



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

TUESDAY 17 SEPTEMBER 2013

**TRENTHAM MECHANICS INSTITUTE
HIGH STREET
TRENTHAM
6:00PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 17 SEPTEMBER 2013

**Trentham Mechanics Institute
High Street, Trentham
Commencing 6:00PM**

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
17 SEPTEMBER 2013

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2. OPENING OF MEETING

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

IN ATTENDANCE: Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, Manager Planning Justin Fiddes, 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

Councillor Sebastian Klein

4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Bill McClenaghan declared a direct Conflict of Interest in Agenda Item 10.8 Free Green Waste Service at Transfer Stations in Preparation for the Summer Fire Danger Period as a waste management contractor. Councillor McClenaghan left the meeting at 8:03 pm and returned to the meeting at 8:09 pm. Councillor McClenaghan 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 20 August 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 20 August 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

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

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

PROCEDURAL MOTION

7.1.1. *That Council considers an Item of Urgent Business – Delegation for the Presentation of a Plaque to Mayor Hugh Vercoe of Matamata-Piako District Council, New Zealand.*

Moved: Councillor Don Henderson

Seconded: Councillor Kate Redwood

Carried.

7.2. PRESENTATION OF A PLAQUE TO MAYOR HUGH VERCOE OF MATAMATA-PIAKO DISTRICT COUNCIL, NEW ZEALAND

In providing this advice to Council as Mayor, I Cr Bill McClenaghan have no interests to disclose in this report.

INTRODUCTION

The Mayor of the Matamata–Piako District Council in New Zealand is retiring after a long career in local government. Hepburn Shire Council has a particular friendship with this New Zealand Council that goes back many years when delegations from Matamata–Piako came to visit Hepburn Shire and when we reciprocated by paying them a return visit. The area of New Zealand has some commonality with Hepburn Shire with its hot springs, tourism and geological makeup. Mayor Hugh Vercoe was Mayor in those days and, unlike most Victorian Mayors, has remained consistently in that office. This has been a very real achievement for Mayor Vercoe that ought to be acknowledged and congratulated now that he has announced his retirement from local government.

After the Musk Vale bushfire in February 2009 that affected much of Hepburn Shire, many of our people suffered loss or made personal sacrifices in fighting the fire and/or working in relief and recovery operations. Matamata–Piako District Council contacted us at that time to offer any help or support they could and it was agreed that they would host one heavily impacted person or family for an all expenses paid holiday in New Zealand and their local government district. After some deliberations, Sue Waters and her family were selected to take up this generous offer. Sue Waters was and still is the

Captain of the Leonards Hill CFA and was the first CFA person on site at the fire in February 2009.

Sue Waters is going back to New Zealand to attend the retirement function for Mayor Hugh Vercoe as the generosity of his District Council has never been forgotten. It has been suggested that Hepburn Shire Council also sends its thanks and congratulations to Mayor Vercoe on this occasion to mark the bond of friendship between Matamata–Piako District Council and Hepburn Shire Council. Accordingly, a commemorative plaque has been prepared for presentation at his retirement function.

As the advice of Mayor Vercoe's retirement has only recently been received, a more timely addition to Council's Ordinary Meeting Agenda has not been possible. Hence this item of urgent business to Council.

Presentation of the Plaque, Card and Gift

As Sue Waters is travelling to New Zealand for Mayor Vercoe's retirement function, it is appropriate that Council officially delegates the task of presenting the plaque to him on Council's behalf. This is seen as a good and expeditious way of expressing our ongoing appreciation for the kindness of Matamata–Piako District Council and Mayor Vercoe as well as Hepburn Shire's ongoing friendship.

RECOMMENDATION

That Council:

- 7.2.1 Delegates to Sue Waters, Captain of the Leonards Hill CFA Brigade, the task of conveying and presenting a commemorative plaque to Mayor Hugh Vercoe of Matamata–Piako District Council in New Zealand together with a card and a small Australian made gift, to express Hepburn Shire's congratulations on a long career in local government and to wish Mayor Vercoe all the best for a long and happy retirement.
- 7.2.2 Formally writes to Matamata–Piako District Council also to express its congratulations and best wishes to Mayor Hugh Vercoe and to reiterate the friendship between our two local government organisations.

MOTION

That Council:

- 7.2.1. *Delegates to Sue Waters, Captain of the Leonards Hill CFA Brigade, the task of conveying and presenting a commemorative plaque to Mayor Hugh Vercoe of Matamata–Piako District Council in New Zealand together with a card and a small Australian made gift, to express Hepburn Shire’s congratulations on a long career in local government and to wish Mayor Vercoe all the best for a long and happy retirement.*
- 7.2.2. *Formally writes to Matamata–Piako District Council also to express its congratulations and best wishes to Mayor Hugh Vercoe and to reiterate the friendship between our two local government organisations.*

Moved: Councillor Don Henderson

Seconded: Councillor Pierre Niclas

Carried.

The Mayor invited Ms Sue Waters to come forward and receive the plaque together with a card and a small Australian made gift (wombat) to be presented to Mayor Hugh Vercoe of Matamata-Piako District Council during her trip to New Zealand for Mayor Vercoe’s retirement function.

Ms Waters will be travelling to New Zealand on 2 October, returning on 8 October 2013.



Presented to

Mayor Hugh Vercoe,
Matamata-Piako District Council

On behalf of Hepburn Shire Council
we congratulate you on a long and
successful career on Council in the service
of your community.

We wish you all the best in your retirement.

Cr. Bill McClenaghan
Mayor of Hepburn Shire

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Bill McClenaghan, Holcombe Ward

Things are little bit different tonight in that I have a two part report. The first part I will deliver now as per normal. The second part will come a little bit later.

In my Mayoral report I would like to offer my heartiest congratulations to Cr. Pierre Niclas and Mrs Niclas on the safe arrival of their second son, Louis Pierre Niclas on Wednesday 4th September 2013. I understand mother and baby are doing well. As for Dad, dad is going through some stress at the time but these things happen with parenthood. So our Congratulations, Cr Niclas!

I'd also like to report that despite a previous Federal Government allocation of \$1.25 million to the Victoria Park project in Daylesford, it appears that the new Federal Government may not now issue that money through the Regional Development Australia Program. However, Council has stepped up activities in order to attract this funding from the new Government and proceed with the project. We are working with our continuing local member The Hon Catherine King in the seat of Ballarat together with officers of the departments.

On Tuesday 27th August I attended a function in Ballarat to launch the 2013-2014 Corporate Plan for Central Highlands Water whereby the Water Corporation announced their ongoing investment in the area and the fact they have been able to keep the increase in water rates way, way down. This is good to hear.

Later that Friday I attended the AGM at the Drummond Hall where a small Special Committee basically voted itself back in into its various positions of management of the Drummond Hall which is Council's only property in Drummond.

On Thursday 5th September, I attended the Scout Association of Australia - Ballarat District Annual Reports & Presentation meeting at Ballarat Town Hall. It was addressed by Senior Constable Nicki Lewis about cyber bullying and how young people need to be very, very careful about the use of the internet. It was very pleasing to report that all scout groups have achieved a 10% growth in their numbers. One particular group that was noted was a scout group in Hepburn Shire, no less than 1st Creswick, that achieved a 53% growth rate in the last year. Congratulations to 1st Creswick Scout Group. There is also a proposal to kick start scouting again in Daylesford and it's very good to see that healthy outdoor activities are coming back into vogue for many young people.

On Friday 6th September, I attended another AGM at the Daylesford and District Historical Society at Daylesford Museum. Once again a very good session for people keeping local history alive.

On Friday 13th September, I attended an absolutely wonderful event in Glenlyon whereby I got the opportunity to take the Bio Link Walk for the first time and participate in the unveiling of interpretive signage along the track that has been funded by the Government and the North Central Catchment Management Authority. The Bio Link Walk is now going to be worked on by Glenlyon Upper Loddon Landcare which hopefully will soon have a licence for the use of the land on both sides of the Loddon River between the bridge on the Malmsbury Road and the Glenlyon Recreation Reserve under Council control. We have an Agenda item later on in the meeting about this area of land. I would certainly like to congratulate Glenlyon Upper Landcare on a magnificent job. Back in the early 2000s it was a mass of blackberries and gorse in there and then the drought struck and farmers were offered drought resistance work to clear the blackberries. A path was cleared through; the path got wider and wider and now we have a wonderful walking track beside the Loddon River. It's a wonderful place to go. It will be one of Hepburn Shire's hidden gems. When it is officially opened later in the year, we hope to take the Trail Rider wheelchair through there with a certain local identity strapped into it. Should be a really great day – a good day for swimming too, I'm told.



It's really the year of Hepburn this year. As you all know, on 15th April, 175 years ago Captain John Hepburn also known as John 'Heburn' settled at Smeaton and later founded the town of Smeaton. There will be a commemoration next month of the establishment of Smeaton which was long before the state of Victoria got going. Hepburn Shire has achieved another first here.

As I said it is the year for Hepburn and on Saturday 14th September, last Saturday, the Hepburn Football Club won the Grand Final in Ballarat at the Eureka Stadium. They trounced Buninyong. Hepburn; 16 goals 10 points – 106 defeated Buninyong; 14 goals 13 points – 97. It was a wonderful event to watch and be there to show the support of local government for one of our sporting teams and another icon of Hepburn Shire. Here endeth Part 1 of my report.

COUNCILLOR REPORTS

Councillor Don Henderson, Creswick Ward

I can report that the Creswick Ward Community Committee is proceeding with the community plan. There has been a great deal of consultation. It's very important to note that Ms Audrey Winther actually took it upon herself to go to the many schools throughout our ward and complete a questionnaire with the school children. She also did some questionnaires with local youth. There were a great many participants from all of the schools. Those comments will be taken on board when formulating the community plan. Once the community plan has been completed, it will be submitted to Council for endorsement.

I recently attended an event in Newlyn for the presentation of Service Awards to members of the Dean-Newlyn Country Fire Authority. Members received awards from 5 years up to 50 years of service. There were also some National Medals awarded for outstanding service for emergency services. The room was full. It was very rewarding to see such community support and involvement..

Councillor Greg May, Creswick Ward

Since my last Councillor report I have attended most Council briefing sessions and was absent from the August Council Meeting. I was fortunate enough to

escape the Blampied winter for a couple of weeks to the warmer climes of Far North Queensland. I'm unsure who invented holidays but I believe they are a great idea, good for the body and the soul.

Prior to this I attended the Victorian Agribusiness Summit run by the Central Highlands Agribusiness Forum in Ballarat. The forum covered a variety of issues including business opportunities in the Asian market, the complexity of food regulations, open food networks, food hubs, Victorian groundwater management and the impacts of climate change on agriculture. Although most topics had an agricultural focus many of the issues raised will have impacts on all of us living and working in rural shires. One of the important issues from a council perspective was the diminishing amount of available agricultural land and how urbanisation is impacting on food and fibre production capabilities.

I also attended the AGM of the Ullina Landcare Group along with Councillor Newitt. The meeting was attended by around 25 members as well as some members from the Creswick Landcare Group. Their President Jock Leishman addressed the meeting and warned how impending State Government funding reductions may impact on their viability and that of all Landcare groups within the state.

The Council's Recreation Advisory Committee also met recently. Several committee members didn't attend the meeting but those that did had discussions with Council officers around Council support for sport and recreation groups, the Recreation Advisory Committee itself and Council's recreation priorities going forward.

Councillor Pierre Niclas, Birch Ward

12/09/2013

Last Thursday the Mayor and I met with some Daylesford Secondary College Year 9 students, representatives of the Daylesford Men's Shed, local Lake Daylesford "ice breakers" swimming club enthusiasts and relevant Council Officers.

The purpose of this meeting was to hear directly from the Year 9 students about their 2013 Alpine School Leadership project proposal which is to complete a modest amount of work at the old Lake Daylesford toilets and change rooms to make them once again accessible and usable by the general public.

After a quick introduction to the proposed project and a walk through of the facility, it was generally agreed that this would be an appropriate project to be

considered by Council Officers for support by accessing the relevant Youth funds/grants.

14/09/2013

A great day for the whole Shire with the magnificent Grand Final win by Hepburn Football Club over Buninyong Football Club. I am confident that this great result would receive full support from all the other football clubs - Creswick, Clunes and Daylesford. Go the Burras!

16/09/2013

Cr Redwood and I conducted our usual monthly Birch Ward meeting at the Daylesford Library. Due in part to the inclement weather, the number of attendees was down. However the 2 small groups who did attend came with widely varying agendas; from the current progress of discussions between Council and CFA Command with respect to the proposed location of the new Hepburn Springs fire station, to the on-going concerns from ratepayers in that area with insufficient drainage and on-going flooding to homes. From their responses all left reasonably satisfied with our responses and/or commitment to follow-up.

Councillor Kate Redwood AM, Birch Ward

This has been an unusual month as I have been away in the UK for 3 weeks since the last Council meeting.

