevance to Clunes
1	I suggest holding a blind auction amongst any interested Clunes residents who can trace their ancestry back to the early days, to name each of these rooms after one of their ancestors, or with their family name. The money donated through such an auction could be donated to a worthy cause, such as the Clunes Youth Programs	It would be very appropriate to name the rooms after early settlers in Clunes, and also appropriate to forge a link from the past to the present generation, by supporting the youth through donations.
2	Milpera - Gathering of People	In 2004 a section was added to the Victorian Constitution by the Victorian Parliament recognising Victoria's Aboriginal people as the original custodians of the land. With this in mind, Clunes should pay respect to the first people by naming the Community Activity Space in an effort to retain the indigenous language.
3	Gold Space	Gold Discovery
4	Roz O'Brien Community Activity Space	She started the museum. Ripping down the old lath(sic) and plaster with her own hands.
5	1851	To commemorate the year the Gold Rush really took off in Clunes.
6	The Golden Space	Clunes is known for it's gold rush and I think it would help people to remember it more.
7	Only One Platypus	This town has a creek and Platypus's(sic) have been spotted.
8	N/A - only proposed the centre name	N/A

9	The Marny Fenton Gallery	Marny Fenton, along with Ros O'Brien (whose interest was the preservation of newspapers) was the mastermind behind the establishment of the Clunes Museum. Her impact on the Clunes Museum was enormous and we are truly indebted to her. She is also in the process of writing a history of the museum. Understandably she is in awe of the redevelopment. The Marny Fenton Gallery would be a fitting tribute to someone who would never have believed her dream would become what it is today.
10	N/A - only proposed the centre name	N/A
11	The Beckworth Room	Mount Beckworth
12	The Esmond Room	First person to discover gold in the Clunes area and sparked the gold rush.

10.3. EMPTY SPACES PROJECT - PROPOSED TEMPORARY LICENCE - 53 FRASER STREET, CLUNES
GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to recommend that Council enter into a 30 day rolling licence agreement with Renew Initiatives Australia Limited for use of the 'old' Clunes Library, 53 Fraser Street, Clunes as part of the *Empty Spaces Project*.

BACKGROUND

Fully funded by the Advancing Country Towns Project, Hepburn Shire Council and Central Goldfields Shire Council have engaged Renew Australia (Renew) to complete the *Empty Spaces Project* in Creswick, Clunes and Talbot.

This project seeks to activate some of the currently underutilised and vacant spaces in Creswick and Clunes with creative enterprises and independent local initiatives.

ISSUE / DISCUSSION

In order to gain access to underutilised spaces, Renew enters into licence agreements with the property owners. These licences permit Renew to have access to properties and the ability to sub-licence the property on a rolling 30-day basis.

Through the sub-licence, properties are then made available rent-free to suitable creative enterprises. Property owners (Licensors) can give 30-days' notice at any time to terminate the licence, ensuring no commercial returns are lost.

The 'old' Clunes Library, 53 Fraser Street Clunes (library), has been identified as a potential 'empty' space that could be utilised as part of this project.

Currently the library is being offered for sale. It is expected that, were the building sold, the shortest settlement period would be 30 days.

A copy of the proposed licence is attached (refer Attachment 4).

Key aspects of the Licence agreement are:

- As Licensor, Council would Licence the building to the Licensee - Renew Initiatives Australia Limited.

- Renew are then able to sub-licence the building to a 'participant' through a 'participation agreement'.
- The 'participant' who utilises the property would be "an individual or organisation engaging in cultural activities comprising the permitted uses".
- The standard 'permitted uses' are "to operate retail, office, studio, meeting and workshop spaces for arts activities, creative enterprises, or community uses, or other undertakings by negotiation"
- The Licensee (Renew) will cover the cost of any outgoings - all charges for water, electricity and gas.
- No alterations to the property may be made without the Licensor's consent.
- The Licensee (Renew) will at all times maintain public risk insurance and all other insurances which are required by Law.
- The Licensee (Renew) will make good the Licensed Area (Library) upon expiry or earlier termination of the Licence.

If the Licence is approved, there would then be an expression of interest process seeking creative enterprises who are interested in utilising the property.

Renew have three standard guiding principles when assessing expressions of interest, they are:

1. That they would add life to the area: The Empty Spaces Project will favour projects that will attract new visitors to the three towns.
2. That it is unique: It is not about replicating other shops, competing with existing businesses, or filling every space with the same type of business. This project seeks to provide the community with a range of cultural and creative opportunities.
3. That it is ready: Empty Spaces Project is keen to support enterprises that are ready to take that step up and can demonstrate their commitment based on previous experience. Ideally, selected projects will have capacity to move in and start making use of the space soon after their proposals are approved.

The project Steering Committee will be presented with a short list of the expressions received to provide input into the successful enterprise.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective - Active and Engaged Communities

Key Strategic Activity:

1. Support and develop existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shire's economic base.

Action: Implement priority actions flowing from the Advancing Country Towns (ACT) program.

FINANCIAL IMPLICATIONS

The *Empty Spaces Project* is fully funded through the Advancing Country Towns program.

There are no financial implications for Council as Renew will:

- Cover the cost of any outgoings for the building - all charges for water, electricity and gas.
- Make good the Licensed Area upon expiry or earlier termination of the Licence.

RISK IMPLICATIONS

As part of the process to licence the building to Renew, the following steps will be taken to reduce risks associated with licensing the building:

- Prior to a 'participant' being able to utilise the building a building condition report will be completed by Renew and Council Officers.
- Once a 'participant's' licence is complete, the building will be checked against the initial building condition completed. Any change to the condition of the building will be Renew's responsibility to make good.
- No alterations to the property may be made without the Licensor's (Council) consent.
- The Licensee (Renew) will at all times maintain public risk insurance and all other insurances which are required by Law.
- Following the expression of interest process, the internal Council project steering committee will have final sign-off on the 'participant' approved to use the building.
- At any time Council can cease the licence agreement with 30 days notice.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The *Empty Spaces Project* utilises an innovative approach to activate underutilised and vacant spaces, attract visitors to the area, reduce barriers for creative enterprises to gain access to a shopfront and increase economic development within Creswick and Clunes.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

An initial community meeting has been held in both Creswick and Clunes to commence the project. Renew are currently engaging with vacant shop owners in Creswick and Clunes in order to gain access to vacant spaces.

Additional community engagement will take place in early 2014 to call for creative enterprises to take part in the project.

CONCLUSION

The 'Old Clunes Library', 53 Fraser Street, Clunes has been declared surplus to Council's needs and whilst still progressing its sale, the *Empty Spaces Project* offers an opportunity to make the building more attractive for sale whilst also taking a leading role in supporting the *Empty Spaces Project*.

OFFICER'S RECOMMENDATION

That Council:

- 10.3.1 Enters into a Licence with Renew Initiatives Australia Limited for use of 53 Fraser Street, Clunes as part of the Empty Spaces Project.
- 10.3.2 Authorises the Chief Executive Officer and Mayor to sign and seal the attached licence document.

MOTION

That Council:

- 10.3.1. *Enters into a Licence with Renew Initiatives Australia Limited for use of 53 Fraser Street, Clunes as part of the Empty Spaces Project.*
- 10.3.2. *Authorises the Chief Executive Officer and Mayor to sign and seal the attached licence document.*

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

**ATTACHMENT 4 - RENEW INITIATIVES AUSTRALIA LIMITED –
LICENCE DEED**

Renew Initiatives Australia Limited – Licence Deed

Details

Licensee

Name: Renew Initiatives Australia Limited
 ACN: 151 699 160
 Address: Level 1 Studios/242 Victoria St, Brunswick VIC 3056

Contact

Name: Marcus Westbury
 Phone: (03) 9982 0785
 Email: marcus@renewaustralia.org
 Position: Director
 Fax: (03) 9982 0786

Licensor

Name: Hepburn Shire Council
 ABN: 76 845 763 535
 Address: 76 Vincent Street, Daylesford Vic 3460

Contact

Name: Adam McSwain
 Phone: (03) 5345 9211
 Email: amcswain@hepburn.vic.gov.au
 Position: Manager Community Development
 Fax: (03) 5345 8041

Commencement Date	1/1/14	Termination Date	31/12/14
Licence Fee	\$ 1.00	Notice Period	30 days

Recitals

- This Deed is made up of the Details, Defined Terms, Interpretation, Standard Terms and any schedule or annexure to those documents. All capitalised terms in this Deed have the meaning set out next to the relevant term in the Details or Defined Terms.
- By signing this Deed the parties acknowledge having carefully read and understood, and agree to be bound by, the terms of this Deed.
- By signing this Deed the person signing this Deed on behalf of each party warrants he/she has full authority to sign on behalf of that party.

SIGNED, SEALED AND DELIVERED for and on behalf of the Licensee by:

.....
 Signature

.....
 Name

.....
 Position

SIGNED, SEALED AND DELIVERED for and on behalf of the Licensor by:

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

..... : Mayor

..... : Chief Executive Officer

Thisday of.....,2013.

Defined Terms

Deed	Deed
Approval	means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Deed.
Asbestos	means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock forming minerals, including actinolite, amosite (brown asbestos), crocidolite (blue asbestos), chrysotile (white asbestos), tremolite, or any mixture containing one or more of these minerals.
Authority	means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person.
Business Day	means a day on which banks are open for general banking business in Victoria, excluding Saturdays and Sundays.
Claim	includes any claim, demand, remedy, suit, injury, damage, loss, cost, charge, expense, liability, action, proceeding and right of action.
Common Areas	means any areas of land on which the Licensed Area is located or buildings of which the Licensed Area form a part and which are provided for common use by the Licensor, other occupants of the land or buildings or members of the public, including walkways, pavements, docks, driveways, access and egress roads, the entrances, lobbies, corridors, passages, stairways, lifts, escalators, toilets, tearooms and washrooms.
Deed	means this deed which consists of the Details, Defined Terms, Interpretation, Standard Terms and any schedule or annexure to those documents.
GST	means a tax imposed under GST Law.
GST Law	has the same meaning given in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
Hazardous Substances	includes anything, other than the Licensee's Material, which may create a risk to the health or safety of the Licensee, its invitees or visitors. The criteria for identifying whether a substance is a Hazardous Substance are those set out in the Australian Safety and Compensation Council document entitled: <i>Approved Criteria for Classifying Hazardous Substances NOHSC (1008:2004)</i> , published by the Australian Government Publishing Service, Canberra (as amended from time to time).
Holding Over Period	means the period which commences on the expiry of the Term and continues until terminated in accordance with clause 6.2 of the Standard Terms.
Insured Amount	means \$20,000,000.
Law	means any: <ul style="list-style-type: none"> (a) law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation; (b) Approval, including any condition or requirement under it; and (c) fees and charges payable in connection with the things referred to in paragraphs (a) and (b).
Licensed Area	means the area set out in the plan attached at Schedule 1 of the Standard Terms.
Licensee's Material	means those substances and materials brought onto the Licensed Area by the Licensee which are required to be used by the Licensee in accordance with the Permitted Use.
Outgoings	means all charges for water, electricity and gas incurred in respect of the Licensed Area.
Participation Agreement	means the agreement between the Licensee and the Participant setting out terms for the sub-licence of the Licensed Area by the Licensee to the Participant.
Participant	means an individual or organisation engaging in cultural activities comprising the Permitted Uses.
Parties	means the Licensee and the Licensor.
Permitted Uses	means the permitted uses set out in Schedule 2 of the Standard Terms.

Requirement	includes any requirement, notice, order, direction, recommendation, stipulation, or similar notification received from or given by any Authority or pursuant to any Law, whether in writing or otherwise.
Tax Invoice	has the meaning given by section 195-1 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
Term	means the period described in clause 2 of the Standard Terms.