Victoria Park Daylesford Facilities

In the three days between the August Council meeting and my departure overseas, there was an enthusiastic meeting of Vic Park users who met to be briefed about the Council's current position regarding new facilities in Vic Park and to start a formal consideration of their needs if/when a new facility is built. They are to consult with their club members and report to the next meeting of the working party in 6 weeks from the first meeting.

Two days later our local federal member, The Hon Catherine King MP came to Vic Park to announce that \$1.2 million had been committed from the Australian Regional Development Fund. While this commitment was made prior to the caretaking period running up to the election, it is understood that the funds are there, subject to support from the newly elected government. At Catherine's request I (in my capacity as Secretary of the Daylesford Football Netball Club) wrote to the Central Highlands Football League to ask for their support in lobbying both prior and post the election. The response from the League was unequivocally supportive with the President including the issue in

his end of season speeches, and preparedness to write to government representatives with regard to the urgency of new facilities in Victoria Park which are clearly seen as the worst in the League.

Follow up on the funding issues is clearly a high priority for Council.

International Women's Day Committee

This week will see the second meeting of the new International Women's Day Committee. Considerable work has been going on over the last 4 weeks with posters distributed regarding nomination of women for the honour roll, arrangements for the selection committee to consider nominations, and planning with regard to the key guest speaker. It is pleasing that the Daylesford Secondary College are keen for their young women to be involved again.

Parking Issues

While overseas in the UK I happened to visit a number of areas that have much in common with Hepburn - a high level of visitation from tourists travelling by car and with limited public transport. It is apparent that in the UK it is universally the practice that cars are parked on street, in car parks and at tourist attractions with the regulated requirement that there is a fee for parking. This is predominantly through a pay and display system. It appears that such parking arrangements are accepted as the norm and cause no complaint. Provision for local people is made through the use of resident or property owner permits.

I believe that this would be in line with practice elsewhere, where it does not appear to impact on business or tourism, that it can be designed so that local users are protected, allows visitors to contribute to the cost of wear and tear of public roads and other facilities, and could provide a significant revenue stream to Council.

Councillor Neil Newitt, Cameron Ward

As Council's representative on the Daylesford & Macedon Ranges Regional Tourism Board (DMRRTB), I attended a workshop with the Tourism Victoria Board held on 22 August in Sunbury. Industry representatives from the region were also in attendance.

During the briefings, some time was spent discussing the benefits of our proximity to Melbourne and how our area is ideally placed and how our businesses should target those looking to escape the city on 'spur of the moment' breaks.

There was discussion around the increasing number of visitors from Geelong and Bendigo, as well as visitors from Ballarat. It was acknowledged that these emerging areas will be just as important as Melbourne and consideration should be given to attracting visitors from these large population bases situated around us.

The Tourism Victoria Board, during its time here, also visited Red Beard Historic Bakery here in Trentham as well as attended functions held at Sault and the Lake House in Daylesford.

Tourism Victoria has made a commitment to work with the DMRRTB to support the sustainable development and promotion of the region.

On 28 August, I along with Cr May attended the Ullina Landcare AGM. As Cr May reported, although all Landcare groups across the state are finding it challenging in the face of uncertain funding from State government, Ullina Landcare is committed to doing the best with what is available. The group were pleased to hear Council are working toward the future of Wheeler's Bridge, but also discussed the ongoing problem with roadside weeds.

There was also discussion around Smeaton's 175th celebrations, as well as the future of the school building after the primary school closes at the end of this year

Councillor Sebastian Klein, Coliban Ward

Absent – No report presented this month.

MAYOR'S REPORT – PART 2

Councillor Bill McClenaghan, Holcombe Ward

For those of you wondering what this is, it's a clock. (Referring to a wooden ornamental clock on the table.) It was presented to Hepburn Shire Council by Matamata-Piako District Council during one of their visits in 2006. We keep it in the Mayor's Room to make sure we are punctual.

I have much pleasure in the next little item.

Occasionally, one of our number comes down with a fairly stressful issue in his/her life. I've been a bit concerned about the stress levels with my councillor colleague Cr Pierre Niclas with the birth of his new son and some of the planning issues with the Hepburn CFA fire station. We therefore consider,

Cr Niclas and having conferred with my Deputy Mayor, we think that you need to have an award.

Cr Niclas, in recognition of your service to Council as a newly elected Councillor and the stresses in your life, this is your award commemorating your own particular vernacular.

(The Mayor presented Cr Niclas with a small wooden mallet marked up accordingly.)

It's an apparatus I can guarantee will bring you some stress relief. As you would say, "Knock yourself out." Also on the flip side is - "The Flip Side".

RECOMMENDATION

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

MOTION

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

Moved: Councillor Don Henderson

Seconded: Councillor Greg May

Carried.

9. PUBLIC PARTICIPATION TIME

This part of the Ordinary Meeting of Council allows 30 minutes for the purpose of:

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

9.1. PETITIONS

Nil

9.2. QUESTIONS

Question 1: **From Ms Mary Oliver, Trentham**

My question regards the work being carried out in Trentham on existing trees and the planting of new trees.

I live in Rahills Road. Along the North edge of the road there has been extensive work on the very mature, native trees. I arrived home to find trees felled without any knowledge at all that this was to happen. My neighbours were also shocked at what had happened. Two of them said they had had a chance, unexpected brief chat on the road with an officer from the Council about a survey from several years ago but that was all. It was not a planned meeting nor were other residents present. A few trees needing weight reduction were apparently discussed.

Following this initial work I requested a meeting of residents and Council to discuss the situation. This was held on the road and was helpful, as various trees were examined and some diseased and potentially dangerous trees and branches were noted. Certain trees were to be felled. None of the trees was said to be a danger to public property, rather they were in need of attention for our properties. This was a positive meeting. The outcome was an apology for lack of communication and notice and a verbal promise of written advice in future. It was agreed that the trees would be clearly marked and coded re action to be taken. The next work was expected in three weeks or later.

Less than three weeks later I arrived home at the weekend to find major felling had taken place outside my property. There had been no further communication. My neighbours said the trees were marked on Thursday and taken down on Friday. That is, less than 24 hours later. The felling and reduction work has continued and the resulting appearance of some trees in our road is unanimously felt by residents and many others to be extremely disappointing.

I wrote to James Lowe with these concerns and received a reply from John Beer which broadly answered them. Of course, dangerous trees must be attended to. However, we are very disappointed with the process in this case. Thus:

- **Please confirm that residents will be directly consulted regarding work on trees in our town. The trees are an integral aspect and feature of Trentham. They offer a unique amenity which we treasure. They are a major reason for many of us to live here. What are the current activities on street trees in Trentham, why, and who is supervising?**

- **In Rahills Road, exactly who decreed the work should happen and what are the qualifications of said person(s)?**
- **Why has this work taken so long, if a survey was taken in 2008 and the trees were deemed dangerous then?**
- **Why was the work so hasty now? ie less than 24 hours after marking?** (The contractors happened to be in the area is not an adequate answer).
- **What is the program for stump removal and replanting?** (When the ground is dry to avoid damage to the nature strip is not an adequate answer).
- **How and when will we be able to discuss what will be planted outside our properties? We would like to work together in this planning.**

Answered by Mayor Cr Bill McClenaghan:

Council has recognised the need to undertake additional effort in managing tree related risks in our community. In doing so, Council has made available funding to support this initiative.

As a result, the following steps are being undertaken:

- Continue to complete tree condition assessments;
- Review all existing tree condition reports;
- Review and update outstanding recommendations identified;
- Prioritise works for completion.

As a result, trees in Rahills Road were reviewed and urgent works were identified. This review also considered concerns raised by a resident in Rahills Road.

It is acknowledged that works commenced without providing appropriate advice to residents. This resulted in works being suspended whilst officers met with residents to discuss and explain the proposed works.

Council officers understand that all residents present at the site discussion were satisfied with the explanation provided and in agreement that works could be recommenced. Council also provided a commitment to provide appropriate notice for future works in Trentham.

With regards to the stump removal, this work will be coordinated as part of a shire wide program which provides efficiencies in delivery. These works are currently scheduled for December followed by replacement plantings.

Initial discussions have already occurred with residents regarding replacement plantings and Council is committed to further discussions with residents prior to them being finalised.

If any resident has any ongoing concerns regarding this work they are encouraged to contact John Beer – Council's Maintenance (Works) Manager or Bruce Lucas – General Manager Infrastructure.

Question 2: From Ms Liz Burns, Musk

Can Council please explain how they spent Government funding for community plans?

Answered by Mayor Councillor Bill McClenaghan

Council adopted a Community Planning Framework in June 2007 and allocated \$20,000 towards community planning in 2007-2008.

This funding was spent on external facilitators to assist in developing community plans and their implementation. In subsequent years, funding has been allocated to a part time staff resource to support development of community plans.

No State or Federal Government funding has been received by Council for community planning.

Question 3 and 4: From Ms Liz Burns, Musk

Can Council please advise how they plan to spend the \$20,000 acquired from the sale of Musk Tennis Courts?

Can the residents of Musk be given a process by which a decision can be made on this matter?

Answered by Mayor Councillor Bill McClenaghan

In 2005 Hepburn Shire Council received \$20,000 for the abandonment of the Musk Tennis Court and the Section 173 Agreement. The \$20,000 received by Council was placed in Council's Open Space Reserve for the provision of future public space in the Musk area. The allocation of funds from the Open Space Reserve has to be done in conjunction with the annual budget as it will have a cashflow impact for Council that has to be accounted for.

The residents of Musk can have a say in how these funds are expended through the development of the Bullarto and Musk Community Plan.

The priority projects and actions identified by the community in the Bullarto and Musk Community Plan will assist Council to plan and prioritise some of those projects through its annual budget process and/or attract funding through state and federal governments.

Community plans are seen as a 'powerful tool' in securing resources from state and federal governments for community projects and addressing community needs.

Question 5: From Ms Gael Elliott
Trentham and District Historical Society

Significant Trees

In April **2002** Ron Hateley was invited to attend a meeting of the Shire's Heritage Committee to provide input for the development of a tree register which had been discussed at a previous meeting.

Each member of the Heritage Committee took this task seriously and collated lists of significant trees in each of their localities. The trees were photographed, measurements taken and GPS locations recorded.

In June **2007** the Shire had developed guidelines for a Significant Tree Register which was developed by the Environmental Development Officer, the Heritage Committee, Statutory Planning,

Strategic Planning, Parks and Gardens and Compliance Officers within the Council.

By **2009** the Hepburn Shire produced a Planning Scheme which recommended effective protection of the Shire's significant trees. This plan included Vegetation Overlays, Heritage Overlays and a

Significant Landscape Overlay. The plan included compliance and breaches policy. An acknowledgement letter or certificate of a significant tree was to be sent if the tree was the responsibility of a private landholder.

The resource implications were addressed and a consultant was appointed with approximately \$20,000 for the consultant and \$5,000 allocated for community consultation.

By **2010** a Significant Tree Register had received nominations. Again, this relied heavily on community time and effort.

In August **2011** Hepburn Council informed the Trentham Historical Society of meetings in Creswick and Trentham where community input was invited to assist with the establishment of a list

of trees of significance in the Shire. A heritage overlay was the ultimate aim of this exercise.

Amanda Jean of Treecology provided a draft report in September 2011.

Money was allocated in the budget for the exercise and a consultant was employed to report on the health of the nominated trees.

In **2012** Mr. Barry Elliott of Trentham asked a question at Council inquiring about the current status of the register. No answer was given.

Does the Hepburn Shire acknowledge the time, energy, frustration and money that our Shire Officers and members of the community have devoted to this project over many years?

What is the status of the Significant Tree Register in 2013 in the Hepburn Shire?

Does the Shire acknowledge the value of the wonderful trees of our district? While delay of this project continues, valuable trees may be lost.

Answered by Mayor Councillor Bill McClenaghan

Does the Hepburn Shire acknowledge the time, energy, frustration and money that our Shire Officers and members of the community have devoted to this project over many years?

Council acknowledges that the community has vested considerable time and energy into the Significant Tree Register project and acknowledges that considerable time has passed since the Significant Tree Register was agreed to be undertaken.

What is the status of the Significant Tree Register in 2013 in the Hepburn Shire?

Council called for nominations for the Significant Tree Register. A total of 69 nominations were submitted for inclusion in the Significant Tree Register amendment. These nominations were made up of individual and groups of trees totalling in the hundreds of trees.

The nominations were collated in the Statements of Tree Significance - Draft Report.

The two actions above formed stages 1 and 2 of the Significant Tree Register Amendment.

Stage 3 of the amendment involves the preparation of Planning Scheme Amendment documents to provide for the protection of the nominated trees and for their inclusion into the Hepburn Planning Scheme. This has commenced and involves but is not limited to:

- Council reviewing the Statements of Significance to determine the most appropriate overlay to protect trees (i.e. Heritage Overlay, Vegetation Protection Overlay etc);
- Council's Information Technology Department producing maps from GPS coordinates for inclusion in report;
- updating amendment reports, explanatory report etc to include new material and for the information to be presented to the Department of Transport, Planning and Local Infrastructure for comment.

Council officers will complete the draft review of the Statements of Tree Significance - Draft Report by the end of October 2013. The revised report will then be presented to the Department of Transport, Planning and Local Infrastructure (Minister for Planning Regional Office) for their comments. Following this feedback, Council will then seek to have the amendment on exhibition. The exact date is yet to be determined after the meeting and feedback from the Department of Transport, Planning and Local Infrastructure. However, it is hoped that the amendment can be placed on public exhibition in January/February 2014.

Council will provide media communication in the *Victorian Government Gazette* and *The Advocate* newspaper when the amendment material is to be placed on exhibition.

Does the Shire acknowledge the value of the wonderful trees of our district? While delay of this project continues, valuable trees may be lost.

Hepburn Shire Council appreciates community input into the Significant Tree Register Amendment. Council also recognises the value of the nominated trees to the Shire, which is demonstrated through the strategic work that is currently being undertaken to ensure, that, subject to approval, the nominated trees will be protected in the Hepburn Planning Scheme.

Question 6: From Ms Pat Woods, Trentham

Thank you for the opportunity to ask a question of the Council.

My interest is in supporting the health of community via participation in activity be it the arts, learning, exercise or social activity.

Communities that join together in activity are kinder, healthier places to live in my experience.

A simple approach embedded in the original philosophy that gave rise to the building of mechanics institutes.

Access to well maintained, modestly priced venues is essential therefore central to fostering a healthy community, in my view.

As a member of the Mechanics Institute Committee of Management, I am interested in involving my local government in this endeavour. Hepburn Shire offers support by way of maintenance of community venues throughout the Shire but I am advised by other community members that Trentham is not included in the programme, although I do thank you for conducting the assessment of Mechanics Institute and the production of the report.

To get to the nitty gritty, as with everything ,I along with other members of my community would like to know how much money is in the pot to be spent and being spent by the Shire in other parts of the Shire of Hepburn.

My questions therefore are:

Will Council please release its financial information comparing its expenditure on community halls and similar facilities to provide the base information that we need to ensure we are all (including the residents of Trentham) being given access to funds that should benefit our communities equally?

Given my views as set out above, I would appreciate an undertaking from Council it is prepared act to ensure fair treatment for ratepayers and residents using their local hall (or sports ground) in all parts of the municipality. Is Council prepared to give such an undertaking?

Thank you, once again, for the opportunity to actively participate in Council meeting.

Answered by Mayor Councillor Bill McClenaghan

Council is committed to undertaking a number of projects this year to better understand the level of service provided to the Hepburn Shire. These include:

- Review of the roles and responsibilities for sporting facilities across the Shire including building maintenance and renewal, oval and hard court surface maintenance.
- Completion of the Trentham Community Facility Review which recommended the development of a new community hub. Funding is provided for in the 2013-14 budget to undertake the planning and design work.
- Review of the Community Facility Hire Fee Waiver Policy.

9.3. REQUESTS TO ADDRESS COUNCIL

Nil

10. OFFICERS' REPORTS

10.1. COUNCILLOR CODE OF CONDUCT

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 consider and adopt a Code of Conduct.

BACKGROUND

The *Local Government Act 1989* requires every Council to have in place a Code of Conduct for Councillors. The Code of Conduct should, as far as possible, reflect the agreed standards of behaviour and expectations of Councillors in their dealings with fellow Councillors, the community and staff.

The draft before Council for consideration has been developed by Hepburn Shire Councillors.

ISSUE / DISCUSSION

The *Local Government Act 1989* specifies that a Councillor Code of Conduct must include Councillor conduct principles and may include any other matters relating to the conduct of Councillors. The proposed Councillor Code of Conduct provides guidance on the following:

- Roles and responsibilities of Councillors
- Use of resources
- Councillors conduct principles
- Councillor Conduct
- Confidentiality
- Communication
- Conflict of interest
- Dispute resolution
- Councillor conduct panels
- Adherence to the code.

The Hepburn Shire Councillors make the following commitment in the proposed Councillor Code of Conduct:

“As Hepburn Shire Councillors we are committed to working together in the best interests of the people within our municipality and in discharging our responsibilities to the best of our skill and judgement.

Our commitment to working together constructively will enable us to work with and empower the community by taking a strategic and forward thinking approach to our future. One that is mindful of our heritage, enhances our environment, creates economic growth and fosters a strong community spirit.”

Council has taken the opportunity to strengthen the code in areas such as communication, emergency management and resource use. Strengthening the code in these areas will provide greater guidance to Councillors, officers and the community.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Each Council has a statutory obligation under Section 76C (2) of the *Local Government Act 1989* to review the Code of Conduct within 12 months of a general election. The general election was held on 27 October 2012; therefore Council is required to adopt a new Code of Conduct by the 26 October 2013.

FINANCIAL IMPLICATIONS

There is no financial implication associated with adopting the proposed Councillor Code of Conduct.

RISK IMPLICATIONS

There is no risk implication associated with adopting the proposed Councillor Code of Conduct

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Councillor Code of Conduct provides a commitment by Councillors to how they will interact with each other and the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Councillor Code of Conduct will be placed on the Hepburn Shire Council website and available to the public.

CONCLUSION

The Hepburn Shire Councillors have developed a proposed Councillor Code of Conduct in line with its statutory obligations. The code provides guidance to Councillors, officers and the community on the agreed standards of behaviour and expectations of Councillors.

OFFICER'S RECOMMENDATION

That Council:

- 10.1.1 Adopts the Hepburn Shire Council Councillor Code of Conduct dated September 2013.
- 10.1.2 Agrees that all Councillors present and absent sign the Councillors Code of Conduct in demonstration of their commitment to the code.
- 10.1.3 Makes the Councillor Code of Conduct dated September 2013 available for public inspection on the Council's website.

MOTION

That Council:

- 10.1.1. Adopts the Hepburn Shire Council Councillor Code of Conduct dated September 2013.*
- 10.1.2. Agrees that all Councillors present and absent sign the Councillors Code of Conduct in demonstration of their commitment to the code.*
- 10.1.3. Makes the Councillor Code of Conduct dated September 2013 available for public inspection on the Council's website.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 1 - COUNCILLOR CODE OF CONDUCT – SEPTEMBER
2013**



HEPBURN SHIRE COUNCIL

COUNCILLOR CODE OF CONDUCT

This Code, which incorporates the statutory requirements specified for a Code of Conduct in accordance with section 76C of the *Local Government Act 1989*, was adopted by resolution of the Hepburn Shire Council on 17 September 2013.

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1. INTRODUCTION

As custodians of the Hepburn Shire Council, Councillors hold a unique and important role within Victoria. They have been democratically elected to provide leadership for the good governance of the municipality and the local community as recognised in the *Local Government Act 1989* (the Act). This Act describes how the Council will be accountable in the performance of its functions, the exercise of expected standards of conduct and behaviour and the use of resources.

2. PURPOSE AND COMMITMENT

As Hepburn Shire Councillors we are committed to working together in the best interests of the people within our municipality and in discharging our responsibilities to the best of our skill and judgement.

Our commitment to working together constructively will enable us to work with and empower the community by taking a strategic and forward thinking approach to our future. One that is mindful of our heritage, enhances our environment; creates economic growth and fosters a strong community spirit.

This Code of Conduct is part of Council's commitment to governing our Shire effectively and adhering to the principles of good governance.

Good governance is the complex set of processes, protocols and behaviours which lead to good decisions.

Good decisions are those which are informed by evidence and good advice, contributed to and understood by communities, underpinned by integrity and make sense in the long term interests of the community.

We also recognise that good governance means ensuring that the diversity of views and opinions in our community are given proper weight in the decision making process. However, Good Governance is also about **accountable leadership**. When we meet as a Council and make decisions, those decisions must be made in the long term best interests of the whole Municipality.

This Code of Conduct does not apply to Council Staff. Council Staff are bound by the Employee Code of Conduct.

3. KEY ROLES AND RESPONSIBILITIES

3.1 Roles

The primary role to the Council is to provide leadership for the good governance of Hepburn. The role of the Council also includes:

- Acting as a representative government by taking into account the diverse needs of the local community in decision making;

- Providing leadership by establishing strategic objectives and monitoring their achievements;
- Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- Advocating the interests of the local community to other communities and governments.
- Acting as a responsible partner in government by taking into account the needs of other communities; and
- Fostering community cohesion and encouraging active participation in civic life.
- The Mayor and Councillors do not have an operational or response role during an emergency except in exceptional circumstances. The Council's municipal emergency management officers have operational responsibilities and legislative obligations they need to carry out. In an emergency event Councillors role is to:
 - Assist the Mayor as requested
 - Provide comfort to residents affected by the emergency event
 - Facilitate communication between Council and the community.

3.2 Community Expectations

The community's expectations of us their elected representatives are high. The business of Council will be conducted in a professional manner with efficiency and impartiality, whilst demonstrating compassion and sensitivity towards the needs of the community.

We acknowledge our obligations as Councillors to carry out our duties:

- (a) In the best interests of the community, and
- (b) In accordance with the *Local Government Act 1989*.

3.3 Councillors working together (Commitment Statements)

Our primary role as Councillors is to set the vision and directions for Hepburn Shire and to advocate on behalf of the whole community. We recognise that, as Councillors we should represent and promote the interests of the Hepburn community as a whole whilst recognising our special relationships with our constituents.

4. USE OF RESOURCES

Exercising appropriate prudence in the use of **Council Resources**. This includes:

- Not using Council resources, including staff, equipment and intellectual property for electoral or other personal purposes;

- Ensuring that Council resources are always used effectively and economically and for the purposes for which they are provided;
- Ensuring that Council's letterhead or logo is only used with the approval of the Chief Executive Officer to ensure that the letterhead or logo is not used in a way that creates an impression of Council endorsement;
- Ensuring that claims for out of pocket expenses are accurate and related strictly to Council business.

5. COUNCILLOR CONDUCT PRINCIPLES

5.1 Primary Principles

A Councillor Code of Conduct must include conduct principles as specified in section 76B of the Act. Each Councillor is aware of their responsibility to comply with those conduct principles including the following 'Primary Principles'.

Section 76B of the Act outlines the 'Primary Principles' of Councillor Conduct being that, in performing the role of Councillor, a Councillor must:

- a) act with integrity;
- b) impartially exercise his or her responsibilities in the interests of the local community; and
- c) not improperly seek to confer an advantage or disadvantage on any person.

5.2 General Councillor Conduct Principles

In addition to acting in accordance with the primary principles of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must:

- a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council, officers and other persons;
- d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- f) act lawfully and in accordance with the trust placed in him or her as an elected representative; and
- g) support and promote these principles by leadership and examples and act in a way that secures and preserves public confidence in the office of Councillor.

5.3 Additional Conduct Provisions

Further to the above statutory requirements, Councillors will obey the law including the following:

- a) the **Equal Opportunity Act 1995** and refrain from discriminating, harassing or bullying other people and using offensive language in their capacity as a Councillor;
- b) the requirements of the **Occupational Health and Safety Act 2004** and have regard to the principles of health and safety. Councillors have the status of employees under the OH&S Act and should ensure that they contribute to a healthy and safe workplace. Councillors should be particularly mindful of this in their interactions with Council officers;
- c) Councillors will also recognise the requirements of the **Information Privacy Act 2000** regarding access, use and release of personal information which also applies to Councillors as individuals.
- d) the requirements in the **Local Government Act 1989**, section 93A governing the conduct of Council during election periods and Council's Election Period Caretaker Policy;
- e) the provisions of Council's **Local Law No 1 – Meeting Procedures and Common Seal** when participating in Council and Special Committee Meetings;
- f) the Hepburn Shire Council Councillor **Expenses and Resources Guidelines** in respect of administrative procedures and reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor or Committee Member.

6. COUNCILLOR CONDUCT

There are specific types of conduct that are expressly prohibited by the Act. Councillors acknowledge that, in many cases a breach of a specific provision in The Act may be subject to prosecution in a Court.

6.1 Misuse of position

Councillors acknowledge and agree to adhere to their responsibilities under section 76D of The Act:

- (1) A person who is, or has been, a councillor or member of a special committee must not misuse his or her position –
 - a. to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - b. to cause, or attempt to cause, detriment to the Council or another person.
- (2) For the purposes of this section circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include-
 - a. making improper use of information acquired as a result of the position he or she held or holds; or
 - b. disclosing information that is confidential information within the meaning of section 77(2); or

- c. directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
 - d. exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - e. using public funds or resources in a manner that is improper or unauthorised; or
 - f. failing to disclose a conflict of interest as required under this Division.
- (3) This section:
- a. has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
 - b. does not prevent the institution of any criminal or civil proceedings in respect of that liability.

6.2 Improper direction and improper influence

Councillors acknowledge and agree to comply with their obligations in regard to section 76E of The Act which states:

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff:
 - a. in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - b. in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - c. in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - d. in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

7. CONFIDENTIALITY

Councillors agree to comply with their obligations under section 77 of the Act in relation to confidential briefings or information as defined under the Act and recognise that this obligation extends to ensuring the safekeeping of confidential information.