Interpretation

In this Deed, unless the context indicates a contrary intention:

Documents	a reference to this Deed or another document includes any document which varies, supplements, replaces, assigns or novates this Deed or that other document.
References	a reference to the background, a Party, clause, paragraph, schedule or annexure is a reference to the background, a Party, clause, paragraph, schedule or annexure to or of this Deed.
Headings	clause headings and the table of contents are inserted for convenience only and must not be used when interpreting this Deed.
Corporation	a reference to a corporation includes its successors and permitted assigns.
Rights and obligations	a reference to a right or obligation of a Party is a reference to a right or obligation of that Party under this document.
Requirements	a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done.
Including	including and includes are not words of limitation.
Corresponding meanings	a word that is derived from a defined word has a corresponding meaning.
Singular	the singular includes the plural and vice-versa.
Parts	a reference to one or more things includes each part and all parts of that thing or group of things.
Rules of construction	neither this Deed nor any part of it is to be construed against a Party on the basis that the Party or its lawyers were responsible for its drafting.
Legislation	a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it.
Time and date	a reference to a time or date in connection with the performance of an obligation by a Party is a reference to the time and date in Victoria, Australia even if the obligation is to be performed elsewhere.

Renew Initiatives Australia Limited – Licence Deed – Standard Terms

1	Background	7.2	The Licensee must pay the Outgoings to the Licensors on a monthly basis, unless otherwise specified in a Participation Agreement.
	The Parties have agreed that the Licensee should be granted the right to use the Licensed Area in accordance with the terms and conditions of this Deed.	8	Licensee's obligation to obtain consent
2	Grant of licence	8.1	If the Permitted Uses are permissible only with an Approval the Licensee will obtain that Approval prior to exercising its rights under this Deed.
2.1	Subject to the terms and conditions of this Deed, the Licensors grants to the Licensee a licence to enter and use the Licensed Area for the Permitted Uses for the period commencing on the Commencement Date and continuing until the Termination Date and any Holding Over Period.	8.2	The Licensee acknowledges and declares that:
2.2	The Licensors acknowledges and agrees that the Licensee will sub-licence the occupation and use of the Licensed Area to a Participant.	(a)	no promise, representation, warranty or undertaking has been given by or on behalf of the Licensors as to any Approval or how the Licensed Area may be used or in respect of the suitability of the Licensed Area for any business or activity to be carried on, at or from the Licensed Area;
2.3	To the event of any inconsistency between this Deed and the Participation Agreement, this Deed will prevail.	(b)	it has made its own appraisal of the suitability of the Licensed Area for the Permitted Uses; and
3	No proprietary interest	(c)	it is aware of all prohibitions and restrictions applying to the Licensed Area, Requirements and orders of Authorities and all Law.
3.1	The Licensee agrees that it:	8.3	The Licensee must obtain, renew on time and comply with the terms of each Approval necessary to carry on the Permitted Use.
	(a) is not a tenant of the Licensors; and	9	Licensee's obligation to comply with Laws
	(b) has no proprietary interest in the Licensed Area or the Common Area.		The Licensee and the persons under its control must comply on time with all Requirements and all Laws in connection with the Licensed Area and any Common Areas and the use or occupation of the Licensed Area and any Common Areas.
4	Common Areas	10	Notice of damage by Licensee
4.1	The Licensors grants to the Licensee the right to use and access any Common Areas required by the Licensee to carry out the Permitted Uses.	10.1	The Licensee must notify the Licensors of:
4.2	The Licensee agrees to comply with all reasonable directions given by the Licensors from time to time regarding use of any Common Areas by the Licensee.	(a)	any damage, accident to or defects in the Licensed Area that arise after the Commencement Date; and
5	Term	(b)	any circumstances likely to cause any damage to the Licensed Area,
5.1	The term of this Deed:		as soon as possible upon the Licensee becoming aware of them.
	(a) commences on the Commencement Date (as set out next to "Commencement Date" in the Details) and its provisions bind the Parties on and from that date subject to earlier termination pursuant to clause 20; and	11	No alterations without consent
	(b) ends at midnight on the Termination Date (as set out next to "Termination Date" in the Details),	11.1	Unless otherwise permitted by this Deed, the Licensee must not erect any improvements or make any material additions or material alterations to the Licensed Area without first:
	(the Term).	(a)	obtaining the Licensors's prior written consent (which may be withheld or given on conditions in the Licensors's absolute discretion); and
6	Holding Over Period	(b)	obtaining the consent of any Authority whose approval is necessary to enable the work to be lawfully carried out.
6.1	On the expiration of the Term the Deed will continue for the Holding Over Period on the same terms and conditions as those contained in this Deed (as applicable).	11.2	All work carried out under clause 11.1 must be carried out by and at the expense of the Licensee and to the reasonable satisfaction of the Licensors.
6.2	During the Holding Over Period, the Deed may be terminated by either Party giving 30 days written notice to that effect to the other Party.		
7	Licensee to pay Licence Fee		
7.1	The Licensee must pay the Licence Fee to the Licensors for the Term and during any Holding Over Period.		

12	Licensee's other obligations				
12.1	The Licensee must:				
	(a)	give the Licensor the current private address and telephone number of a manager, secretary or other responsible person employed by the Licensee;		(a)	view the state of the Licensed Area and to ascertain whether there has been any breach of this Deed;
	(b)	give the Licensor a copy of any notice from any Authority regarding the Licensed Area or any Common Areas;		(b)	carry out repairs or other works to the Licensed Area;
	(c)	do not do anything in or about the Licensed Area or any Common Areas which in the reasonable opinion of the Licensor is noxious, offensive, audibly or visually a nuisance or which interferes with the use of any neighbouring properties; and		(c)	comply with any Laws affecting the Licensed Area or with any notice served by any Authority for which the Licensee is not responsible under this Deed; or
	(d)	make good the Licensed Area upon expiry or earlier termination of this Deed.		(d)	install, maintain, use, repair, alter, service and replace any services to the Licensed Area,
					so long as the Licensor, acting reasonably, minimises any undue disturbance to the Licensee's use of the Licensed Area.
13	Licensee's representations and warranties		16	Assignment	
					The Licensee must not assign, sub-licence, or otherwise deal with the Licensed Area or this Deed without the Licensor's prior written consent.
13.1	The Licensee represents and warrants that:		17	Licensee to occupy Licensed Area at its risk	
	(a)	it has power to enter into and observe its obligations under this Deed;	17.1		Subject to clause 17.2, the Licensee agrees to occupy and use the Licensed Area at the Licensee's risk and releases to the full extent permitted by Law the Licensor from all Claims of any kind and from all liability which may arise in respect of any accident, damage or injury to any person or property occurring on the Licensed Area in connection with:
	(b)	it has in full force and effect the Approvals necessary to enter into this Deed, observe obligations under it, and allow it to be enforced; and		(a)	the use of the Licensed Area by the Licensee; or
	(c)	its obligations under this Deed are valid and binding and are enforceable against the Licensee in accordance with the terms of this Deed.		(b)	a failure by the Licensee or persons under the Licensee's control to comply with its obligations under this Deed.
14	Licensor's representations and warranties				unless it is caused by the act, negligence or default of the Licensor.
14.1	As at the date of this Deed, the Licensor represents and warrants that:		17.2		For the avoidance of doubt, the Licensor will remain liable for any loss or damage arising from any accident, damage or injury to any person or property arising from any defect in the Licensed Area that the Licensor either:
	(a)	it has power to enter into and observe its obligations under this Deed;		(a)	knew of and did not disclose to the Licensee; or
	(b)	it has the power to grant the licence regarding the Licensed Area to the Licensee under this Deed;		(b)	ought to have known of and disclosed to the Licensee,
	(c)	the grant of the licence to the Licensee under this Deed does not infringe any rights of any third party;			at the time of entering into this Deed.
	(d)	the exercise by the Licensee of its rights under this Deed will not infringe any rights of any third party; and	18	Licensee's indemnity	
	(e)	it is not aware of the presence of materials containing Asbestos or any other Hazardous Substances in or around the Licensed Area.	18.1		The Licensee (in the absence of any negligent or wilful act or omission on the part of the Licensor or persons under its control) indemnifies the Licensor to the fullest extent permitted by Law, from and against all Claims of any nature suffered or incurred by the Licensor arising directly or indirectly from or in connection with:
15	Licensor's rights as owner of the Licensed Area			(a)	any matter associated with the use by the Licensee or the Participant of the Licensed Area;
15.1	The Licensor can enter the Licensed Area with all necessary workers, materials and equipment at all reasonable times and on reasonable notice (but at any time without notice in an emergency) to:			(b)	any breach of this Deed by the Licensee;
				(c)	any accident or damage to property on the Licensed Area to the extent caused by the act or omission of the Licensee;

	(d) any accident or injury suffered by any person or any damage to the property of any person on the Licensed Area to the extent caused by the Licensee or the Participant; or		email, fax or post) when delivered, received or left at the specified address.
		25	Relationship between Parties
18.2	For the avoidance of doubt, clause 18.1 will not apply to the extent that the Licensor causes or contributes to any Claims, including any failure to notify the Licensee of any defects in the Licensed Area as required under clause 17.2.	25.1	Nothing in this Deed:
		(a)	constitutes a partnership between the Parties; or
		(b)	except as expressly provided, makes a Party an agent of another Party for any purpose.
19	Licensor's indemnity		
19.1	The Licensor (in the absence of any negligent or wilful act or omission on the part of the Licensee or persons under its control) indemnifies the Licensee to the fullest extent permitted by Law, from and against all Claims of any nature suffered or incurred by the Licensee arising directly or indirectly from or in connection with:	25.2	A Party cannot in any way or for any purpose:
	(a) any breach of this Agreement (including the Licensor's warranties in clause 14) by the Licensor or persons under its control;		(a) bind another Party; or
	(b) any accident, damage or injury to property on the Licensed Area to the extent caused by the act or omission of the Licensor or persons under its control; or		(b) contract in the name of another Party.
	any accident, damage or injury suffered by any person or the property of any person on the Licensed Area to the extent caused by the Licensor or persons under its control.	25.3	If a Party must fulfil an obligation and that Party is dependent on another Party, then that other Party must do each thing reasonably within its power to assist the other in the performance of that obligation.
		26	Time for doing acts
		26.1	If the time for doing any act or thing required to be done or a notice period specified in this Deed expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
20	Deed Termination	26.2	If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.
	Either Party may terminate this Deed immediately by giving notice to the other Party in accordance with the Notice Period set out in the Details next to "Notice Period."	27	Further assurances
			Each Party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this Deed.
21	Insurances to be maintained		
21.1	During the Term the Licensee must, in connection with its use of the Licensed Area and any Common Areas under this Deed, maintain with a reputable insurer:	28	Variation
	(a) a policy of public risk insurance for the Insured Amount; and		A provision of this Deed can only be varied by a later written document executed by all Parties.
	(b) all other insurances which are required by Law.	29	Counterparts
22	Evidence of insurance		This Deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.
	The Licensee must give the Licensor evidence that it has complied with clause 21.1 at all reasonable times upon the request of the Licensor.	30	Legal expenses, stamp duty and other costs
23	Insurance notifications	30.1	Each party must bear its own costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this Deed, including:
	The Licensee must notify the Licensor immediately if an insurance policy required by clause 21.1 is cancelled or an event occurs which may allow a Claim or affect rights under that policy.	(a)	legal costs; and
		(b)	costs associated with the preparation of the plan attached at Schedule 1.
24	Notices	30.2	The Licensee will pay all stamp duty (if any) assessed on or in relation to this Deed and any instrument or transaction required by or necessary to give effect to this Deed.
24.1	A notice given to a Party under this Deed must be addressed to the address set out in the Details or to the address last notified by that Party to the other Party.	31	GST
24.2	Notices must be in writing and signed by an authorised representative of the sender. Notices are taken to have been given or made (in the case of delivery in person, by	31.1	The Licensee acknowledges the amounts payable by the Licensee to the Licensor under this Deed do not include any GST. If GST is chargeable by any Authority in

respect of any payment by the Licensee to the Licensor, the Licensee must pay the GST or reimburse the Licensor for payment of any GST by the Licensor in respect of any amounts payable by the Licensee under this Deed.

- 31.2 The Licensor must provide the Licensee with a complying Tax Invoice in respect of the Licence Fee and other amounts payable by the Licensor to the Licensee.

32 Entire Deed

The contents of this Deed constitute the entire Deed between the Parties and supersede any prior negotiations, representations, understandings or arrangements made between the Parties regarding the subject matter of this Deed, whether orally or in writing.

33 Invalidity

- 33.1 A word or provision must be read down if:

- (a) this Deed is void, voidable, or unenforceable if it is not read down;
- (b) this Deed will not be void, voidable or unenforceable if it is read down; and
- (c) the provision is capable of being read down.