7.1 Confidential information

- 1. A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- 2. For the purposes of this section, information is confidential information if:

- a. the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - b. the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - c. subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
3. Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.
 4. Recognising the requirements of the *Information Privacy Act 2000* regarding the access, use and release of personal information outside of Council and how it relates to emails.

8. COMMUNICATION

As representatives of the community, we have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

We will endeavour to ensure that the messages communicated are clear and consistent and positively portray the Council as a decisive and responsible governing body.

8.1 The Mayor

The Mayor or delegate (ward Councillor) will provide official comment to the media on behalf of Council where the matter is of a strategic, political, controversial or sensitive nature. This includes:

- a) statewide political issues affecting Local Government;
- b) contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;
- c) issues pertaining to policy and Council decisions;
- d) issues relating to the strategic direction of the Council;
- e) issues that might be the subject of current investigations and/or litigation.

8.2 The Chief Executive Officer

The Chief Executive Officer or delegate (General Manager) is the official spokesperson for all operational matters pertaining to the organisation including:

- a) staffing and structure of the organisation;
- b) corporate issues relating to service provision; and
- c) the day-to-day business of Council.

8.3 Media Releases

All media releases issued by Council will be issued by the Communications Officer.

Prior to their release, all media releases issued by Council will be authorised by the Chief Executive Officer or delegate. Prior approval must be obtained from the respective Councillor for a media release issued by Council where that Councillor is quoted by name.

8.4 Councillor Public Comment

There may be times when a Councillor as an individual disagrees with a majority decision of the Council and wants the community to know that. The appropriate time and place for communicating diverging views is when an item is being debated in the Council Chamber. This provides the best opportunity for informed decision-making and for both the community and the media to better understand the diversity of Councillor views and perspectives in context.

Although the Hepburn Shire Council supports transparency and accountability in decision making, free speech and the use of appropriate robust processes to debate policy, pursue political objectives and resolve differences, it does not and will not condone personal and public criticisms of Councillors, staff and the organisation. Any Councillor who engages in such conduct will be in breach of the Councillor Code of Conduct.

9. CONFLICT OF INTEREST PROCEDURES

The Council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this Code, “direct interest”, “indirect interest” and “conflicts of interest” have the meanings specified in the Act.

Councillors will comply with all the provisions of the Act in regard to Conflicts of Interest:

- If a Councillor considers that they have a **direct or indirect interest** in a matter before the Council, a special committee of council or an assembly of councillors, they have a conflict of interest;
- If a Councillor has a **conflict of interest** in a matter they will comply with the requirements of the Act and ensure they disclose the class and nature of the interest leave the room in which the meeting or assembly is being held during any discussion, debate and vote on the matter;
- If a Councillor has a personal interest in a matter to be considered by the Council or special committee that is not a conflict of interest, and the Councillor considers that their personal interest **may be in conflict** with their public duty to act impartially and in the interest of the whole community, the Councillor will declare a **conflicting personal interest** under section 79B of the Act immediately before the matter is considered at the relevant meeting and apply to the Council or special committee to be exempted from voting on the matter.

In addition to the requirements of the Act:

- Councillors will give early consideration to each matter to be considered by the Council, special committee of which the councillor is a member, or assembly of councillors, to ascertain if they have a conflict of interest;
- Councillors recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual councillor and that Council officers cannot offer legal advice in relation to potential conflicts.

10. DISPUTES RESOLUTION PROCEDURES

1. Before commencing any formal dispute resolution process, the Councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.
2. In the event that the parties cannot resolve their differences, the first stage of the dispute resolution process is for the Councillor team to meet to assist discussions between the parties. This is to be undertaken in a collegiate spirit without taking sides or taking positions on the topic of disagreement. This meeting must be undertaken within 7 days of Councillors being informed that there is an issue. If the parties do not wish this step to be undertaken, then the parties will move to 3 (below).
3. Where a dispute occurs and Councillors are unable to resolve interpersonal conflict that adversely affects the operation of the Council, the parties to the dispute agree to work together to try to resolve the dispute and will agree to the appointment of a mediator nominated by the Chief Executive Officer and acceptable to both parties, or failing agreement, seek assistance from peak bodies or the Dispute Settlement Centre Victoria.
4. If a mediator is appointed, all Councillors agree to cooperate with the dispute resolution process and use their best endeavours to assist the mediator when requested.
5. In the event that a dispute cannot be resolved through application of these processes, it may be referred to a Councillor Conduct Panel.
6. If the dispute relates to an apparent offence under the *Local Government Act 1989*, it should be referred to the Victorian Local Government Investigations and Compliance Inspectorate and not the subject of an application to a Councillor Conduct Panel.
7. If the dispute relates to corrupt or improper conduct as defined by the *Protected Disclosure Act 2012*, it should be referred to either the Independent Broad Based Anti Corruption Commission or the Ombudsman and not be the subject of an application to a Councillor Conduct Panel.

8. The dispute resolution procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council and Committee meetings.

11. COUNCILLOR CONDUCT PANEL

Councillor Conduct Panels can be established, when required, to help Council enforce its Councillor Code of Conduct. Two-member panels, combining legal and local government governance experience will be formed from lists maintained by the Municipal Association of Victoria.

A panel can be established for a Council on application from a Councillor, a group of Councillors, or following a resolution of the Council. A panel may dismiss an application that is frivolous, vexatious, misconceived, lacking in substance or where Council's internal dispute resolution processes have not been followed.

A Councillor Conduct Panel is able to:

- a) discipline a Councillor by reprimand, direct an apology or require the Councillor to take up to two months leave of absence;
- b) require remedial action, including mediation, training or counselling; or
- c) refer a matter to VCAT if a Councillor's behaviour appears to be serious misconduct.

12. ADHERANCE TO CODE OF CONDUCT

We confirm that we will adhere to these principles in our general conduct as Councillors and specifically by:

Treating all people with **courtesy and respect**, respecting differences in opinions, race, culture, religion, language, gender and abilities. This includes:

- Treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused;
- Treating fellow Councillors with respect, even when disagreeing with their views or decisions;
- Debating contentious issues without resorting to personal acrimony or insult;
- Ensuring our punctual attendance at Council and committee meetings;
- Acting with courtesy toward Council staff.

Always acting with **integrity and honesty**:

- Being honest in all dealings with the community, with other Councillors and with Council staff;
- Always acting with impartiality and in the best interests of the community as a whole;

- Not acting in ways that may damage the Council or its ability to exercise good government;
- Exercising reasonable care and diligence in performing our functions as Councillors;
- Complying with all relevant laws, be they Federal, State or Local Laws.

Recognising that we hold a **position of trust** and will not misuse or derive inappropriate benefit from our position:

- We will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Conduct relating to interests and conflicts of interest;
- We will not exercise undue influence on other Councillors, members of the Council staff or members of the public to gain or attempt to gain an advantage for ourselves;
- We will not accept gifts either in our role as Councillors or where it could be perceived to influence Councillors except;
- Where the gift would generally be regarded as only having a token value and could not be perceived to influence the our actions;
- Where refusal of the gift may cause offence or embarrassment, in which case the gift may be accepted on behalf of the Council and becomes the property of the Council.

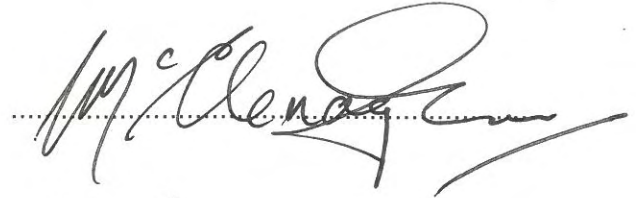
Review Period

Council may review this Code of Conduct when and if it is required.

13. ENDORSEMENT

This Code of Conduct was adopted by Hepburn Shire Council on 17 September 2013 and is signed by the following Councillors:

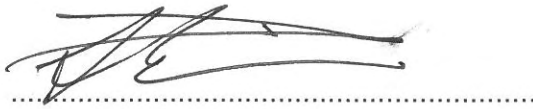
Councillor Bill McClenaghan, Mayor:



Councillor Don Henderson, Deputy Mayor:



Councillor Sebastian Klein:



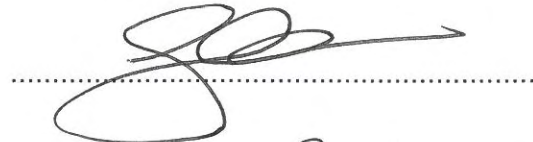
Councillor Greg May:



Councillor Neil Newitt:



Councilor Pierre Niclas:



Councillor Kate Redwood AM:



10.2. STATUTORY ACCOUNTS 2012-13 ADOPTION IN PRINCIPLE

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 give in principle approval to the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2013 and authorise two Councillors to certify them once they are finalised.

BACKGROUND

Council currently has the Auditor General's Office appointed as its external auditors. The Victorian Auditor General's Office audited Council's 2012-2013 Financial Statements during the period 26 - 30 August 2013.

The audited draft Financial Statements, Standard Statements and Performance Statements for the year ended 30 June 2013 were tabled at the Hepburn Shire Council Audit and Risk Advisory Committee meeting on Monday 9 September 2013. The Committee's recommendation to Council was as follows:

That the Audit and Risk Advisory Committee:

6.2.1 recommends that Council authorises two Councillors to approve the Financial Statements, Standard Statements and Performance Statement in their final form after any changes recommended, or agreed to by the auditor, have been made in accordance with the Act

6.2.2 accepts the Auditor's closing report.

The audited financial statements must be submitted to the Minister within 3 months of the end of the financial year (30 September 2013). The Financial Reporting process includes presenting the statements to the Audit and Risk Advisory Committee, the Committee making a recommendation to Council, Council approving the statements "in principle" with the understanding that the Auditor General's Office may still require changes to be made. This process is required to be completed prior to 30 September 2013. Meeting this timeline ensures the audited financial statements can be included in the Annual Report.

ISSUE / DISCUSSION

Standard Statements

The Standard Statements are seen as a summarised version of the Financial Statements in that they take the information contained in the three key financial statements being Income Statement, Balance Sheet and Cash Flow and compares this to Council's adopted budget for the year.

Full explanations of variances between the adopted budget and the actual results can be found within the Standard Statements attached.

In addition, the Standard Statements include a summary of the capital works also compared to budget.

Financial Statements

The Financial Statements are a full set of the Council's financials including the Income Statement, Balance Sheet and Cash Flow. The Financial Statements provide information on current and prior year balances and information as required by accounting standards and the Local Government Act and Regulations.

Overview

The Financial Statements show that for the 2012-2013 Financial Year Council had:

- a comprehensive surplus of \$17.7 million (\$16.5 million in 2012)
- an adjusted comprehensive surplus (excluding flood related items and revaluation) of \$3.4 million (\$2.1 million in 2012)
- revenue (excluding flood related revenue) of \$30.6 million (\$29.3 million in 2012) with 52% coming from rates and charges (50% in 2012)
- operating expenditure (excluding flood related operating expenditure) of \$27.3 million (\$27.2 million in 2012), with 39% attributable to employee benefits (42% in 2012) and 32% attributable to materials and services (33% in 2012)
- Cash (excluding flood reimbursements and Victorian Grants Commission funds received in advance) of \$10.4 million (\$9.2 million in 2012)
- \$3.6 million in loans and borrowings (\$4.2 million in 2012).

Performance Statement

The Performance Statement measures the key strategic activity performance targets in the annual budget to the actual achieved for the year.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Pursuant to Section 131(7) & (8) and Section 132(6) & (7) of the *Local Government Act 1989*, Council is required to give “in principle” approval of the 2012-2013 Financial Statements, Standard Statements and Performance Statement and authorise two Councillors to approve the statements in their final form.

The Council must not submit the statements to its Auditor or the Minister unless it has passed a resolution giving its approval in principle to them. Legislation also recognises that further changes may be made to the statements and therefore Council must authorise two Councillors to certify the Standard Statements, Financial Statements and the Performance Statement in their final form after any changes recommended or agreed to by the auditor, have been made.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

There are no risk implications identified with this report.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

A draft set of statements was referred to a meeting of Council’s Audit and Risk Advisory Committee which has recommended approval of the statements to Council.

Once the final statements have been prepared and certified by the nominated Councillors they will form part of Council’s Annual Report which is forwarded to the Minister by 30 September 2013 and made available on Council’s website and at Council Offices.

CONCLUSION

In principle approval of the statements at this meeting and authorisation of Councillors to certify the final copy should ensure that they are finalised and lodged with the Minister within the required timeframe.

OFFICER'S RECOMMENDATION

That Council:

10.2.1 Pursuant to Section 131(7) and Section 132(6) of the Local Government Act 1989, gives in principle approval to the Financial Statements, Standard State Statements and Performance Statement for the year ended 30 June 2013.

10.2.2 Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorises Councillors (name).....and (name).....to certify the 2012-2013 statements in their final form after any changes recommended, or agreed to, by the auditors have been made.

MOTION

That Council:

10.2.1. Pursuant to Section 131(7) and Section 132(6) of the Local Government Act 1989, gives in principle approval to the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2013.

10.2.2. Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorises Councillors Kate Redwood and Pierre Niclas to certify the 2012-2013 statements in their final form after any changes recommended, or agreed to, by the auditors have been made.

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

**ATTACHMENT 2 - DRAFT ANNUAL FINANCIAL REPORT
FOR YEAR ENDED 30 JUNE 2013
(ISSUED UNDER SEPARATE COVER)**

10.3. MEMORANDUM OF UNDERSTANDING – SWISS & ITALIAN FESTA GENERAL MANAGER COMMUNITY SERVICES

In providing this advice to Council as the Events Coordinator, I Rebecca Pedretti have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council enter into a new Memorandum of Understanding (MoU) with the Swiss & Italian Festa Committee (SIFC).

BACKGROUND

The Swiss & Italian Festa is an annual festival held in Hepburn Springs and surrounds, which has been run every year since 1992 as a celebration of heritage, lifestyle and culture.

Council previously had a MoU with SIFC which expired in 2012. The MoU was inclusive of \$10,000 funding and up to \$3,000 Council contribution for assistance with a range of items such road closures, waste management, event management support and event equipment hire.

The MOU is intended to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and the SIFC, to ensure the future sustainability and growth of the Swiss & Italian Festa in Hepburn Shire.

ISSUE / DISCUSSION

In 2012, the SIFC reduced the event from 10 days to 6 days, and recorded attendance figures of 14,000, which was an increase from previous years.

Based on Tourism Victoria's data, day visitors spend on average \$66 in the region. The SIFC estimate that 80% of their visitors were day visitors, which translates to a spend of \$739,000 in the region during the SIF.

Assuming that the remaining 20% of attendees stay for two nights, and using a conservative cost of accommodation at \$125 per person per night, the estimated economic benefit to the region for their stay is \$700,000.

Council's contribution towards the Swiss & Italian Festa was spent on securing a professional event organiser, and securing additional promotion through *The Age*, *The Courier Ballarat* and Tourism Victoria. In addition, the funding allows SIFC to leverage funding through Tourism Victoria that is only available if the event receives a Council contribution.

The MoU clearly identifies the role of Council in supporting the SIFC as well as identifying the role of the SIFC in conducting a safe, accessible and professional event. A draft MOU is attached (refer Attachment 3).

The SIFC are not requesting any changes to the MoU. However, it is proposed that the MoU be for the period of one year, to bring it in-line with Council's event MoUs with ChillOut and Back to Booktown.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017 – Key Strategic Activities:

Active and Engaged Communities

Sustainable Environment and Vibrant Economy

FINANCIAL IMPLICATIONS

The MoU outlines the role of the Hepburn Shire in supporting the SIFC and commits Council to a cash contribution of \$10,000 and support for a range of activities up to \$3,000 in 2013-14. These costs are included in Council's 2013-14 operating budget.

RISK IMPLICATIONS

This MoU aims to strengthen the collaborative relationship between the parties and clarify expectations and limitations.

In clarifying the respective roles, there is an expectation that each party will provide support to the other party which ultimately will result in an effective and professionally run event.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The draft MoU has been prepared in consultation with the SIFC.

CONCLUSION

In consultation with the Swiss & Italian Festa Committee a Memorandum of Understanding (MoU) has been developed to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and the Swiss & Italian Festa Committee, to ensure the future sustainability and growth of the Swiss & Italian Festa in the Hepburn Shire.

The draft MoU provides a strong basis for a positive and collaborative partnership between Hepburn Shire Council and the SIFC for the ultimate benefit of the wider community.

OFFICER'S RECOMMENDATION

- 10.3.1 That Council authorises the Chief Executive Officer to sign the 2013-14 Memorandum of Understanding between the Hepburn Shire Council and Swiss & Italian Festa Committee.

MOTION

- 10.3.1. That Council authorises the Chief Executive Officer to sign the 2013-14 Memorandum of Understanding between the Hepburn Shire Council and Swiss & Italian Festa Committee.*

Moved: Councillor Pierre Niclas
Seconded: Councillor Don Henderson
Carried.

**ATTACHMENT 3 - DRAFT MEMORANDUM OF UNDERSTANDING
BETWEEN HEPBURN SHIRE COUNCIL AND SWISS & ITALIAN FESTA
COMMITTEE**

Memorandum of Understanding Between Hepburn Shire Council and Swiss & Italian Festa Committee

Purpose: The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and Swiss & Italian Festa Committee (SIFC), to ensure the future sustainability and growth of the Swiss & Italian Festa in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between the Council and SIFC.

Term: This MOU is for a 1 year period (2013) to be reviewed in 2014.

Parties: **Hepburn Shire Council** (ABN 76 845 763 535) of 76 Vincent Street, Daylesford, Victoria 3460.
(‘HSC’)

and

Hepburn Springs Swiss & Italian Festa Inc. (ABN 33 515 457 605) of PO Box 58, Hepburn Springs, Victoria 3461.
(‘SIFC’)

Hepburn Shire Sponsorship Support

The Council will provide an annual sponsorship sum of \$10,000 (funding) and up to \$3,000 of in-kind contribution towards the 2013 Swiss & Italian Festa event, subject to the requirements and provisions of this Memorandum of Understanding (MOU).

Swiss & Italian Festa is an annual festival in Hepburn Shire and is attended by thousands annually. SIFC has delivered the Festa every year since 1992 as a celebration of heritage, lifestyle and culture.

The funding will be provided by HSC for SIFC to assist with conducting a safe, accessible and professional event.

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

Payment – of \$10,000 (100%) (Plus GST) to be paid within 2 weeks of the signing of this MOU (*for 2013 event*).

1. Operational Support provided by Council

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

1.1 Four Meeting Event Liaison System

- a. HSC will assist and work with SIFC in accordance with HSC's Four Meeting Event Liaison System. Representatives from HSC and SIFC will meet as per the following schedule:
 - about 6 months prior to the event
 - about 6 weeks prior to the event
 - about 6 days prior to the event
 - within 3 months after the event
- b. HSC will invite the relevant emergency authorities to attend these meetings where appropriate.

1.2 Waste Management

- a. SIFC develop a Waste Management Plan with assistance from HSC, outlining the type and amount of wastes generated, waste management strategies and responsibilities.
- b. HSC will provide up to 20 bins and as many bin caps as are available from Council for the event. The bins and bin caps will be delivered on the Friday prior to the Festa Parade and collected on the Monday following the event by Council. The bins will be delivered to a site negotiated between HSC and SIFC.

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

- c. SIFC agrees to work with HSC to conduct a Waste Wise event in Daylesford and Hepburn.
- d. SIFC is responsible to ensure event locations are left in a clean and tidy condition as per the Waste Management Plan.
- e. A review of the Waste Management Plan will be conducted annually within 8 weeks of the conclusion of the Festa.

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

- a. SIFC and HSC will develop a Traffic Management Plan (TMP) incorporating parking, pedestrian management and the road closures required for the duration of the event. TMP to be completed at least 4 weeks prior to the event
- b. HSC will provide road closure signs and equipment for road closures, including delivery, installation and collection in accordance with the time schedule as outlined in the TMP.
- c. SIFC and HSC will provide suitably qualified and experienced personnel (including traffic controllers where indicated in the TMP) to assist in implementing and maintaining the

TMP. All event marshals and traffic controllers will be familiar with the TMP and comply with instructions from relevant authorities (including Victoria Police).

- d. SIFC must develop a Parking and Pedestrian Plan for the event weekend. It is SIFC's responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to Swiss Italian & Festa in the development of the plan.
- e. HSC will provide and deliver agreed signage for the event weekend. Directional and other signs required for the Parking Plan will be provided by SIFC (or Council where available and negotiated in advance).

1.4 Venue and Venue Infrastructure

- a. SIFC will provide adequate toilet and wash room facilities (including accessible toilets) in accordance with the requirements of the relevant section of Council (Environmental Health and/or Building).
- b. SIFC must annually book the Town Hall if required for the event. The booking will be subject to a security deposit and the Terms and Conditions of Council's standard Hall Hire Agreement.

1.5 Marketing and Communications

- a. HSC will provide promotion of SIF at the Daylesford Regional Visitor Information Centre and Creswick Visitor Information Centre including Display window or flat window for 4 weeks leading up to the event, for the duration of the event.
- b. HSC will allocate SIFC the events signage frames at key entry points to Daylesford from 1st October to the end of the Festa. Swiss & Italian Festa will supply, install and remove the signs during the approved period.
- c. Council will provide links to Swiss & Italian Festa website on HSC website and will include SIF in event calendar listings. SIFC must provide information to be included in event calendar listing.
- d. HSC will support the marketing activities of SIFC where possible
- e. SIFC agrees to provide recognition to HSC via the following mechanism:
 - Recognition of the HSC as a Major and/or Government Partner (or equivalent) in all information relating to SIF including its website, marketing material, media releases and communications. The usage of HSC's logo must be in accordance with the directions provided by HSC.
 - Provide Councillors and Council officer's invitations to official Swiss & Italian Festa functions, events and launches.
 - Provision of a stall for HSC at appropriate Festa events if requested by HSC in advance.
 - Provide a half page advertisement in the Festa Guide, if a guide is produced (art work to be supplied by HSC at its expense according to production deadlines and graphical standards).

2. Occupational Health and Safety, Risk and Compliance

- a. SIFC must comply with all directions from HSC and other authorities' requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. SIFC will obtain and pay all fees associated with the necessary permits, permissions and licences required to conduct the event from HSC and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. SIFC must provide a detailed Risk Management Plan (RMP) and Safety and Emergency Management Plan to HSC in accordance with HSC guidelines and pro-forma plans where available, at least 4 weeks prior to the event. HSC will provide assistance where possible. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. SIFC must notify HSC in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

3. Indemnity and Insurance

- a. SIFC will indemnify and keep indemnified and hold harmless HSC, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of the Festa, except to the extent caused or contributed to by the negligence or unlawful conduct of HSC or its servants or agents.
- b. SIFC must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$10 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided to HSC at least 4 weeks in advance of the event. Stallholders and contractors involved with the event must also have Public Liability Insurance.
- c. If there is any loss or damage to HSC land or property as a result of the event, SIFC will immediately notify HSC by making contact with the Events Coordinator (or another HSC officer if the Events Coordinator is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. SIFC will maintain a legal status during the term of this MOU as an Association registered under the *Associations Incorporation Act 1981* or another suitable status.

4. Strategic and Business Planning

- a. SIFC will review and update its Business Plan on an annual basis. The Business Plan will include the key objectives for the Festa and specific performance indicators and will be provided to HSC at least 2 months prior to the event.
- b. HSC and SIFC will collaborate and exchange information in relation to potential grants and funding applications.

5. Review and Evaluation

- a. HSC will assess the achievements against the outcomes within this MOU, and the key objectives contained in the SIF Business Plan with input from SIFC.
- b. SIFC will attend a post event evaluation meeting with Council and other authorities following the conduct of the event.
- c. SIFC will provide a preliminary report to Council within 8 weeks of the conclusion of the event setting out the information below
 - i. Attendance numbers for Swiss & Italian Festa
 - ii. Financial estimates, including detailed event budget and fundraising contribution to local community
 - iii. Impact assessment on the Hepburn community (positive and negative impacts).
 - iv. Media and marketing obtained for the Hepburn Shire region as a result of the event.
 - v. Details of specific event operational and other issues associated with the event including recommendations for improvements in future years.

6. Dispute resolution

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

7. Termination of MOU

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

MOU between Hepburn Shire Council and Swiss & Italian Festa Committee

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

Signature of authorised officer CEO Date

Witness signature Witness name Date

Signed for and on behalf of **Swiss & Italian Festa Committee**

Signature of authorised officer President Date

Witness signature Witness name Date

Appendix A: Estimate of Hepburn Shire Council's Operational Support

Support provided	Details	Estimated Cost to HSC
Waste Management	Supply, delivery, collection of rubbish bins and lids (locations to be in Waste Management Plan)	\$1,000
Road Closures	Provision of equipment, signage, delivery and installation for road closures Provision of traffic controllers Provision of equipment for fireworks closure	\$1,000
Equipment	Tables, chairs, safety vests, and BBQ (where required) – All items subject to equipment being available and SIF completing bookings	\$100
HSC Buildings	Hepburn Mineral Springs Reserve The first weekend in November each year.	\$200
Visitor Services	Provision of Visitor Information Centre window display	\$300
Administration	Office space, computer with internet access, limited black and white photocopying and phone use	\$100
Advertising Road Closure and Fireworks	Access to HSC page in the Advocate one week before event	\$300
	Total estimated in-kind support value	\$3,000

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

- Development of event memorandum of understanding
- Advice on Traffic Management Plan for Road Closures
- Advice on Risk Management Plan for Event
- Advice on development of an Emergency Management Plan
- Support to identify additional grant funding opportunities and to assist SIF with advice for submission preparation

10.4. CENTRAL HIGHLANDS REGIONAL GROWTH PLAN CHIEF EXECUTIVE OFFICER

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

PURPOSE

The purpose of this report is to provide Councillors with information about the development of the Central Highlands Regional Growth Plan and seek endorsement of the plan as the region's strategic framework for growth and land use planning.