- 33.2 A word or provision must be severed if:

- (a) despite the operation of clause 33.1, the provision is void, voidable or unenforceable if it is not severed; and
- (b) the Deed will be void, voidable or unenforceable if it is not severed.

- 33.3 The remainder of this document has full effect even if clauses 33.1 or 33.2 apply.

34 Waiver

A right or remedy created by this Deed cannot be waived except in writing signed by the Party entitled to that right. Delay by a Party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a Party of a right operate as a subsequent waiver of the same right or of any other right of that Party.

35 Governing law and jurisdiction

- 35.1 The Laws applicable in Victoria govern this Deed.

- 35.2 The Parties submit to the non-exclusive jurisdiction of the courts of Victoria and any courts competent to hear appeals from those courts.

36 Survival

The obligations under clause 18 and this clause 36 survive expiry or termination of this Deed.

SCHEDULE 1

Licensed Areas

53 Fraser Street, Clunes, Victoria

SCHEDULE 2

Permitted Uses

To operate retail, office, studio and meeting spaces for arts activities, creative enterprises, or community uses, or other undertakings by negotiation.

SCHEDULE 3

Participation Agreement

Various attached by email.

10.4. WEBSITE REDEVELOPMENT AND BRANDING REVIEW

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Communications Officer, I Maria Abate have no interests to disclose in this report.

PURPOSE

The purpose of this report is to update Council on the progress of the website redevelopment and branding review project and seek endorsement of the proposed brand.

BACKGROUND

Council's existing website was developed approximately 10 years ago and is no longer representative of Council's core values or future direction. The current Content Management System (CMS) is outdated, difficult to use and incurs significant licence fees. The site is therefore visually unappealing and difficult for the end user to find information.

Council has recently included in its Council Plan 2013-2017 and Budget 2013-2014 the action to redevelop Council's website and review branding.

A project brief was developed and a Request for Quotation (RFQ) process has been undertaken.

Following the completion of the RFQ process, Empire Creative Group was appointed to undertake the website redevelopment and branding review project.

The redevelopment of the website provides Council with an opportunity to review the Hepburn Shire Council brand and develop a logo that represents Council as a progressive, contemporary and efficient organisation.

ISSUE / DISCUSSION

Website redevelopment

The redeveloped website will:

- Improve communication with our community and stakeholders
- Provide a user-friendly CMS that promotes increased levels of ownership by staff to ensure relevant content is published to the site
- Improved website navigation and relevant content will increase efficiency through a reduction in enquiries to Customer Service staff
- Reduce cost through a free CMS.

Branding Review

The redevelopment of the website has provided Council with an opportunity to review the Hepburn Shire Council brand.

A brand review will strengthen our internal identity, cohesion, and capacity. A brand review will also feed into the website redevelopment and potential shift into social media.

Our brand should reflect our personality, vision, strengths and values. It should represent Hepburn Shire Council as a progressive, contemporary and efficient organisation.

A number of factors were considered when reviewing the Hepburn Shire Council brand:

1. The brand needed to reflect our values and vision for the future.
2. The brand needed to be relevant to the entire Shire and reflect our Council's services.
3. The brand needed to be contemporary, simple, uncomplicated and relevant to the community and our stakeholders.

The proposed brand is artistic and flowing in nature and stands alone without the need for support elements such as an icon. It is simple and progressive, and also fits with our lean thinking and pursuit of cost effective ways to conduct business.



The website and brand will be a major catalyst for driving cost efficiencies within the organisation.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective – High Performing Organisation

Key Strategic Activity:

25. Respond to the changing needs of the Hepburn Shire Communities through the provision of timely, targeted and relevant internal and

external communications, including advocacy on behalf of the community for important community concerns, projects and initiatives.

Action: Redevelop Council's website and review branding

FINANCIAL IMPLICATIONS

The website redevelopment and branding review project is included within Council's budget for 2013-2014.

Whilst there are costs associated with the website redevelopment and branding review, the anticipated savings will offset these expenses.

Some of the anticipated expense savings include however are not limited to:

Operating Expense Savings

- CMS and Licence fees- \$9,295 per annum
- Letterhead- \$6,000 per annum
- Rates Notice- \$10,000- \$15,000 per annum
- Job Advertisements- \$3,000 per annum

The redeveloped website will also result in efficiency gains through improved communication with our community and stakeholders and diverting enquiries away from customer service and other high demand Council service areas to the website.

A change in branding will allow for the development of new printed and electronic material to further reduce operating costs.

Implementation schedule

It is proposed that the new brand be implemented progressively.

Short term

- Website
- Business Cards
- Name Badges
- Electronic Letterhead (and follow on page)
- The Advocate - Council page Template (A3 community news in the local newspaper).

Medium term (as stocks become depleted or new material is developed)

- Letterhead (and follow on page)
- Rates Notice
- With Compliments
- Envelopes (DL, C5 & C4)
- Organisational Template.

Long Term (Subject to budget consideration)

- Plant and Machinery Stickers
- Town entrance signage
- Advertising material
- Other material as identified.

RISK IMPLICATIONS

There are no significant risk implications associated with the redevelopment of Council's website.

Adopting the proposed brand could result in a negative perception regarding expenditure on rebranding. It is important to mitigate this risk by communicating the benefits and cost savings associated with the redevelopment of Council's website and rebranding with the community.

There is however, a risk that significant operating expense savings are not realised as a result of not proceeding with the website and branding implementation resulting in an increase in rates to the community.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The adoption of a new brand will lead to more efficient purchasing and use of newly developed printed material.

A brand that is consistent and representative of our region and organisational culture will generate an improved public image of Council and create a distinction between the past and a new Council and organisational culture.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has recently included in its Council Plan 2013-2017 and Budget 2013-2014 the action to redevelop Council's website and review branding. The community has been provided with both formal and informal feedback opportunities through these processes.

Council recently placed a community update in *The Advocate* on 30 October 2013. This provided the community with an update on the website redevelopment project and an opportunity to provide feedback.

CONCLUSION

The existing website was developed approximately 10 years ago and is no longer representative of Council's core values or future direction.

The website redevelopment and branding review project delivers on Council Plan 2013-2017 Key Strategic Activity 25 – Respond to the changing communication needs of the Hepburn Shire Communities through the

provision of timely, targeted and relevant internal and external communication.

A redeveloped website and new brand, will improve organisational efficiency, reduce operating expenditure and enhance community engagement.

OFFICER'S RECOMMENDATION

That Council:

10.4.1 Receives and notes the website redevelopment and branding review update report.

10.4.2 Adopts the use of the new brand for progressive implementation commencing with the website redevelopment.

MOTION

That Council:

10.4.1. Receives and notes the website redevelopment and branding review update report.

10.4.2. Adopts the use of the new brand for progressive implementation commencing with the website redevelopment.

Moved: Councillor Neil Newitt

Seconded: Councillor Kate Redwood

Amended.

AMENDED MOTION

That Council:

- 10.4.1. *Receives and notes the website redevelopment and branding review update report.*
- 10.4.2. *Adopts the use of the new brand for use on all Shire media and advertising, letterhead, notices and other documentation.*
- 10.4.3. *Retains the existing logo for use on all Shire location signage, vehicles and operations.*

Moved: Councillor Bill McClenaghan

Lapsed.

MOTION

That Council:

- 10.4.1. *Receives and notes the website redevelopment and branding review update report.*
- 10.4.2. *Adopts the use of the new brand for progressive implementation commencing with the website redevelopment.*

Moved: Councillor Neil Newitt

Seconded: Councillor Kate Redwood

Carried.

Councillor Greg May left the meeting due to an indirect conflict of interest at 7:31 pm and returned to the meeting at 7:43 pm.

10.5. FOUR SEASONS EVENTS GRANTS PROGRAM GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to recommend the allocation of Summer and Winter grants for the Four Seasons Events Grants Program.

BACKGROUND

Council's Events Policy states that Council is committed to encouraging and supporting festivals and events. It acknowledges the significant social, economic and community capacity building benefits that community events provide to the community.

An amount of \$18,000 has been allocated to support Four Seasons Events in the 2013-2014 budget. The Four Seasons Events Grants Program aims to support the development and implementation of events within, or immediately adjacent to, the Creswick Ward in the Hepburn Shire.

ISSUE / DISCUSSION

Grants were available in the following categories:

Gold – Funding of \$5,000 to events that meet the following criteria:

- Events capable of generating economic benefit to the region
- Events that provide opportunities to promote cultural exchange, activity and innovation
- Events capable of promoting the town/community and capable of raising the profile, status of awareness through media generated.

Silver – Funding of \$2,000 to events that meet the following criteria:

- Events that promote and benefit local products, businesses, groups and communities.

Bronze – Funding of \$500 to events that meet the following criteria

- Events that require assistance with printing, marketing or purchasing small equipment.

During the period that grant applications were open, it was determined that the closing dates for Spring Events would be extended. The available funds of \$18,000 will be allocated in two separate rounds (Summer/Autumn and Winter/Spring) with a notional allocation of \$9,000 each.

7 grant applications were received for Summer/Autumn events in the following categories:

- Gold 2 applications
- Silver 2 applications
- Bronze 3 applications.

Applications for Summer and Autumn Events were assessed by Council's Events Coordinator, Manager Community Development and Manager Economic Development.

Grant applications were assessed against the following criteria:

1. Description of project 10%
2. Why is the project needed? 25%
3. What will the project achieve? 25%
4. How will the project be implemented, managed and who will be doing it? 20%
5. How will risk and safety issues associated with the project be assessed? 10%
6. Financial details – income and expenditure budget 10%

The recommended Summer and Autumn Events Grants 2013-2014 allocation is \$7,500. A summary of projects and recommendations is attached (refer Attachment 5). The balance of funds will be available for allocation to Winter and Spring Four Season events.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective - Active and Engaged Communities

Key Strategic Activity:

1. Work with and support communities and residents to implement community driven projects through community planning, provision of advice, information and community grants, acknowledging the significant contribution made by community volunteers.

Action: Support community groups through provision of advice, information and community grants.

FINANCIAL IMPLICATIONS

An amount of \$18,000 has been allocated to support Four Seasons Events in the 2013-2014 budget.

RISK IMPLICATIONS

All applicants were required to identify how project risk and safety issues will be managed and this was taken into consideration during the assessment process.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Four Seasons Grants support events which demonstrate the capacity to generate economic benefit to the region, promote cultural exchange, and raise community profile.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The availability of the grants promoted through:

- *Creswick District News*;
- Council's website;
- Direct mail out to Creswick Ward community groups; and
- *The Advocate*.

A grant information workshop was held on 9 October 2013.

CONCLUSION

The recommended applications are of a high quality and meet the Four Seasons Events Grants Program to support Creswick Ward community organisations in growing larger, long-term events.

OFFICER'S RECOMMENDATION

10.5.1 That Council allocates the following Summer and Autumn Four Seasons Events Grants Program grants as follows:

- Gold (\$5,000) for Andersons Mill Festival (Autumn Event) to Newlyn Football Netball Club;
- Silver (\$2,000) for Kingston Show (Summer Event) to Kingston Agricultural Society Inc;
- Bronze (\$500) for Pavilion Arts (Summer Event) to Pavilion Arts.

MOTION

10.5.1. That Council allocates the following Summer and Autumn Four Seasons Events Grants Program grants as follows:

- *Gold (\$5,000) for Andersons Mill Festival (Autumn Event) to Newlyn Football Netball Club;*
- *Silver (\$2,000) for Kingston Show (Summer Event) to Kingston Agricultural Society Inc;*
- *Bronze (\$500) for Pavilion Arts (Summer Event) to Pavilion Arts.*

Moved: Councillor Kate Redwood

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 5 - FOUR SEASONS EVENTS PROGRAM RECOMMENDATIONS

Four Seasons Events Grants Program Recommendations

Organisation / Club / Group	Event Name	Season	Grant Type	Requested Amount	Recommended Amount	Total Project Cost	Comment
Creswick & District Historical Society	Celebrating 150yrs of Creswick Hospital	Summer	Bronze	\$500	\$0	\$575	
Creswick Brass Band	Community Carols by Candlelight	Summer	Silver	\$2,000	\$0	\$2,200	Not 4 Seasons
Pavillion Arts	Pavillion Arts	Summer	Bronze	\$500	\$500	\$1,100	
Kingston Agricultural Society Inc	Kingston Show	Summer	Gold	\$5,000	Other application from Kingston Show recommended	\$35,728	
Kingston Agricultural Society Inc	Kingston Show	Summer	Silver	\$2,000	\$2,000	\$23,617	High Quality application
Creswick & District Hospital Auxiliary	Creswick Hospital 150th Anniversary Dinner	Summer	Bronze	\$500	\$0	\$3,165	not 4 seasons
Newlyn Football Netball Club	Andersons Mill	Autumn	Gold	\$5,000	\$5,000	\$19,099	

10.6. DRAFT PUBLIC ART POLICY

GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

The purpose of this report is to recommend that Council adopt the draft Public Art Policy and rescind Policy 40 (C) Cultural and Arts Policy and Action Plan.