BACKGROUND

Regional growth plans are being prepared for Victoria's eight regions as the next stage of planning for growth and change across Victoria. The Central Highlands Regional Growth Plan (the plan) has been developed in partnership between local government, state agencies and authorities.

The plan has been developed to facilitate economic development and population growth throughout the region. It will provide councils with a clear regional land use context to inform and influence future local strategic planning, scheme amendments and local decisions. This includes providing justification for future planning scheme amendments and developments which are consistent with the plan.

The plan provides land use planning responses to the strategic directions and actions identified in the Central Highlands Regional Strategic Plan prepared in 2010. This plan identified the need to undertake regional scale planning strategies to provide a common approach to land use issues affecting the Central Highlands.

The plan identifies preferred locations for particular activities or development in both rural and urban areas. It does this by examining existing economic, environmental, and social issues and trends, looking at how these might change in the future. The plan takes a long term, strategic approach by setting out a vision over a 30 year timeframe.

In particular the plan:

- Establishes at a regional scale where future development will be encouraged.

- Provides direction for accommodating change and additional land requirements for residential, employment, industrial, commercial and primary industry uses.
- Identifies important regional environmental, economic, community and cultural resources to be preserved, maintained or developed.
- Identifies key regional needs for future infrastructure planning and investment to support growth.

The plan does not generally provide direction at a local level; this is the role of Council's normal planning functions and processes such as structure planning, municipal strategic statements and other strategic projects, and the issuing of planning permits.

The plan has been developed over a two year period to allow for extensive consideration of the issues affecting the region, existing strategies, drivers of future change and views of stakeholders and the community. The development of the plan has included the following key stages:

1. Establishment of governance arrangements involving councils and other key agencies.
2. Development of issues papers to build an evidence base of data, issues and policy.
3. Setting the strategic directions of the plan. This included the preparation of a brochure for public consultation which set out a proposed vision, principles and key directions for the plan. Public consultation on the brochure occurred from 27 July 2012 to 24 August 2012.
4. Development of the draft plan and background report. The draft plan was subject to public consultation from 3 June 2013 to 5 July 2013.
5. Finalisation of the plan. Submissions have been considered and the plan updated.

The final plan has been considered and endorsed by the Project Steering Committee to be considered for adoption by all councils in the region.

Once adopted by councils, the Project Steering Committee will send the plan to the Minister for Planning for approval.

The plan includes a framework for implementation. Opportunities to implement the plan will be explored by state and local government once the plan has been approved.

ISSUE / DISCUSSION

The plan has been prepared by the project team in close collaboration with council officers and key agencies including government departments, water authorities, catchment management authorities and the CFA. All councils in the Central Highlands region are represented on the plan's Project Steering Committee and Technical Working Group and have had a significant input into the direction and content of the plan.

It is intended that the plan be used to support regional and local infrastructure planning and investment which help implement the directions of the plan. It is expected that the plan will be referenced or included in planning schemes to aid its implementation.

A copy of the plan is included at **Attachment 4**. The plan includes future directions and land use actions in relation to the following matters:

Economic development – this includes rural land use, agriculture, industry, energy, tourism and commercial activity.

Environment – this includes landscapes, water, natural hazards and key environmental assets

Settlement – this includes identifying the regional settlement network, planning for key towns and managing smaller and rural settlements.

Infrastructure – this includes transport, social infrastructure and utilities.

The principles guiding the direction of the plan are as follows:

Population growth should be planned in sustainable locations throughout the region.

The regions' economy should be strengthened so that it is more diversified and resilient.

The region should capitalise on its close links with other regions and cities.

The development of sustainable and vibrant communities should be supported by enhancing the level of access to key services.

Land use patterns, developments and infrastructure should make the region more self reliant and sustainable.

Planning for growth should be integrated with the provision of infrastructure.

The regions' land, soil, water and biodiversity should be managed, protected and enhanced.

Long term agricultural productivity should be supported.

The importance of cultural heritage and landscapes as economic and community assets should be recognised.

Opportunities for growth are a central focus of the plan, both in relation to the regional economy and key towns. The plan seeks to build on existing assets and key opportunities such as the knowledge economy, heritage and nature-based tourism and diversification of the agricultural sector to provide a long term framework for economic development and growth.

Major environmental and resource assets are also identified to ensure that these are considered in future planning.

The liveability of the region is also a key direction of the plan with a focus on ensuring that residents have access to a variety of housing options throughout the region and appropriate infrastructure. This will help attract and retain families and skilled workers.

There is detailed consideration of the region's ten largest towns including identifying whether additional land may be required for residential or employment purposes and other key strategic issues or initiatives that will assist, or affect their long term growth. The plan considers the role of settlements in a regional context, including how they relate to and service other centres. It identifies that these largest settlements will play an important role in providing a critical population mass for the delivery of services and facilities and the attraction of new residents and industry.

The plan recognises the importance of Hepburn Shire within the Central Highlands region especially because of its state significant role in tourism (notably spa and wellbeing tourism).

Creswick, Daylesford and Clunes are specified as regionally important towns. The growth of Creswick is supported as an attractive town with heritage appeal and good infrastructure close to Ballarat. The plan supports the implementation of 'Advancing Country Towns' initiatives about growth and renewal.

The plan supports the growth of Clunes as a key settlement in the Ballarat – Maryborough corridor. It notes the town also has an important role in tourism and culture with its strong heritage focus.

Daylesford is identified as a town providing sub-regional services which also acts as a regional tourism hub. The plan identifies limited growth for the town primarily through infill development due to various environmental assets and natural hazards.

The plan notes that further planning for towns' industrial and retail needs, and further residential development will be important to facilitate growth and progress the role of the towns across the shire.

The plan also recognises key regionally significant environmental assets and landscapes such as the Hepburn Regional Park and Wombat State Forest.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

None noted.

FINANCIAL IMPLICATIONS

There is no impact on Council's budget. All costs in the preparation of the plan have been borne by the Department of Transport, Planning and Local Infrastructure (DTPLI).

DTPLI will prepare the amendments that introduce the Regional Growth Plan into planning schemes, including any consequential changes to the Local Planning Policy Framework (LPPF) needed to give them effect, however this will not include Municipal Strategic Statement (MSS) reviews.

Council and other agencies may use the plan to help seek future funding and investment in infrastructure or other planning which supports the directions of the plan.

RISK IMPLICATIONS

None noted.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The plan has been under development since June 2011. Stakeholders and the broader community have been involved at various stages of the plan's development.

Attachment 5 details the consultation and engagement undertaken and provides a summary of submissions and responses at the public consultation phases of the project.

There were two stages of public consultation as part of the project. These were conducted as part of establishing the plan's strategic directions in July to August 2012 and as part of the preparation of the draft plan in June to July 2013. These provided an extensive range of feedback and suggestions which have assisted in the plan's development and refinement.

A framework for the project's approach to consultation was established through the development of a community engagement strategy guided by the International Association for Public Participation (IAP2) spectrum of public consultation.

Generally, consultation and engagement included a website, brochures, newsletters, face-to-face briefings, online questionnaires, hard-copy questionnaires, telephone interviews, and advertisements placed in locally circulating newspapers across the region.

The project team has undertaken a number of meetings with councillors and Council officers during the development of the plan.

CONCLUSION

The development of the Central Highlands Regional Growth Plan has involved many stakeholders throughout the region. Significant levels of community engagement have also occurred throughout the life of the project, setting a clear land use planning direction for the region. The plan will assist Council officers in implementing future land use planning objectives and planning scheme amendments.

OFFICER'S RECOMMENDATION

That Council:

- 10.4.1 Adopts the Central Highlands Regional Growth Plan as endorsed by the Central Highlands Regional Growth Plan Project Steering Committee; and
- 10.4.2 Requests the Minister for Planning to approve the Central Highlands Regional Growth Plan as adopted and consult with Central Highlands Councils on implementation into planning schemes.

MOTION

That Council:

- 10.4.1. *Adopts the Central Highlands Regional Growth Plan as endorsed by the Central Highlands Regional Growth Plan Project Steering Committee; and*
- 10.4.2. *Requests the Minister for Planning to approve the Central Highlands Regional Growth Plan as adopted and consult with Central Highlands Councils on implementation into planning schemes.*

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

**ATTACHMENT 4 - CENTRAL HIGHLANDS REGIONAL GROWTH PLAN –
FINAL REPORT
(ISSUED UNDER SEPARATE COVER)**

**ATTACHMENT 5 - CENTRAL HIGHLANDS REGIONAL GROWTH PLAN –
CONSULTATION REPORT
(ISSUED UNDER SEPARATE COVER)**

10.5. DELEGATED PLANNING COMMITTEE - SPECIAL COMMITTEE DELEGATION REVIEW

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.

PURPOSE

The purpose of this report is to review and revise the Instrument of Delegation to the Delegated Planning Committee (DPC).

BACKGROUND

The DPC is a Special Committee of Council appointed pursuant to Section 86 of the *Local Government Act 1989* with the primary objective of assisting Council in the decision making on specific planning matters under Section 188 of the *Planning and Environment Act 1987*.

Membership of the Special Committee includes 7 Councillors. The Chairperson is to be appointed by the Council each year. In the absence of the Chairperson the committee must elect a chairperson for the meeting.

ISSUE / DISCUSSION

Changes to the Instrument of Delegation and Terms of Reference are the inclusion of:

Reference to Local Law No 1 - Meeting Procedures and Common Seal

- This is to ensure that all meetings are governed in accordance with Local Law No 1.

Cancellation of the Meeting

- The DPC will be cancelled when there are no planning applications to determine for the next scheduled DPC Meeting. Council officers will adhere to the following procedure in the event of a cancellation:
- The Chief Executive Officer must give at least 7 days written notice of the cancellation of the meeting in *The Advocate* newspaper.
- The Chief Executive Officer will place a notice of cancellation of the meeting on Council's website.
- Council officers will give all Councillors and the Executive Management Team at least 7 days notice of the intent to cancel the meeting.

Scope of Activity

- The commencement of the DPC meeting is altered to commence from 5pm, each second Tuesday of the month
- The DPC will consider any recommendation to refuse a planning application other than a Section 55 referral objection.

Public Participation:

- The applicant and/or objector(s) will have 3 minutes to speak in accordance with Section 95 (3) of Local Law No 1.

The revised Instrument of Delegation – Delegated Planning Committee 2013 is attached in Attachment 6.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under the *Local Government Act 1989*, Council is required to review any delegations to special committees within 12 months of a general election.

FINANCIAL IMPLICATIONS

There are no financial implications for Council to delegate authority to consider planning matters to a Special Committee.

RISK IMPLICATIONS

Reviewing the DPC meets Council's legislative requirements under Section 86(6) of the *Local Government Act 1989*.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Minutes of the meeting will be posted on Council's website following the meeting.

CONCLUSION

This report seeks to review and update the Instrument of Delegation for the Delegated Planning Committee.

OFFICER'S RECOMMENDATION

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

- 10.5.1 To adopt the revised Instrument of Delegation for the Delegated Planning Committee; and
- 10.5.2 That the Instrument of Delegation comes into force immediately the Common Seal of Council is affixed to the instrument; and
- 10.5.3 Remains in force until Council determines to vary or revoke it; and
- 10.5.4 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt; and
- 10.5.5 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

MOTION

That Council resolves:

- 10.5.1. *To adopt the revised Instrument of Delegation including the following amendments:*
- 10.5.1.1. *Terms of Reference Quorum from 5 Councillors to require a Quorum of 4 Councillors.*
 - 10.5.1.2. *Authorise the Chief Executive Officer and the Mayor to sign and seal the instrument (on the signature page).*
 - 10.5.1.3. *Include 'The Delegation was adopted by resolution of the Hepburn Shire Council on 17 September 2013'.*
 - 10.5.1.4. *Clause 5.1 – replace the reference to the 'Delegated Planning Committee charter' to read 'Instrument of Delegation'*
 - 10.5.1.5. *Include in the 'Scope of Activity' to consider and determine:*
 - *Any refusal to extend a permit under Section 69 of the Planning and Environment Act 1987.*
- 10.5.2. *That the Instrument of Delegation comes into force immediately the Common Seal of Council is affixed to the instrument; and*
- 10.5.3. *The Instrument of Delegation remains in force until Council determines to revise or revoke it, and*
- 10.5.4. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt; and*
- 10.5.5. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

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

**ATTACHMENT 6 - REVISED INSTRUMENT OF DELEGATION –
DELEGATED PLANNING COMMITTEE 2013**

Instrument of Delegation – Delegated Planning Committee 2013

Hepburn Shire Council

Instrument of Delegation

to

Members of Delegated Planning Committee

**The Delegation
was adopted by resolution of the Hepburn Shire Council
on 17 September 2013**

Instrument of Delegation

1. Council pursuant to the powers of delegation conferred on the Council by Section 86 of the Local Government Act 1989 HEREBY DELEGATES to the Delegated Planning Committee, being a Special Committee established by resolution of the Council, all of the Council's powers, functions and duties relating to the consideration and determination of applications under Section 188 of the *Planning and Environment Act 1987*.
2. Meetings are governed in accordance with Hepburn Shire Council *Local Law No 1 - Meeting Procedures and Common Seal*.
3. The delegation:
 - 3.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2 operates until it is earlier revoked or varied but otherwise is for an unlimited period of time;
 - 3.3 does not cease to operate merely because of a change in the title or description of the Special Committee provided the Special Committee continues to commonly undertake some or all of the powers, functions or duties previously undertaken;
 - 3.4 is in substitution for and replaces any and all previous delegations (including any and all variations made to such delegations) given to the Special Committee.
4. The powers, functions and duties delegated are to be exercised or performed by the Special Committee:
 - 4.1 in accordance with such policies, procedures and guidelines or any combination of them as may be adopted from time to time by the Council as applying to such exercise and performance; and
 - 4.2 in accordance with the Delegated Planning Committee Terms of Reference; and
 - 4.3 subject to any conditions or limitations in the relevant legislation or this delegation.
5. The Special Committee must:
 - 5.1 keep such records in relation to the exercise of the powers, functions and duties delegated as the Council by resolution decides or the relevant legislation, policies, procedures, guidelines and Instrument of Delegation or any combination of them required, and
 - 5.2 provide to the Council such information and documents as may be necessary or expedient to enable the Council to review all decisions made by the Special Committee under this delegation.

DELEGATED PLANNING COMMITTEE TERMS OF REFERENCE

- Membership:** Seven (7) Councillors. The Chairperson is to be appointed by the Council each year. In the absence of the Chairperson the committee must elect a chairperson for the meeting.
- Quorum:** Four (4) Councillors
- Meeting Frequency:** The committee will meet on each second Tuesday of the month commencing at 5pm
- Cancellation of Meeting:** The Delegated Planning Committee will be cancelled when there are no planning applications to determine for the next scheduled Delegated Planning Committee Meeting. Council officers will adhere to the following procedure in the event of a cancellation:
- The Chief Executive Officer must give at least 7 days written notice of the cancellation of the meeting in *The Advocate* newspaper on Council's page.
 - The Chief Executive Officer will place a notice of cancellation of the meeting on Council's website.
 - Council officers must give at least 7 days written notice to all Councillors and the Executive Management Team of the intent to cancel the meeting.
- Scope of Activity:** To consider and determine the following matters:
- Planning applications which receive five (5) or more objections, or where the Delegate considers the application to be sensitive, or of public interest.
 - Planning applications with a value of over \$2, 000,000.00.
 - Refusal to Grant a Planning Permit other than a Section 55 referral objection.
 - Any refusal to extend a permit under Section 69 of the *Planning and Environment Act 1987*.
 - Planning applications which, in the opinion of the Manager Planning raise major policy

implications and ought to be referred to the Committee for determination.

- Planning applications called in by the Delegated Planning Committee as it sees fit to consider such applications by the Committee.

Delegated Authority:

The Committee has delegated authority in accordance with Section 188 of the *Planning and Environment Act 1987* to determine applications.

The Committee shall reach all decisions by a majority vote, failing a majority vote; the chairperson will have a casting vote on the agenda item.

Interests & Conflict of Interest:

The Delegated Planning Committee would accord with the provisions of the Local Government Act and the Local Government Regulations on matters declaring interests and conflict of interest.

Public Participation:

The applicant(s) and/or objector(s) will have 3 minutes to speak in accordance with Section 95 (3) of Local Law No 1.

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

..... : **Mayor**
Cr Bill McClenaghan

..... : **Chief Executive Officer**
Mr Aaron van Egmond

This Seventeenth day of September 2013.

10.6. CLUNES COMMUNITY AND INTERPRETIVE CENTRE PROGRESS REPORT

GENERAL MANAGER COMMUNITY SERVICES

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

PURPOSE

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

Reporting Period: 9 July - 10 September 2013

BACKGROUND

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

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

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

ISSUE / DISCUSSION

PROGRESS DURING REPORTING PERIOD

Construction

- External doors completed.
- Render for rear wall completed.
- Ceilings completed.
- Water services completed.
- Electrical services completed and certified.
- Security system completed.
- Mechanical services completed and commissioned.
- Elevator and lift installation complete, commissioned and registered with WorkSafe.

- Joinery completed.
- Internal painting completed.
- External painting (front wall) completed.
- Timber cladding, multi-purpose room, completed.
- Floor finishes completed.
- Connecting roof plumbing down pipes to drainage system completed. Existing roof gutter on Hotel side to be re-directed to new plumbing.
- Electrical works to connect to power in Collins Place completed.
- Powercor augmentation works completed.
- Bluestone paving completed.
- Telstra connection upgrade in progress.
- Clean-up and soil dressing of site completed.
- Building defects nearing completion.
- Practical Completion for the builder not yet issued.
- Certificate of Occupancy from the Building Surveyor not yet issued.

Administration, Funding and Reporting

Budget

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Design Phase	\$307,000	\$228,126	\$210,412
Construction Phase	\$2,401,000	\$2,452,050	\$2,411,859
Other (including multi-media & fit out).	\$351,000	\$428,824	\$160,358
Total	\$3,059,000	\$3,109,000	\$2,782,629

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

Design Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$200,000	\$198,800	\$193,650
Contingency	\$107,000	\$21,200	\$8,636
Tender	-	\$8,126	\$8,126
Total	\$307,000	\$228,126	\$210,412

Construction Phase Budget - Progress and Variations

Budget Item	Original Budget	Revised Budget	Actual (including Commitments)
Contract	\$2,276,000	\$2,298,709	\$2,299,641
Contingency	\$113,000	\$62,341	\$32,843
Electricity supply	-	\$50,000	\$39,339
Tender	-	\$1,000	\$718
Sewer	\$12,000	\$40,000	\$39,318
Total	\$2,401,000	\$2,452,050	\$2,411,859

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017: Key Strategic Activity:

Active and Engaged Communities

FINANCIAL IMPLICATIONS

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

Total variations approved to date are increases of \$75,038 offset by deductions of \$44,564. A summary of variations still being assessed is included below.

Variations	Cost (ex-GST)	Status
Removal of foundations of old toilet block	+ \$ 8,000	Assessing
Additional blinding concrete	+ \$3,500	Assessing
Change stair nosing from 20mm to 50mm	+ \$1,156	Assessing
Modification to downpipe at old to new building interface	+ \$1,441	Assessing
Additional bracing West wall.	+\$1,755	Assessing
Additional framing for windows.	+\$1,044	Assessing

Alterations to windows w2.02 & w2.05	+\$902	Assessing
Hand rail credit	-\$500	Assessing
Hot Water Unit saving	-\$118	Assessing
Additional joinery library	+\$5,748	Assessing
North wall joinery	+\$4,268	Assessing
Splashbacks – PC sum adjustment	+\$1441	Assessing
3D wall feature painting	+\$715	Assessing
Extra lights in reception	+\$945	Assessing
Fire extinguishers	+\$740	Assessing
Security access control	+\$3,520	Assessing
Add steel stair risers as per Building Surveyor direction	+\$898	Assessing
Alterations to door handles and locks	+\$865	Assessing
Electrical wiring for hand dryers	+\$1,073	Assessing
Total Value	\$37,393	Assessing

Numerous site instructions for quantity reductions are being costed by the contractor and will be submitted for assessment. This will reduce the claims against the contingency allowance.

Expenditure against the Prime Cost and Provisional Sum items within the Contract are currently being finalised and savings against the construction contract are anticipated. It is expected that all variations and prime cost and provisional sum items will be resolved by the end of September.

RISK IMPLICATIONS

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

Key Risks	Controls Implemented	Additional Controls / Next Steps
Potential injuries to workers and the public resulting from renovation works.	Ongoing monitoring against the Site Safety Plan by Senior Project Engineer. Non-compliances have been	Continue to monitor safety plan.

Key Risks	Controls Implemented	Additional Controls / Next Steps
	advised to site superintendent and corrective actions taken.	
Construction is delayed resulting in delays in opening the facility and community dissatisfaction with council's project management.	Regular progress reviews with builders. Detailed project timeline is updated every three weeks and circulated to Project Control Group. Senior Project Engineer monitors progress against timelines and reports any issues to the Project Control Group.	Continue to monitor timelines.
Variations in construction costs result in budget being exceeded.	Regular contractor meetings to discuss progress and variations. Variations need to be advised to the project manager in advance of them being undertaken and detail provided to support claims. All variations are disclosed to CEO and in this monthly council report.	Continue regular contractor meetings and negotiation on variations.
Transition and change for current volunteers and staff at the museum, library and information centre is poorly managed.	Key stakeholders are represented on Community Reference Group. Regular Fact Sheets produced and distribute to Clunes community.	Volunteer recruitment strategy has been developed and recruitment process commenced. Team Leader for will assist with the transition.
Operating the facility when it is operational results in Council staff being diverted from other tasks and a reduction in services in other areas.	Staff structure agreed and costs included in recurrent budget. Governance arrangements approved by Council. CCIC Team Leader in place.	Special Committee nomination process underway.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Community Reference Group met on 6 August and 2 September 2013.

CONCLUSION

This report provides Council with an update on progress of the Clunes Community and Interpretive Centre project for the reporting period 9 July - 10 September 2013.

OFFICER'S RECOMMENDATION

10.6.1 That Council receives and notes the progress report for the period 9 July - 10 September 2013.

MOTION

10.6.1. That Council receives and notes the progress report for the period 9 July - 10 September 2013.

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

10.7. WHEELER'S BRIDGE – ASSESSMENT REPORT

GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is for Council to consider the recommendations of the study prepared by Arup Consulting Engineers on the repair or replacement of Wheeler's Bridge.

BACKGROUND

Wheeler's Bridge was completed in March 1900 and is the third Monier arch bridge built in Victoria and the oldest still open to traffic. The bridge is historically significant because it represents evolutionary techniques of bridge building and excellence in engineering design using the 'Monier' concrete arch construction method.

The bridge consists of two arched spans, each with a clear distance between supports of 22.9 metres. The overall bridge width is 7.9 metres. The arches are made of reinforced concrete and are founded on mass concrete thrust-blocks, which in turn are supported by stone masonry clad rubble concrete abutments and a stone masonry central pier.

The spandrel walls and parapets are either of mass concrete or masonry construction. Iron tie-rods run transversely for the full width of the bridge in a number of locations. These ties were added after the original completion of the structure to control bulging of the spandrel walls.

Due to its deteriorating condition, the bridge has now come to a point where it requires substantial rectification works or replacement to allow it to continue to provide access across Birch Creek on the Creswick-Lawrence Road.

ISSUE / DISCUSSION

Council engaged Arup Consulting Engineers (Arup) to prepare a report that investigated options for the rectification or replacement of Wheeler's Bridge. The Arup report was based on a visual inspection of the bridge and the following options were presented in the Arup report:

Options for repair/replacement of the bridge were:

- Option 1 – repairing the existing bridge;
- Option 2 (A, B, C & D) – retain parts of the existing bridge and construct new parts;
- Option 3 – construct a new bridge on a new road alignment.