BACKGROUND

Council's current Policy 40 (C) Cultural and Art Policy and Action Plan was last reviewed in 2009. This policy is now out of date and no longer relevant. In its place, the draft Public Art Policy (Policy) provides a framework for Council to make decisions about public art in Hepburn Shire.

ISSUE / DISCUSSION

A copy of the draft Public Art Policy is attached (refer Attachment 6).

Key areas covered in the policy include:

- Council's financial contribution to public art
- The establishment of a Public Art Panel to provide expert advice to Council about public art
- The selection and management of public art
- Dealing with donations and bequests of public art
- Potential sites for public art
- On-going maintenance of works of art
- Accessioning / recording of public art works
- Deaccessioning works of art.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective - Active and Engaged Communities

Key Strategic Activity:

1. Work with and support communities and residents to implement community driven projects through community planning, provision of advice, information and community grants, acknowledging the significant contribution made by community volunteers.

Action: Develop and implement Council's Public Art Policy

FINANCIAL IMPLICATIONS

The Draft Policy does not provide any direct financial implications for Hepburn Shire Council. It recommends, in future, that Council consider funding specific public artwork through the annual budget bid process. Additionally, it supports identifying funding for public art opportunities via promoting artful design and integrated art through existing Council budgets.

RISK IMPLICATIONS

The Draft Policy provides a framework for Council to make future decisions around public art. Through the establishment of a Public Art Panel, Council will have an expert panel to provide advice on any future opportunities in this area.

The Draft Policy also identifies cataloguing our current public art collection and ensuring an adequate level of maintenance is provided to the existing collection.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Public art and community art projects that are tailored to diverse sectors such as young people, older people, children, diverse cultures etc, lead to an enhanced sense of wellbeing of the participants, as well as greater community awareness of these sectors of our community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Development of the Public Art Policy commenced in April 2013. Consultation to discuss the Policy was undertaken throughout April and May 2013 with public meetings held in Daylesford, Trentham, Clunes and Creswick. In addition, an online survey and hard copy surveys were made available. Seventy-five survey responses were received and 80 people attended the community meetings.

The draft policy was made available for public comment from 14 October 2013 to 1 November 2013. Six responses commenting on the Draft Policy were received.

Themes and ideas raised throughout the consultation process were considered in the development of the draft Public Art Policy and where appropriate changes made.

CONCLUSION

The Draft Public Art Policy provides a framework to assist Council to make considered decisions on public art, its funding, commissioning, installation,

maintenance and de-accessioning. It will assist Council in response to requests, proposals and offers of donation of works of art in public places..

OFFICER'S RECOMMENDATION

That Council:

10.6.1 Rescinds Policy 40 (C) Cultural and Arts Policy and removes it from Council's website.

10.6.2 Adopts Policy 40 (C) Public Art Policy; and

10.6.3 Makes the policy available on Council's website.

MOTION

That Council:

10.6.1. Rescinds Policy 40 (C) Cultural and Arts Policy and removes it from Council's website.

10.6.2. Adopts Policy 40 (C) Public Art Policy; and

10.6.3. Makes the policy available on Council's website.

Moved: Councillor Pierre Niclas

Seconded: Councillor Kate Redwood

Carried.

ATTACHMENT 6 - DRAFT PUBLIC ART POLICY



POLICY NUMBER 40 (C)

PUBLIC ART POLICY

DATE AMENDED: December 2013

DATE OF NEXT REVIEW: December 2017

DATE ADOPTED: 17 December 2013

RESPONSIBLE OFFICER: Manager Community Development

REFERENCES:

Best Value Principles

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

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

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

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1. Introduction

In its 2013-2017 Council Plan, Hepburn Shire Council's mission is to

... maintain, promote, protect and enhance the districts unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.¹

Public art in the Hepburn Shire will express these values and further increase livability for present and future residents, and enhance its attractiveness as a visitor destination.

Hepburn Shire Council values the diversity and excellence of its arts practitioners. Along with heritage and the natural environment, the arts contribute much to the region's attractiveness for residents and visitors.

More art improves tourism and therefore economic development, takes people away from themselves, challenges the way they think and makes for happier communities.²

2. Scope

This policy applies to the whole of Hepburn Shire Council and replaces previous policies or sections of policies referencing public art.

3. Purpose

The purpose of this policy is to provide a framework to assist the Hepburn Shire Council to make considered decisions on public art, its funding, commissioning, installation, maintenance and de-accessioning. It will also assist Council in response to requests, proposals and offers of donation of works of art in public places.

The aims of this Policy are to:

- Provide a strategic direction for the development of public art in Hepburn Shire.
- Encourage art installation in public open spaces.
- Identify principles Council and the community seeks to express through Public Art.
- Provide public art acquisition guidelines that govern funding, acquisition, management and disposal of public art.
- Provide guidelines for public art selection processes, location/display of public art and maintenance of public art.
- Provide guidelines for assessing sponsorship, donations, bequests and memorials.

4. Definitions

4.1 Public Art

In this policy public art refers to works of art in all mediums and styles that take place in, or are displayed in, public places or public domains of the Hepburn Shire to which the public has free and open access.

This will include permanent works in outdoor places, artist designed street furniture, building elements, streetscapes, signage and gardens, ephemeral and temporary artworks including

¹ Hepburn Shire Council Plan 2013-2017, 2013. p 12

² Response to Public Art Survey, May 2013

performance, projection and digital art.

For the purposes of this policy, public art does not include:

- Commercial promotions or objects that are commercially mass-produced such as fountains, street furniture, signage etc.
- Works of art that are held in public or private collections, including those of artists, museums and art galleries.

4.2 Community

This refers to a group of people living in a particular local area. It can also refer to a social unit of any size that shares common values.

4.3 Artist

An artist is a person engaged in one or more of any of a broad spectrum of activities deemed to be art. Because the term 'artist' is often used to mean one engaged only with visual art, many prefer to use the term 'arts practitioner'. 'Artisan' or 'craftsperson' is included in the term 'artist'.

4.4 Community Art

Community art or 'community-based art' is a way of creating art in which artists collaborate with people who do not normally actively engage in the arts. It can utilise any art form and is characterised by interaction or dialogue with the community.

4.5 Artwork Materiality

This refers to the medium and process used to create the art.

5. The Policy

5.1 Why? The importance of public art to Hepburn Shire Council

Hepburn Shire Council recognises that public art projects have a special role to play in connecting communities. Public art and community art projects that are tailored to diverse sectors such as young people, older people, children, diverse cultures etc, lead to an enhanced sense of wellbeing of the participants, as well as greater community awareness of these sectors of our community.

Public art in Hepburn Shire will integrate the arts into everyday life and help tell important stories about its places, its people, and its common values and ideas.

5.2 What? What will be included and considered in public art projects

In assessing public art proposals the following will be considered:

5.2.1 Relevance to Hepburn Shire: its community, themes and concerns

- Public art may explore and encourage awareness of global, national or local issues and themes.
- Public art may interpret historical sites and tell important local stories.
- Public art may encourage community and visitor engagement with a particular place.
- Public art projects may be utilised to increase community connectedness.

5.2.5 Quality of the artwork and artist

- Public art will at all times reflect a high standard of artistic practice.
- Public art is usually made or designed by an artist, with or without community participation.
- While the quality of the artwork and artist are primary considerations, where other factors described above are equal, local arts practitioners will be preferred.

5.2.2 Artwork materiality

- Public art may include music, poetry, sound and light installations, temporary installations, street furniture, street lighting, gardens, paving, water features, sculptures, street theatre, parades, murals and street art.
- Multimedia, and digital art can create projected or screened, or electronically conveyed images and films, and soundscapes in public places may be movement activated or at specific times of day and night.
- Public art may include digital technology – as in virtual choirs, online exhibitions or digital interactive projects.
- Festivals may also include elements of public art such as exhibitions of actual or projected works of art, or parades and performances in public places. However, only those elements that offer free access to all can be considered public art.
- Landscaping and gardens may also be considered works of public art. Gardens developed with experienced landscape artists may help connect diverse sectors of the community and enhance significant and everyday places.

5.2.3 Durability of the work

- Public art will not be limited to works that are physical and permanent.
- Works of art in public places may occur for a short time or have a long-term placement. Some works of very short duration may be able to be repeated, electronically or manually activated.
- Permanent works of art will be made of durable materials and be affixed to a location for an agreed lifespan (usually a minimum of 5 years).

5.2.4 Safety and suitability

- Council will assess permanent works for safety and durability.
- The public artwork project and maintenance costs will be considered.

5.3 Where? Potential sites for public art

The context of public art is important. Public art will be used to enliven sites and events throughout the Shire. These may be large-scale, small or very subtle. Some works will encourage quiet, extended contemplation.

Areas where people congregate such as town centres, lakes, public parks and gardens, children's' playgrounds, walking trails, empty or under-utilised spaces, bare walls of buildings, and streetscapes may all be suitable sites for public art.

Public art for the Hepburn Shire should be designed or selected to consider the following:

- Suitability for a specific place, including character, heritage and position on the site.
- Public safety concerns – this may include the shape and nature of the materials used.
- Visual impact and spatial considerations.
- Present and future uses of the area.

Short term installations / performances/ projections should also be designed with these considerations and the practicalities of the event in mind.

5.4 How? How art works are accessioned by the Shire

Hepburn Shire Council may acquire or sponsor public art in any of the following ways:

- Purchase of existing works of art.
- Commissioning of works of art for specific sites or projects.
- Acceptance of donation of art works.
- Community arts projects or workshops where an artist works with the community on a project and the resulting works are displayed in a public place on a temporary or permanent basis.
- Projects funded by grants, philanthropic trusts, individuals etc.
- Integrated art: works that are developed as part of a capital works project.
- Partnerships with, or sponsorship of, public art by a group, organisation, government department, or commercial enterprise.
- Public art that is curated on a theme, commemoration or specific event supported by the Shire.
- Public art produced during Artist in Residence projects.

5.5 Funding sources for public art

5.5.1 Hepburn Shire Council

- A Budget bid for specific public art projects will be considered as part of Council's annual budget.
- Artful design: Working across Council departments to identify opportunities for arts practitioners to contribute to the overall design of public place projects.
- Integrated art: Where possible, utilise existing budgets for seating, paving, lighting, parks and gardens, special signage etc to commission unique objects designed or made by artists.
- Partnerships: Additional funding may be sourced through partnerships with local organisations, community groups and enterprises and local, state and federal government.

5.5.2 State and Federal governments and agencies, philanthropic trusts

Council will explore grants and other funding opportunities.

5.5.3 Private or business donation, bequests and sponsorship

Council will consider offers of existing artworks for public places, funded proposals for new public artworks, bequests and other offers of funding for public art in a fair, transparent and consistent manner.

5.6 Public Art Panel

Council's decisions on public art projects will be informed by advice from an independent panel of experts.

- The Public Art Panel will comprise members with a wide range of professional and community art expertise, especially in the area of public art, art curatorship, architecture and design.
- Relevant Council officers such as engineers, planning, heritage, arts and tourism will be co-opted as required, but without voting rights. The Public Art Panel will have representation across the Shire and be appointed through expressions of interest to Council.
- The selection of the Panel will be made by Council. Selection will be based on relevant expertise, geographic representation across the Shire, and diversity of culture, gender and age.
- A maximum of 10 people will form the base Panel, with additional short-term members selected from communities or groups involved with a special project, or to provide special expertise for a project that requires it.

5.7 Process

5.7.1 Public Art Selection and Management Process

A designated Council officer will be primarily responsible for planning and delivering the Shire's program of public art activities.

All new public art proposals must be outlined in a project brief that draws out information as required in sections 5.2 and 5.3 of this policy.

The brief will be initially assessed by a Council officer who will determine if it is within the scope of this policy. If it is deemed suitable then it will be considered by the Public Art Panel.

These measures will ensure the Public Art Panel only deal with relevant proposals.

The Public Art Panel will advise on the brief and make recommendations to Council, assessing the proposal against:

- Quality of the artwork and artist
- Durability of work
- Safety and suitability

- Relevance to Hepburn Shire
- Artwork materiality

The Public Art Panel will provide advice to Council for Council to make the final decision.

All Public Art proposals, successful or unsuccessful, will receive a written response.

5.7.2 Donations and Bequests

Donated work must meet the assessment criteria in section 5.2 and 5.3, in addition Council may:

- Require or propose a donation from the artist towards ongoing maintenance or installation of any donated works.
- Donors will be required to sign an agreement granting ownership of works donated to Council.
- Donations and sponsorship will be acknowledged on appropriate signage and documented in the public art register.
- The acceptance of a donation does not imply any rights of that organisation or person to control management of the project.
- Loans of artworks will not be considered.

5.7.3 Communication

Hepburn Shire Council is committed to open, transparent communication regarding public art projects in the Shire. To achieve this Council will:

- Maintain an email contact list. It is the responsibility of local artists to ensure Council has their up to date email address. When a public arts project is identified, the relevant details will be forwarded and recipients encouraged to further circulate the information.
- Widely publicise public art opportunities through local media, Council website, and specific arts networks such as ArtsHub and ArtsAtlas.
- Promote existing public art online and, where possible, in printed form.

5.7.4 Accessioning / recording of public art works

All permanent and semi-permanent works of public art in the Shire will become part of the Shire's collection. When received all works will be catalogued, photographed, and assessed for condition.

The following details will be recorded in a suitable database: Name of artist, date of artwork, title if any, medium, date of acquisition, name of commissioning body or sponsor, donor and image.

5.7.5 Maintenance of works of art

Artworks in public places are significant and valuable assets for Hepburn Shire Council.

All new works of art installed in public places must be supplied with a maintenance manual, preferably written by the artist. Works of art that are subject to the vagaries of weather, interaction with people and natural decaying processes, will be inspected as required to assess and prevent damage.

Inspections of permanent works will be carried out as required to ensure safety and the integrity of the work and avoid the necessity for costly repair at a later date.

Donors or sponsors of permanent public art may be requested to provide a yearly maintenance budget. Similarly, when funding is being sought for a public art project, maintenance will be included in the budget, if appropriate.

5.7.6 Deaccessioning works of art

From time to time works of art in the public domain may become damaged beyond reasonable repair, or cease to have public relevance, or the site may be so changed that the work no longer fits or suits the site. In the case of works posing a risk to the public immediate removal may be necessary.

In these cases the Public Art Panel will consider the following options and advise Council on the most suitable option:

- Relocation of a work to a more suitable site
- If total removal is required donors in the first case, or artists, will be offered return of the artwork
- Donation of work to a school or other public utility
- Sale of work, with funds raised used for other public art projects
- Destruction of artworks will only be considered as a last resort.

6. Implementation of Policy

The Manager of Community Development will be responsible for ensuring the implementation of this Policy.

7. Review

The Policy will be reviewed every four years.

Councillor Greg May left the meeting due to an indirect Conflict of Interest at 7:49 pm and returned to the meeting at 8:01 pm.

10.7. REVIEW OF POLICY 48 (C) - COMMUNITY FACILITY HIRE FEE WAIVER POLICY

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to consider the update to Policy 48 (C) Community Facility Hire Fee Waiver Policy.

The Community Facility Hire Fee Waiver Policy provides guidance on who is eligible for a community facility fee waiver and the process required to be followed by Committees to claim reimbursement from Council for hire fees that they have forgone in hiring community facilities to not for profit groups.

BACKGROUND

The original Hall Hire Fee Waiver Policy was adopted by Council in 2007. The Hall Hire Fee Waiver Policy had a significant review in September 2011 and was renamed Policy 48 (C) Community Facility Hire Fee Waiver Policy. A report and revised policy was presented at the 19 November 2013 Ordinary Meeting of Council. The report was deferred pending further clarification on the scope of the policy.

ISSUE / DISCUSSION

Policy 48 (C) Community Facility Hire Fee Waiver Policy relates to community facilities that are managed by Council and community facilities that are managed on behalf of Council. Since the review of the policy in September 2011 there has been concerns raised about the equity of the policy for sections of the shire that do not have a hall or community facility owned by Council.

To promote equity across the shire it is proposed that the policy be amended to identify the following facilities that Hepburn Shire Community not for profit groups can apply to receive a fee waiver on. The facilities listed below are either managed by Council, managed on behalf of Council or managed by an independent committee of management appointed by Department of Environment and Primary Industry (DEPI). For facilities that are either

managed on behalf of Council or managed by an independent committee of management, Council will reimburse fees waived to Hepburn Shire Community not for profit groups to the facility manager.

The proposed facilities are:

- Daylesford Town Hall – Managed by Council
- Creswick Town Hall – Managed by Council
- Glenlyon Hall – Managed by a DEPI Committee of Management
- Trentham Mechanics Institute Hall - Managed by a DEPI Committee of Management
- Clunes Town Hall – Managed by Council
- Newlyn Sporting Complex – Managed by Newlyn Sporting Complex Committee (lessee)
- Drummond Hall – Managed by the Drummond Hall Special Committee
- Dean Recreation Reserve – Managed by the Dean Recreation Reserve and Tennis Court Special Committee
- Lyonville Hall - Managed by the Lyonville Hall Special Committee.

The financial impact of the proposed amendment will be monitored for the remainder of the 2013-2014 financial year and reviewed as part of the 2014-2015 budget setting process.

The nominating of one hall in each ward that Hepburn Shire Community not for profit groups can obtain a fee waiver on provides greater equity across the municipality.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective – Sustainable Financial Management and Innovative Corporate Systems

Key Strategic Activity:

19. Implement sustainable financial practices and policies that guide the future financial directions of Council and ensure long term financial stability.

FINANCIAL IMPLICATIONS

The 2013-2014 budget has an allocation of \$500 for fee waiver reimbursements. The budget will be monitored for the remainder of the year in order to provide guidance on the quantum required for the 2014-2015 budget.

RISK IMPLICATIONS

No risks have been identified

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The adoption of revised Policy 48 (C) Community Facility Hire Fee Waiver Policy will provide hall fee waiver equity across the Shire.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The community will be notified of the revised Community Facility Hire Fee Waiver Policy 48 (C) through the minutes of Council and the placement of the revised policy on Council's website.

CONCLUSION

Revised Policy 48 (C) Community Facility Hire Fee Waiver Policy provides facility hire fee waiver for Hepburn Shire Community not for profit groups. To ensure greater equity across the Shire the policy has been amended to include one hall in each ward of the municipality that Hepburn Shire Community not for profit groups can apply for a fee waiver on.

OFFICER'S RECOMMENDATION

That Council:

- 10.7.1 Adopts the revised Policy 48 (C) Community Facility Hire Fee Waiver Policy – December 2013; and
- 10.7.2 Reviews the financial impact of the changes to the policy as part of the 2014-15 budget setting process; and
- 10.7.3 Makes the revised policy available for public inspection on Council's website.

MOTION

That Council:

- 10.7.1. Adopts the revised Policy 48 (C) Community Facility Hire Fee Waiver Policy – December 2013 with the addition of the Smeaton Community Centre to the list of facilities covered by the policy; and*
- 10.7.2. Reviews the financial impact of the changes to the policy as part of the 2014-15 budget setting process; and*
- 10.7.3. Makes the revised policy available for public inspection on Council's website.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

Amended.

AMENDED MOTION

That Council:

- 10.7.1. Adopts the revised Policy 48 (C) Community Facility Hire Fee Waiver Policy – December 2013 with the addition of the Smeaton Community Centre and Yandoit Mechanics Institute Hall; and*
- 10.7.2. Reviews the financial impact of the changes to the policy as part of the 2014-15 budget setting process; and*
- 10.7.3. Makes the revised policy available for public inspection on Council's website.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Pierre Niclas

Carried.

MOTION

That Council:

- 10.7.4. Adopts the revised Policy 48 (C) Community Facility Hire Fee Waiver Policy – December 2013 with the addition of the Smeaton Community Centre and Yandoit Mechanics Institute Hall; and*
- 10.7.5. Reviews the financial impact of the changes to the policy as part of the 2014-15 budget setting process; and*
- 10.7.6. Makes the revised policy available for public inspection on Council's website.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

Carried.

**ATTACHMENT 7 - POLICY 48 (C) - COMMUNITY FACILITY HIRE FEE
WAIVER POLICY**



POLICY NUMBER 48 (C) COMMUNITY FACILITY HIRE FEE WAIVER POLICY

DATE AMENDED:	December 2013
DATE OF NEXT REVIEW:	December 2017
DATE ADOPTED:	17 December 2013
RESPONSIBLE OFFICER:	General Manager Corporate Services
REFERENCES:	Not Applicable

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

This policy has been prepared to provide guidelines for the following:

- The waiver of community facility hire fees for Hepburn Shire community not for profit groups
- The reimbursement to Committees that manage Council owned or managed community facilities that waiver hire fees for Hepburn Shire community not for profit groups.

Scope

This policy applies to the following facilities:

- Daylesford Town Hall – Managed by Council
- Creswick Town Hall – Managed by Council
- Glenlyon Hall – Managed by a DEPI Committee of Management
- Trentham Mechanics Institute Hall – Managed by a DEPI Committee of Management
- Clunes Town Hall – Managed by Council
- Newlyn Sporting Complex – Managed by Newlyn Sporting Complex Committee (lessee)
- Drummond Hall – Managed by the Drummond Hall Special Committee
- Dean Recreation Reserve – Managed by the Dean Recreation Reserve and Tennis Court Special Committee
- Lyonville Hall - Managed by the Lyonville Hall Special Committee
- Smeaton Community Centre – Smeaton Bowling Club Inc (lessee)
- Yandoit Mechanics Institute Hall – Managed by a DEPI Committee of Management.

Purpose

The purpose of this policy is to provide guidance on who is eligible for a community facility fee waiver and the process required to be followed by Committees to claim reimbursement from Council for hire fees that they have forgone in hiring community facilities to not for profit groups.

Definitions

Special Committee – As defined in the *Local Government Act 1989* S86

DEPI - Department of Environment and Primary Industries

Hepburn Shire Community not for profit group – An organisation with representation within the boundaries of the Hepburn Shire that does not distribute its surplus funds to owners or shareholders, but instead uses them to help pursue its goals.

Policy

Waiver of Community Facility Hire Fees

Hepburn Shire community not for profit groups can apply for community facility hire fee waiver. To be eligible for the community facility hire fee waiver the group/organisation must fit within the definition of “Hepburn Shire Community not for profit group”.

To apply for the wavier the group/organisation is required to complete the Community Facility Hire Fee Waiver Form (attached).

The Community Facility Hire Fee Waiver Form will be assessed for compliance with this policy and notification sent to the applicant regarding the outcome of the assessment.

The decision on whether to grant a waiver will be based on the reasonableness of the request and the frequency of previous claims so as to ensure equity between Hepburn Shire Community not for profit groups.

Reimbursement of Community Facility Hire Fees

If a Special Committee including the Newlyn Sporting Complex Committee hires out their community facility for the use by a Hepburn Shire community not for profit group, then the Committee can claim reimbursement from Council for the forgone rental.

Claim reimbursement process

1. The relevant Committee would provide Council with a completed Community Facility Hire Fee Waiver – Claim for Reimbursement form (see attached)
2. The Governance & Corporate Support Officer will assess the claim and if accepted forward the authorised claim form to Finance for payment. When assessing the claim the Governance & Corporate Support Officer will consider the reasonableness of the claim and the frequency of claims received.

Implementation

This policy along with the claim form will be available on the Council website. The General Manager Corporate Services is the officer responsible for this policy.

Review

This policy will be reviewed every four years by the General Manager Corporate Services.

Attention: Governance & Corporate Support Officer
Hepburn Shire Council
PO Box 21
Daylesford VIC 3460



Community Facility Hire Fee Waiver Form

Organisation Name: _____

Organisation Contact: _____

Contact Phone Number: _____

Organisation Address: _____

Contact Email: _____

Community Facility Required: _____

Date of Function: _____

Description of group/organisation requesting hire fee waiver:

Details of function to be held:

Signature: _____ Date: _____

OFFICE USE ONLY

Action
Officer:

Date:

Trim Ref:

Has the request for hire fee waiver been approved **Yes / No**

Attention: Governance & Corporate Support Officer
Hepburn Shire Council
PO Box 21
Daylesford VIC 3460



Community Facility Hire Fee Waiver – Claim for Reimbursement

Community Not-For-Profit Hirers

Hire Details:

Hall: _____

Date/s of Hire: _____

Period of Hire: _____ hours/days

Total Hire Fees Waived*: _____

Postal address for remittance
(Please complete)

Attention: _____

Address: _____

***Note:** Charges levied for bond/insurance are at the discretion of the hirer

Not-For-Profit Hirer:

Organisation: _____

Contact: Name _____

Phone _____

I declare that all information in this claim for reimbursement is true and correct:

Secretary/President, Committee of Management

☐ Please attach copy of hire agreement, if available

Office Use Only:

Ledger No.	Amount \$	GST	Total \$

Authorising Officer: _____
Signature

Name

10.8. ALBERT STREET DAYLESFORD - SPECIAL CHARGE SCHEME FINAL REPORT

GENERAL MANGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is to present to Council the final report for the Albert Street, Daylesford Special Charge Scheme.

BACKGROUND

Council at its meeting on 19 June 2012 declared a Special Charge Scheme for the construction of a footpath in Albert Street from West Street to Perrins Street by publishing a public notice of Council's intention to Declare a Special Charge Scheme under Section 163 (1, 1A, 1B & 1C) of the Local Government Act.

ISSUE / DISCUSSION

The special charges were declared on a basis of estimated costs. Section 166 of the *Local Government Act 1989* allows special charges to be adjusted so contributors pay no more than their share of actual costs. As the final costs are known, it is appropriate to finalise the special charge scheme by adjusting the charges to accord with actual costs. The project costs were \$1,045.20 above the estimate and this additional cost was to meet changes to the design to meet site conditions.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Any special Charge Scheme must be undertaken in compliance with section 163, 165 and 166 of the *Local Government Act 1989* and Council's Policy 61 Special Rates and Charges.

FINANCIAL IMPLICATIONS

The project cost is estimated at \$34,500 with the adjoining landowner contributions estimated at \$7,500 or \$680 per property with Council contribution provided for in 2011-2012 Budget. The final cost was \$35,545.20. Based on this final cost, the final landowner contribution should remain at \$680 as listed in Attachment 8. The additional cost of \$1,045.20 is able to be funded from the 2013-2014 footpath capital renewal program.

Item	As Declared	Actual	Variation on Estimate
Scheme Costs for Construction	\$34,500	\$35,545.20	
Total Scheme Cost		\$35,545.20	
Additional costs above estimate		\$1,045.20	3.0%

RISK IMPLICATIONS

This project provides the residents with a safe pedestrian access to their properties and residents requiring the use of a motorised pedestrian transport the ability to access the town centre.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The number of properties with direct frontage is 11 and the estimated total properties that could use the footpath is estimated to be 56.

The completion of this path further extends the footpath network, providing improved pedestrian linkages into the town centre consistent with Council's Walking & Cycling Strategy.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Since the proposed footpath construction scheme started in 2010, there have been a number of letters to residents advising of the proposed works and seeking resident's feedback on the level of support for such a proposal. A formal survey of residents was also conducted in May 2012 and the survey supported the footpath scheme. All affected property owners were advised of Council's intention to declare the scheme in late 2012 and their rights to make submissions or objections to this scheme. No objections were received.

CONCLUSION

The cost of constructing Albert Street, Daylesford was slightly more than the estimated cost. Council is able to fund this additional cost of \$1,045.20 from the 2013-2014 footpath renewal budget and therefore the special charges landowners have to pay will remain at \$680.

OFFICER'S RECOMMENDATION

That Council, at its meeting on 19 June 2012, having declared a Special Charge Scheme for the purpose of defraying expenses incurred by Council in relation to the construction of a footpath in Albert Street, Daylesford from West Street to Perrins Street:

- 10.8.1 Adopts a final scheme cost of \$35,545.20 which is 3.0 % greater than the estimate on which the special charge was declared;
- 10.8.2 Meets the additional cost of \$1,045.20 rather than adjust the contributions of recovering an additional \$95.02 per landowner contribution from the 11 landowners.
- 10.8.3 Adopts the special charge as declared as the final costs incurred in accordance with Sections 165 and 166 of the Local Government Act 1989 so that all parties pay no more than their fair share of the actual costs incurred.
- 10.8.4 Forwards notices advising of the final adopted costs to the owners of those properties who are liable to pay the special charge.

MOTION

That Council, at its meeting on 19 June 2012, having declared a Special Charge Scheme for the purpose of defraying expenses incurred by Council in relation to the construction of a footpath in Albert Street, Daylesford from West Street to Perrins Street:

- 10.8.1. Adopts a final scheme cost of \$35,545.20 which is 3.0 % greater than the estimate on which the special charge was declared;*
- 10.8.2. Meets the additional cost of \$1,045.20 rather than adjust the contributions of recovering an additional \$95.02 per landowner contribution from the 11 landowners.*
- 10.8.3. Adopts the special charge as declared as the final costs incurred in accordance with Sections 165 and 166 of the Local Government Act 1989 so parties pay no more than their fair share of the actual costs incurred that all.*
- 10.8.4. Forwards notices advising of the final adopted costs to the owners of those properties who are liable to pay the special charge.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

ATTACHMENT 8 - AREA OF ALBERT STREET FOOTPATH SPECIAL CHARGE SCHEME



ATTACHMENT 9 - SCHEDULE OF APPORTIONMENT OF FINAL COSTS

Property	Address	User Benefit Contribution for final costs
Lot 1 PS 15479	74 Albert Street, Daylesford	\$680
Lot 2 PS 15479	72 Albert Street, Daylesford	\$680
Lot 3 PS 15479	70 Albert Street, Daylesford	\$680
Lot 4 PS 15479	68 Albert Street, Daylesford	\$680
Lot 1 TP 135962	66 Albert Street, Daylesford	\$680
Lot 1 TP 82477	62 Albert Street, Daylesford	\$680
Lot 1 TP 9635	60 Albert Street, Daylesford	\$680
CA PT5 Sec 1B	58 Albert Street, Daylesford	\$680
Lot 1 TP 832768	56 Albert Street, Daylesford	\$680
Lot 5 LP 15479	66a Albert Street, Daylesford	\$680
Lot 2 PS 753154	74 West Street, Daylesford	\$680

10.9. SWISS MOUNTAIN HOTEL - PARTIAL ROAD CLOSURE 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 formally closing a section of the Treweeks Road reserve, Blampied.

BACKGROUND

At present a section of the existing Swiss Mountain Hotel including the cellar has been constructed on the road reserve of Treweeks Road, which is a road managed by Council. This encroachment of the hotel and cellar onto the road reserve dates back over 100 years.

ISSUE / DISCUSSION

The owners of the Swiss Mountain Hotel and Department of Environment and Primary Industries (DEPI) have reached an agreement for the sale of a section of the road reserve where the hotel building and cellar has encroached onto the road reserve.

To enable the sale a title for the area of encroachment must be created and this area is shown as hatched in Attachment 10. Before DEPI can create a title for this area that part of the road reserve must be formally closed by Council. This proposed part road closure will then rectify the current situation and provide the hotel owners with a legal title for land occupied by the whole building and cellar.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This road closure will be enacted under Section 349 of the *Land Act 1958* "Power to agree to closure of road on land vested in the Crown".

FINANCIAL IMPLICATIONS

There are no financial implications for Council in agreeing to the partial closure of the road reservation.

RISK IMPLICATIONS

This road closure formalises the existing situation and removes a section of the road reserve from the hotel building footprint and eliminates any future

ambiguity of a private building being located on a the government road reserve.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

There are no environmental social or economic issues for Council. The property owner of the hotel gains certainty of title to their building.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

There have been ongoing discussions with representatives of the owner of the Swiss Mountain Hotel who have consulted with DEPI on this road closure.

CONCLUSION

At present a section of the existing Swiss Mountain Hotel including the cellar has been constructed on the road reserve of Treweeks Road. This proposed part road closure will allow DEPI to create a title for the area as hatched which will rectify the current situation and allow the hotel owners to obtain a legal title for all the land occupied by the whole building and cellar.

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1 Determines the section of Treweeks Road reservation occupied by the existing Swiss Mountain Hotel and shown as hatched in Attachment 10 is not required for Municipal purposes.
- 10.9.2 Determines that this section of the road reserve can be closed under Section 349 of the Land Act 1958 "Power to agree to closure of road on land vested in the Crown".
- 10.9.3 Confirms that future road closure requests can be addressed by officers in accordance with officer delegations.

MOTION

That Council:

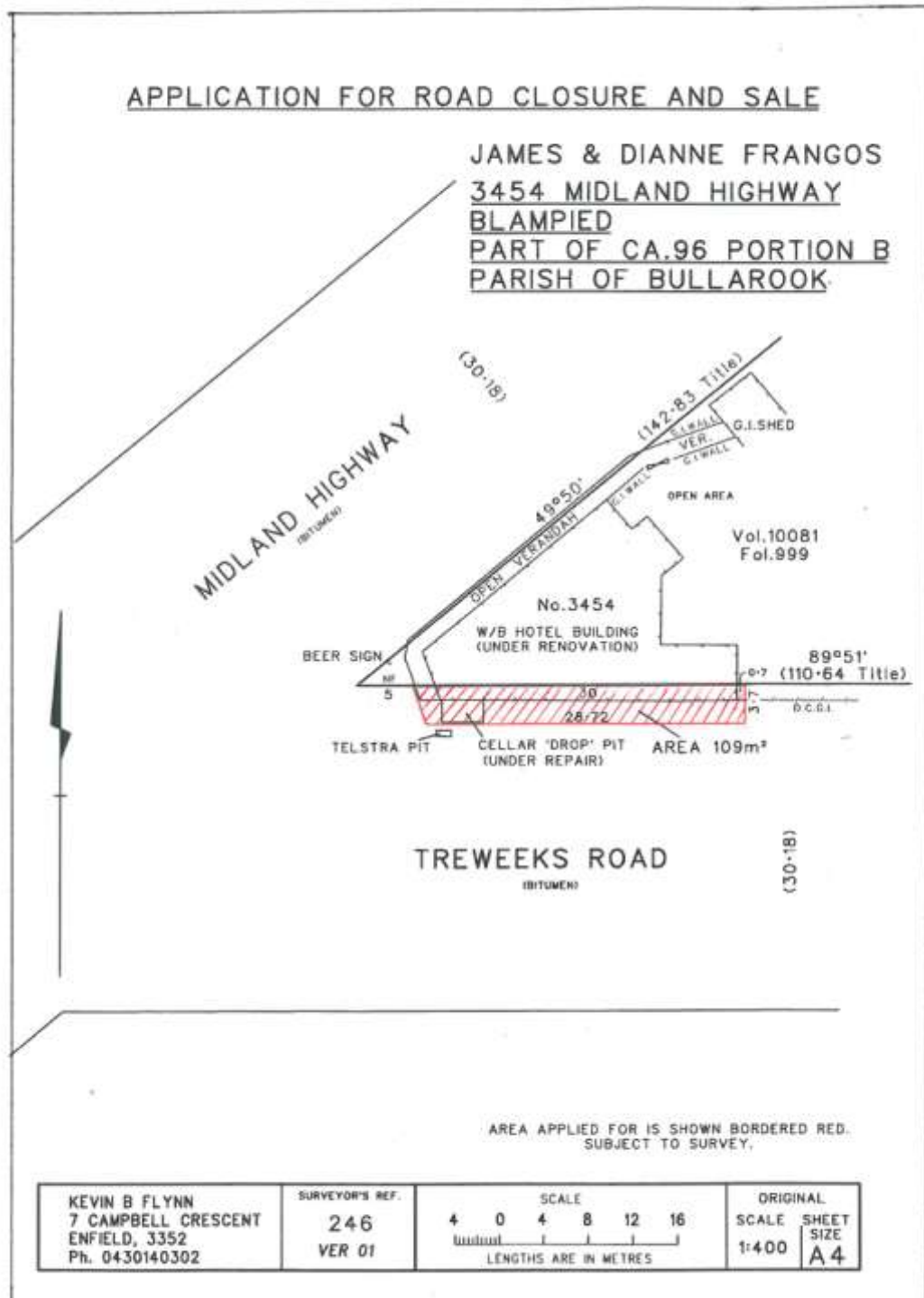
- 10.9.1. Determines the section of Treweeks Road reservation occupied by the existing Swiss Mountain Hotel and shown as hatched in Attachment 10 is not required for Municipal purposes.*
- 10.9.2. Determines that this section of the road reserve can be closed under Section 349 of the Land Act 1958 "Power to agree to closure of road on land vested in the Crown".*
- 10.9.3. Confirms that future road closure requests can be addressed by officers in accordance with officer delegations.*

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

**ATTACHMENT 10 - PLAN OF PROPOSED ROAD CLOSURE -
TREWECKS ROAD, BLAMPIED**



10.10. RECORD OF ASSEMBLIES OF COUNCILLORS – NOVEMBER 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

The purpose of this report is for Council to receive and note Assemblies of Councillors.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

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

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

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

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

Assemblies of Councillors		
Date	Location	Committee Name
6 November 2013	Council Chamber, Daylesford	Councillor Briefing
12 November 2013	Council Chamber, Daylesford	Councillor Briefing
18 November 2013	Daylesford Secondary College	Daylesford ARC Advisory Committee
19 November 2013	Council Chamber, Daylesford	Councillor/CEO Meeting
19 November 2013	Council Chamber, Daylesford	International Women's Day Women's Honour Roll Organising Committee

21 November 2013	Creswick RSL	Municipal Emergency Management Planning Committee (MEMP)
27 November 2013	Clunes Community Centre	Clunes Community Centre Special 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

No financial implications have been identified.

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

10.10.1 That Council receives and notes the Records of Assemblies of Councillors for November 2013.

MOTION

10.10.1. That Council receives and notes the Records of Assemblies of Councillors for November 2013.

Moved: Councillor Neil Newitt
Seconded: Councillor Bill McClenaghan
Carried.

**ATTACHMENT 11 - RECORDS OF ASSEMBLIES OF COUNCILLORS –
NOVEMBER 2013**

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Councillor Briefing
Date: Wednesday 6 November 2013
Time: 1:30 pm

Venue: ☒ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☐ Other (specify)

Councillors present:

☒ Cr Pierre Niclas (ARRIVED 2-20 pm)
☒ Cr Kate Redwood
☒ Cr Neil Newitt
☒ Cr Sebastian Klein (LEFT 3-05 pm)

☒ 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:
Adam McSwain
Susan Fiddles

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Henderson item 4	Left 3-26 Returned 3-39

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: 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
Wednesday 6 November 2013



Wednesday 6 November 2013 1:30 pm		Council Chamber Daylesford Town Hall
Chair	Mayor	Cr Bill McClenaghan
Attendees	Councillors	Cr Pierre Niclas, Cr Kate Redwood AM, 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.	1:30 pm	Verbal Presentation	Doug Lindsay Management Arrangements – Nominations for Doug Lindsay Reserve Sports and Community Club Incorporated	General Manager Community Services & Manager Community Development	Page 3
2.	2:00 pm	Report	Councillor Representation on Committees and Other Bodies Attachment 1	General Manager Corporate Services	Page 4 Page 5
3.	2:30 pm	Report	Council Meeting Dates 2014	General Manager Corporate Services	Page 8
4.	3:00 pm	Verbal Presentation	Community, Sustainability and Anzac Centenary Grants Recommendations – Round One 2013-14	General Manager Community Services & Manager Community Development	Page 11
5.	3:30 pm	Verbal Presentation	Roles, Responsibilities and Support for Sporting Groups	General Manager Community Services & Recreation Coordinator	Page 12

Confidential
Councillor Briefing Agenda
Wednesday 6 November 2013



Time		Title		Action Officer	
6.	4:30 pm	Informal Discussion	Delegated Planning Committee Applications	Chief Executive Officer & Manager Planning	Page 13
7.	5:00 pm	Informal Discussion	Declared Menacing Dogs - Update	General Manager Infrastructure	Page 14
8.	5:15 pm	CLOSE OF MEETING			Page 15

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor DON HENDERSON hereby disclose
a conflict of interest in the following matter COMMUNITY GRANTS

This matter is being considered at a meeting of

- ☐ Council Meeting
- ☐ Councillor Briefing
- ☐ Special Committee
- ☐ Audit and Risk Advisory Committee
- ☒ Assembly of Councillors

on 6/4/2013

The class of the interest is (tick appropriate box)

- a direct interest ☐
- OR
- an indirect interest ☒ (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78) ☒
- Indirect financial interest (section 78A) ☐
- Indirect interest – conflicting duty (section 78B) ☐
- Indirect interest – applicable gift(s) (section 78C) ☐
- Indirect interest – party to matter (civil proceedings) (section 78D) ☐
- Indirect interest – impact on residential amenity (section 78E) ☐

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

SPOUSE IS PRESIDENT OF
CRESWICK + DISTRICT RESIDENTS ASSOCIATION

Print Name: DON HENDERSON

Signed: Don Henderson

Date: 6/11/2013

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: COUNCILLOR BRIEFING MEETING

Date: 12/11/13

Time: 1-30

Venue: ☒ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☐ Other (specify)

Councillors present:

☒ Cr Pierre Nicolas
☒ 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:
Adam McSapin
Grant Schuster
Karen Ratchelle

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Newitt - Item 1	Left 1-34 Returned 2-38

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: 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 12 November 2013



Tuesday 12 November 2013 1:30 pm		Council Chamber Daylesford Town Hall
Chair	Mayor	Cr Bill McClenaghan
Attendees	Councillors	Cr Pierre Niclas, Cr Kate Redwood AM, 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	
	11:00 am	Councillor Only Time		All Councillors	
	1:00pm	Lunch Break Lunch will be provided			
1.	1:30 pm	External Presentation	Clunes Booktown	Chief Executive Officer Creative Clunes Inc Dr Tess Brady Mr Graeme Johnstone Mr Richard Gilbert Dr Paul Miller	Page 3
2.	2:30 pm	External Presentation	Jim Crow Community Planning Group – New Community Plan Update	General Manager Community Services & Manager Community Development Jim Crow Community Planning Group Ms Nikki Marshall	Page 4
			Attachment 1		Page 5

Confidential
Councillor Briefing Agenda
Tuesday 12 November 2013



Time		Title		Action Officer	
3.	3:00 pm	Report	Hepburn Bathhouse and Spa – Belgravia Health & Leisure Group Pty Ltd – Proposed Community Pricing Increase	General Manager Corporate Services, Manager Risk & Property & Property Officer	Page 15
4.	3:15 pm	Verbal Presentation	Ward Based Advisory Committees	General Manager Corporate Services & General Manager Community Services	Page 18
5.	3:45 pm	Report	Emergency Management	General Manager Community Services	Page 19
			Attachment 2		Page 21
6.	4:15 pm	Verbal Presentation	Website Redevelopment and Branding Review	Chief Executive Officer & Communications Officer	Page 28
7.	4:45 pm	CLOSE OF MEETING			Page 29

	5:00 pm	Delegated Planning Committee Meeting	
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	6:00 pm	Statutory Council Meeting Election of Mayor and Deputy Mayor	
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DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor NEIL NEWITT hereby disclose
a conflict of interest in the following matter CLINES BOOKTOWN EXTERNAL PRESENTATION

This matter is being considered at a meeting of

- ☐ Council Meeting
- ☒ Councillor Briefing
- ☐ Special Committee
- ☐ Audit and Risk Advisory Committee
- ☐ Assembly of Councillors

*EXTERNAL PRESENTATION
DURING COUNCILLOR BRIEFING*

on

The class of the interest is (tick appropriate box)

- a direct interest ☐

OR

- an indirect interest ☐ (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78) ☒
- Indirect financial interest (section 78A) ☐
- Indirect interest – conflicting duty (section 78B) ☐
- Indirect interest – applicable gift(s) (section 78C) ☐
- Indirect interest – party to matter (civil proceedings) (section 78D) ☐
- Indirect interest – impact on residential amenity (section 78E) ☐

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

MY WIFE IS ON THE BOARD OF CREATIVE CLINES

Print Name: NEIL NEWITT

Signed: *[Signature]*

Date: 12 NOVEMBER 2013

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Daylesford ARC Advisory Committee

Date: 18 November 2013

Time: 5:00

Venue: ☐ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☒ Other (specify) – Daylesford Secondary College

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

☒ Other, please specify: Recreation Coordinator, Laura Campbell and Manager Community Development, Adam McSwain

☐ GM Infrastructure Bruce Lucas

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:
 Recreation Coordinator, Laura Campbell

Signature:



Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.



**Hepburn Shire Council
Daylesford ARC Advisory Committee**

Agenda

**For the Meeting to be held on Monday 18 November 2013
At 5:00pm**

In the Daylesford Secondary College - Meeting Room

Attendees: Cr Kate Redwood, Tiffany Holt, Jenny Beecham, Lorraine Hayes, Faye McLeod

In Attendance: Laura Campbell, Adam McSwain, Leticia Frost

Apologies: David Hall, Alan Wold-Tasker

1. Welcome
2. Minutes of previous meeting
3. Business Arising
4. Advertising and Sponsorship Policy
5. DNC report on activities and programs
6. Any other business
7. Next Meeting Date

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: Tuesday 19 November 2013
Time: 1:00 pm

Venue: ☐ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☒ Other (specify) – Trentham Mechanics Institute

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 checked="" type="checkbox"/> Cr Sebastian Klein	

Members of Council Staff present:

<input checked="" type="checkbox"/> CEO Aaron van Egmond	<input type="checkbox"/> GM Infrastructure Bruce Lucas
<input type="checkbox"/> GM Corporate Services Evan King	<input type="checkbox"/> Other, please specify:
<input type="checkbox"/> GM Community Services Kathleen Brannigan	

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 checked="" type="checkbox"/> CEO Aaron van Egmond	<input type="checkbox"/> GM Infrastructure Bruce Lucas
<input type="checkbox"/> GM Corporate Services Evan King	<input type="checkbox"/> Other, please specify:
<input type="checkbox"/> GM Community Services Kathleen Brannigan	

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 19 November 2013 Commencing 2:00 pm		Trentham Mechanic's Institute Trentham
Chair:	Mayor	Councillor Don Henderson
Attendees:	Councillors	Kate Redwood, Bill McClenaghan, Neil Newitt, Sebastian Klein, Pierre Niclas, Greg May
	Officers	CEO, Aaron van Egmond
Apologies:	Councillors	
	Officers	
COUNCILLOR ONLY TIME		
12:30 pm		Councillors Only
AGENDA – COUNCILLOR / CEO MEETING		
2:00 pm		CEO & Councillors
1.	CEO Appraisal discussion (confidential)	All
2.	Vincent Street Streetscape plan of works	Cr Kate Redwood
3.	Freight strategy	Cr Kate Redwood
4.	Rescission motions	Cr Bill McClenaghan
5.	Possible amendments to Local Law 1	Cr Bill McClenaghan
6.	S86 Committee - Clunes Community Centre	Aaron van Egmond
7.	DMR Tourism request to meet individually with Councillors	Aaron van Egmond
8.	New logo / Hepburn Shire branding	Cr Bill McClenaghan
9.	Daylesford Neighbourhood Centre	Aaron van Egmond
10.	Donation requests from Daylesford Primary and Daylesford Secondary Schools	Aaron van Egmond
11.	Organisational Structure	Aaron van Egmond
12.	Mt Prospect Tennis Association	Aaron van Egmond
13.	Christmas Decorations	Aaron van Egmond
3:30 pm	Pre-Council Meeting Briefing 19 November 2013	Councillors and Officers
5:00 pm	Meal break	Councillors and Officers
6:00 pm	Council Meeting - Trentham	Councillors and Officers

Anzac Centenary Grants

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Pre Council Meeting
Date: Tuesday 19 November 2013
Time: 3:30 pm

Venue: ☐ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☒ Other (specify) – Trentham Mechanics Institute

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 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	Adam McSavine

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned

Matters Considered: Council Meeting Agenda – 19 November 2013

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.

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor Don Henderson hereby disclose
a conflict of interest in the following matter Community Grants.

This matter is being considered at a meeting of

- ☒ Council Meeting
- ☐ Councillor Briefing
- ☐ Special Committee
- ☐ Audit and Risk Advisory Committee
- ☐ Assembly of Councillors

on 19/11/2013

The class of the interest is (tick appropriate box)

- a direct interest ☐
- OR
- an indirect interest ☒ (see below)

Please select from the following types of indirect interest:

- Indirect interest - close association (section 78) ☒
- Indirect financial interest (section 78A) ☐
- Indirect interest – conflicting duty (section 78B) ☐
- Indirect interest – applicable gift(s) (section 78C) ☐
- Indirect interest – party to matter (civil proceedings) (section 78D) ☐
- Indirect interest – impact on residential amenity (section 78E) ☐

NB All references to sections are references to sections in the *Local Government Act 1989*.

The nature of the interest is as follows:

Spouse is President of
Coastwatch & Disturbed Residents Assn

Print Name: Don Henderson

Signed: Don Henderson

Date: 19/11/2013



MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE 2013 AGENDA

**Thursday 21 November 2013
9.30am to 11.30am - Creswick RSL**

Invitees:

Bradley Towers	Trentham Police	Terry Crisp	HSC
Sgt Andrew Guiney	Daylesford Police	Kevin Clohesy	HSC
Sgt Dean Towk	Creswick Police	Richard Russell	HSC
Matthew Beel	Daylesford Police	Cr Bill McClenaghan	HSC
Stephen Latter	Hepburn Health	Adam McSwain	HSC
Glenn Stickland	Red Cross	Melissa Phillips	HSC
Barry Nicholls	Ambulance Victoria	Bruce Lucas	HSC
Julian Cofield	Ambulance Victoria	Kathleen Brannigan	HSC
Carl Oliver	Coliban Water	Tony Grimme	SES
Neville Pearce	Coliban Water	Kevin Henderson	Goulburn Murray Water
John Searby	DSE	Gordon Cornell	WICEN
Geoffrey Gray	CFA	Karen Doyle	Parks Victoria
Dean Jones	CFA	Jeni Taylor	Integrated Fire Management Planning
Alan Hives	CFA Local (Creswick)	Brian Hamer	DHS Grampians
Alfred Mason	CFA	Crystal Clark	DEPI
Geoffrey Gray	CFA	Sally McCarron	DHS
J Walsh	Red Cross		

Apologies:

Margaret Holt	Central Highlands Water	Evan King	HSC
Cameron Butcher	Central Highlands Water	Eric Wright	HSC
Malcolm Bruce	CFA	Merydth Whitehead	DEPI
Graham McGrath	Ambulance Victoria		
Leanne Curran	Daylesford Police		

Item No.	Time	Agenda Item	Presenter
1	9.30am	Welcome & Apologies	Cr Bill McClenaghan
2	9.35am	<ul style="list-style-type: none"> Adoption of Minutes of Meeting – 17 April 2013 Business Arising from Minutes 	Cr Bill McClenaghan
3	9.45am	Incoming Correspondence <ul style="list-style-type: none"> Minutes – Municipal Fire Management Planning Committee Meeting March 2013 CFA District 15 Operations Management Report November 2013 CFA presentation – Season Outlook for 2013/2014 – October 2013 Minutes REMPC – Stawell 29 October 	Cr Bill McClenaghan
4	10.05am	Update CERA Risk Profile Review by MEMPC	Richard Russell / Tony Grimme
5	10.20am	Flood Plan Update & Update on Creswick Flood Mitigation Works	Richard Russell
6	10.45am	Mt Franklin Fire Lookout Tower Visibility Tower Works	Crystal Clark DEPI
7	11.00am	MEMP Audit Early 2014	Bruce Lucas/Richard Russell
8	11.15am	General Business	
		Close	

RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: International Women's Day
Date: Thursday 21 November 2013
Time: 4.00pm

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:
 Maria Abate - Communications Officer,
 Michelle Collett - PA to the CEO

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:
 Michelle Collett - PA to the CEO

Signature: um R Collett

Note: This form **MUST** be completed by the attending Council Officer and returned immediately to Executive Services for filing.



HEPBURN SHIRE COUNCIL

INTERNATIONAL WOMEN'S DAY WOMENS HONOUR ROLL MEETING

Thursday 21 November 2013

The Chamber

4:00 PM - 5:00 PM

AGENDA

- CHAIR:** Dr Lorene Gottschalk - Chair
- PRESENT:**
- Gillie Gough - Committee Member
 - Joan Rattray - Committee Member
 - Mabel Moran - Committee Member
 - Roma Wiseman - Committee Member
 - Suzanne Phillips - Committee Member
 - Vicki Adamson - Committee Member
 - Cr Don Henderson - Friend of the Committee
 - Maria Abate - Communications Officer
- ACTION RECORDER:** Michelle Collett - Personal Assistant to the CEO
- APOLOGIES:** Cr Kate Redwood

	Time	Agenda Item	Purpose	Presenter
1.	4:00pm	Welcome, meeting opened		Chair
2.	4:05pm	Confirmation of minutes	Information & Discussion	Chair
3.	4.15pm	Key speaker update <ul style="list-style-type: none"> - Julia Gillard - Nicola Roxon - Dr Anne Summers 	Information & Discussion	Chair
4.	4.30pm	Potential key speakers? <ul style="list-style-type: none"> - Pru Goward - Moira Raynor - Paula Gerber-Jones - The Honourable Elizabeth Evatt AC - Fay Marles 	Information & Discussion	Chair
5.	4:40pm	Nominations forwarded to the Selection Committee for consideration	Information & Discussion	Chair
6.	4.45pm	Matters arising	Information & Discussion	Chair
7.	5:00pm	CLOSE		

NEXT MEETING: To be confirmed

CHAIR: Cr Kate Redwood



RECORD OF ASSEMBLY OF COUNCILLORS

This record is required under Section 80A of the *Local Government Act 1989*

Title of Meeting: Clunes Community Centre Special Committee

Date: 27 November 2013

Time: 7:00pm

Venue: ☐ Council Chamber Daylesford
☐ Senior Citizens Centre Daylesford
☒ Other (specify) – Clunes Community Centre

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: Recreation
Coordinator – Laura Campbell

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:
Recreation Coordinator – Laura Campbell

Signature:

Note: This form MUST be completed by the attending Council Officer and returned immediately to Executive Services for filing.



**Hepburn Shire Council
Clunes Community Centre Special Committee**

Agenda

**For the Meeting to be held on Wednesday 27 November 2013
At 7:00pm**

Clunes Community Centre

Attendees: Cr Neil Newitt, Laura Campbell, Norah Campbell, Andrea Hill, Gary Hoare, Elizabeth Garth

In Attendance:

Apologies:

1. Welcome
2. Resignation of Steve Schneider
3. Election of Treasurer
4. Cleaning of Clunes Community Centre
5. Any other business
6. Next Meeting Date

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

- Minutes from Creswick Museum Special Committee – 4/11/2013
- Minutes from Lee Medlyn Home of Bottles Special Committee – 6/11/2013.
- Minutes from Drummond Hall Special Committee – 22/11/2013.
- Minutes of the Clunes Community Centre Special Committee – 27/11/2013.

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:

- Clunes Community Centre Special Committee
The Committee formally accepts the resignation of Steve Schneider and will take the recommendation of Council for a replacement representative from Wesley College (refer separate Officer's Report).

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Not applicable.

FINANCIAL IMPLICATIONS

No financial implications have been identified.

RISK IMPLICATIONS

No risk implications have been identified.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No environmental, social or economic implications have been identified.

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

<p><i>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.</i></p>
--

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

11.2. APPOINTMENT OF COMMITTEE MEMBER – CLUNES COMMUNITY CENTRE SPECIAL COMMITTEE 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 appoint a replacement Committee Member to the Clunes Community Centre Special Committee as a representative of Wesley College, following the resignation of Mr Steve Schneider.

BACKGROUND

At the Ordinary Meeting of Council held on 20 August 2013, Council appointed Wesley employee Mr Steve Schneider as a representative of Wesley College on the Clunes Community Centre Special Committee.

ISSUE / DISCUSSION

On 14 November 2013, Council received Mr Schneider's resignation from the Clunes Community Centre Special Committee as he is not continuing in his role of Deputy Head of Program for Wesley College.

As Wesley College is a key user group of the facility, Mr Schneider has proposed that his replacement, Ms Vivienne Eckersley, take up his position. Ms Eckersley has been a member of the Wesley College staff team throughout 2013 and lives in Clunes.

At a meeting of the Clunes Community Centre Special Committee held on 17 November 2013, the Committee formally accepted the resignation of Mr Schneider and referred the matter of a replacement representative from Wesley College for Council's consideration.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

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

FINANCIAL IMPLICATIONS

No financial implications have been identified.

RISK IMPLICATIONS

It is important that committees for facilities with a number of user groups are balanced to allow fair and equitable representation of user groups.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No change to current arrangements.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Not applicable.

CONCLUSION

The appointment of Ms Vivienne Eckersley allows Wesley College to continue to be represented on the Clunes Community Centre Special Committee.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1 Accepts the resignation of Mr Steve Schneider from the Clunes Community Centre Special Committee and writes to him to thank him for his contribution.
- 11.2.2 Appoints Ms Vivienne Eckersley as a representative of Wesley College on the Clunes Community Centre Special Committee from 18 December 2013 until 31 August 2014.
- 11.2.3 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 and ordinary return.

MOTION

That Council:

- 11.2.1. Accepts the resignation of Mr Steve Schneider from the Clunes Community Centre Special Committee and writes to him to thank him for his contribution.*
- 11.2.2. Appoints Ms Vivienne Eckersley as a representative of Wesley College on the Clunes Community Centre Special Committee from 18 December 2013 until 31 August 2014.*
- 11.2.3. 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 and ordinary return.*

Moved: Councillor Neil Newitt
Seconded: Councillor Pierre Niclas
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:

- Daylesford ARC Advisory Committee – 18/11/2013.

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Not applicable.

FINANCIAL IMPLICATIONS

No financial implications have been identified.

RISK IMPLICATIONS

No risk implications have been identified.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

No environmental, social or economic implications have been identified.

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 receives and notes receives and notes the minutes from Advisory Committees listed above which have been distributed under separate cover.

MOTION

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

Moved: Councillor Kate Redwood

Seconded: Councillor Bill McClenaghan

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
 - Contract H449-2013 – Streetscape Planning and Design – Hepburn, Glenlyon, Trentham, Creswick and Clunes
 - Contract H451-2013 – Plant Replacement Program 2013 – Water Tanker – Cab Chassis and Water Tanker; 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*

Contract H449-2013 – Streetscape Planning and Design – Hepburn, Glenlyon, Trentham, Creswick and Clunes

Contract H451-2013 – Plant Replacement Program 2013 – Water Tanker – Cab Chassis and Water Tanker; 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 Bill McClenaghan

Seconded: Councillor Pierre Niclas

Carried.

The Meeting Closed to Members of the Public at 8:09 pm.

Councillor Sebastian Klein left the meeting at 8:17 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.

PROCEDURAL MOTION

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

Moved: Councillor Bill McClenaghan
Carried.

The Meeting re-opened to the Public at 8:23 pm.

During the Confidential section of the meeting the Council resolved to release the following information.

13.2 Confidential – Contract H449-2013 – Streetscape Planning and Design – Hepburn, Glenlyon, Trentham, Creswick and Clunes

13.2.1 *Awards the tender for Contract H449–2013 – Streetscape Planning and Design - Hepburn, Glenlyon, Trentham, Creswick and Clunes for the lump sum of up \$165,000 to OUTLINES landscape architecture.*

13.3 Confidential – Plant Replacement Program 2013 – Contract H451-2013 – Water Tanker – Cab Chassis and Water Tank

13.3.1 *Awards Contract H451-2013 for the Supply and Delivery of a Water Tanker Isuzu CH series GIGA CXY 455 Premium tandem truck with automatic gearbox and A & J Stock Fibreglass 15,000 litre water tank for the sum of \$235,031.82 to Ballarat Isuzu.*

15. CLOSE OF MEETING

The Meeting closed at 8:23pm.