While Wheeler's Bridge is not listed by Heritage Victoria or in the National Estate Register, it has the following listings relating to its historical significance:

- Register of Australian Historic Bridges (Colin O'Connor, 1982)
- Heritage Study prepared for National Estate Committee Victoria and Shire of Creswick in 1989 has statement of significance.
- Placed on National Trust of Australia Victorian register in June, 1997
- Listed in Hepburn Shire Planning Scheme

The bridge was visually inspected in May 2013 by Arup and the following information is noted in their report:

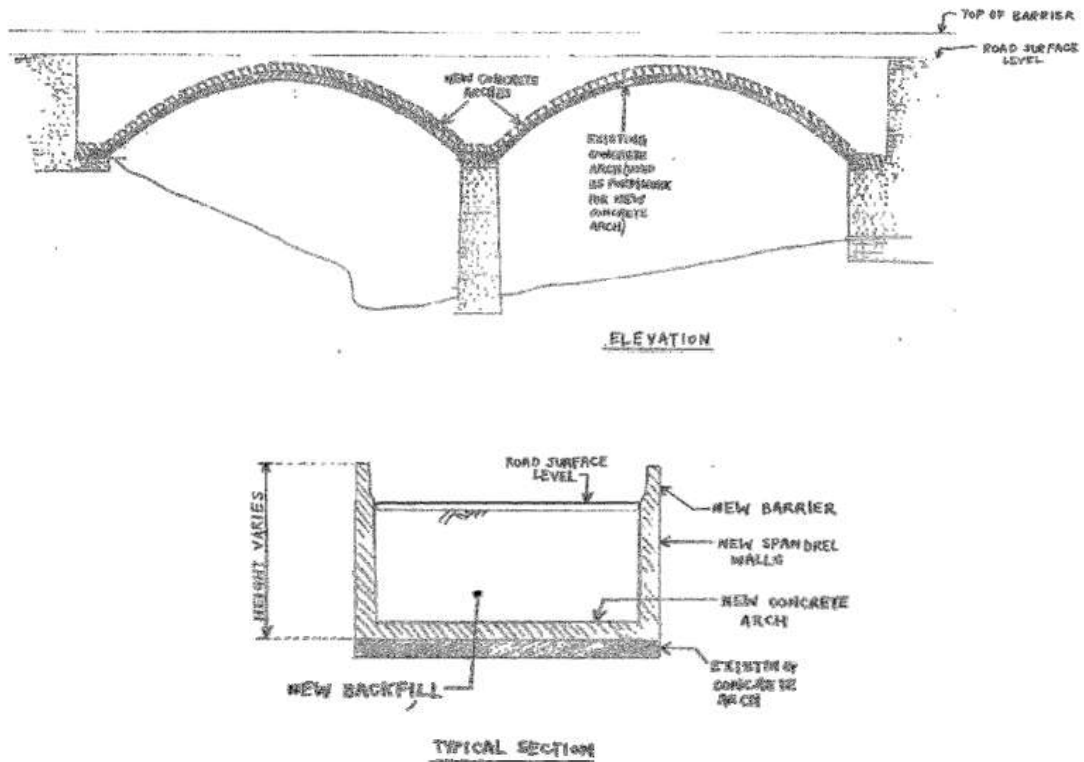
- The condition of the bridge has deteriorated significantly since the bridge construction was originally completed;
- Water leaking through the central construction joint is causing damage to the external concrete layer on the underside of the arches (soffits) resulting in the thin outer layer of concrete falling off in patches;
- Severe localised cracking in the side walls of the bridge where the iron ties link the two side walls. These walls which rest on the arches are called spandrel walls;
- Significant cracks near the ends of the northern bluestone abutment; and
- Water staining is widespread throughout the structure.

The Arup study proposed the following options for rectification or replacement of the bridge. Indicative estimates have been provided to allow a comparison of the options to be made:

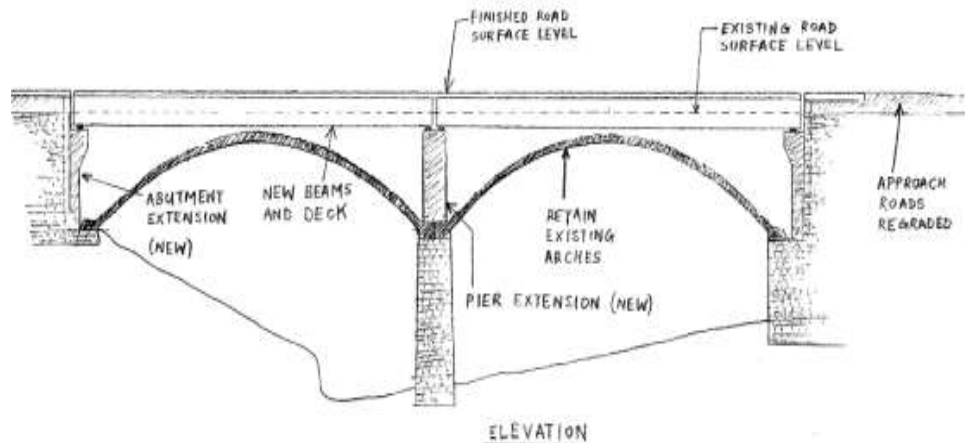
Option 1 – Repair the existing bridge at an estimated cost of \$2M to \$2.5M;

Option 2 – Retain parts of existing bridge and constructing some new bridge sections. There were four options considered and they are listed as follows:

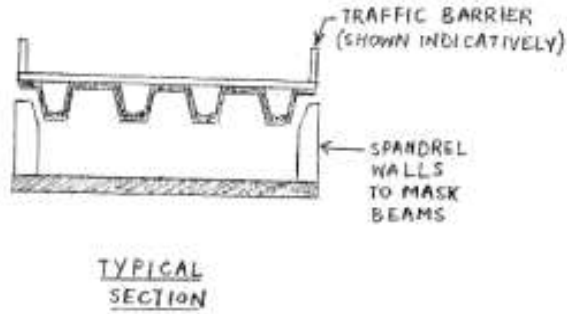
Option 2A – Retain the arches as permanent formwork and construction of new spandrel walls and new bridge deck with an estimated cost of \$2.25M to \$2.75M



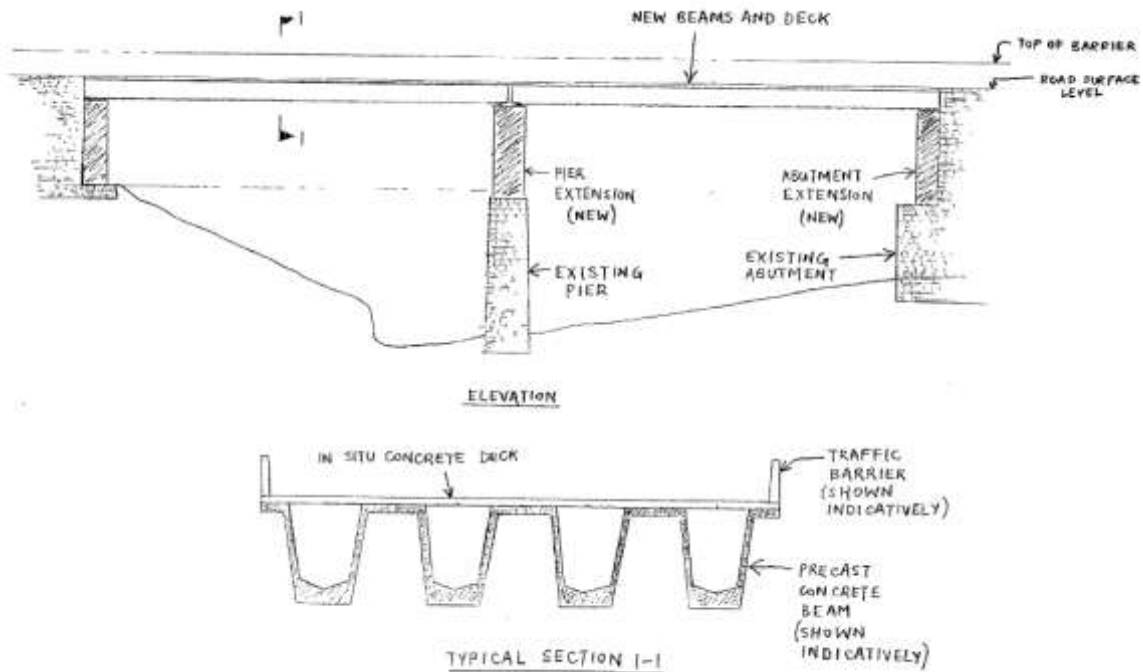
Option 2B – Retain the bridge arches and the side (spandrel) walls and erect new deck structure over the existing bridge with the extension of the central pier with an estimated cost of \$2M to 2.75M



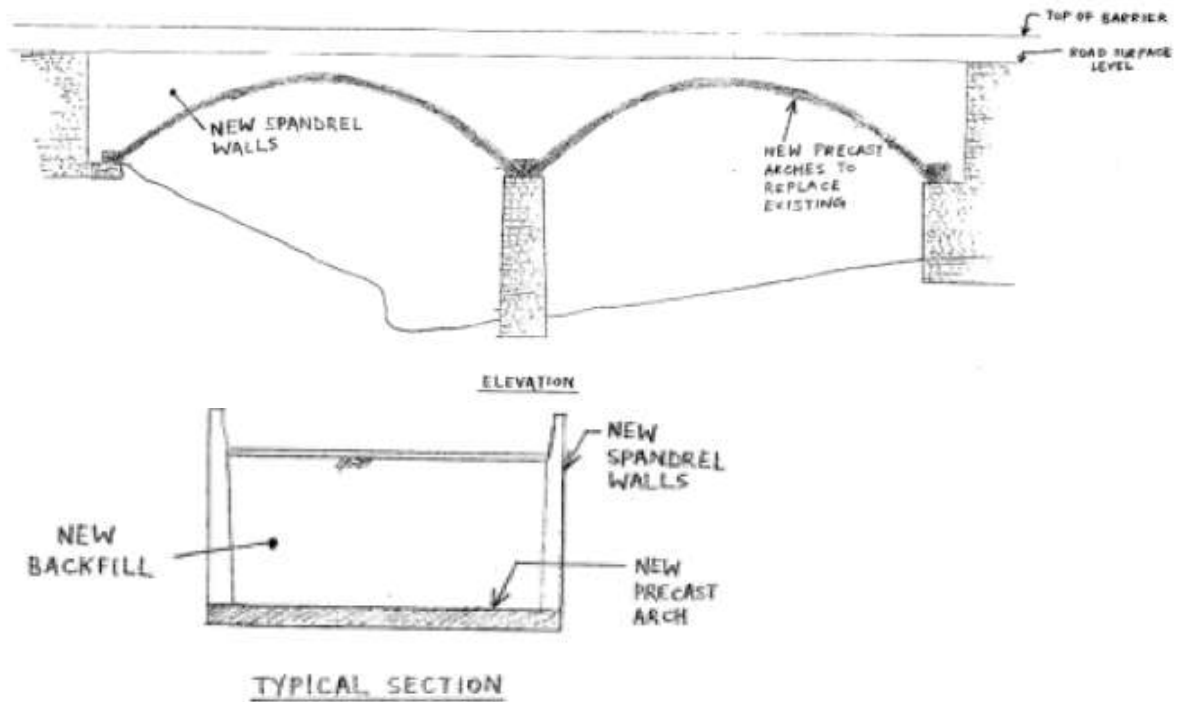
Option 2B Cont



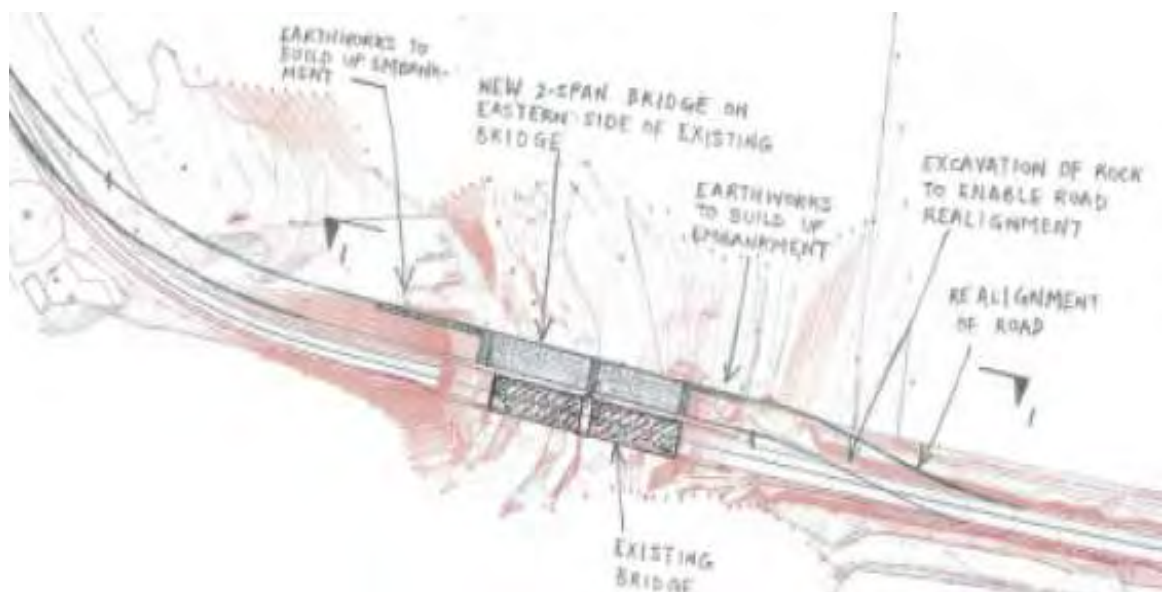
Option 2C – Remove the arches and spandrel walls and to be replaced with new concrete beam and slab deck with an estimated cost of \$2M to 2.5M



Option 2D – Remove arches and spandrel walls and replace with new precast arches and spandrel walls supported on existing bluestone foundations at an estimated cost of \$1.5M to \$2M



Option 3 – Construct a new bridge on new road alignment and restoration of the current bridge to allow it to remain but not be open to traffic at an estimated cost of \$4M to \$5M



Each option has been scored based on the analysis of key objectives for the repair or replacement of the bridge. The scoring outcome is detailed in the following table:

Scoring of Options for Repair or Replacement						
Criteria	Option 1	Option 2A	Option 2B	Option 2C	Option 2D	Option 3
Weighted Score	6.55	6.50	6.30	5.95	6.35	6.35

Given the strong emphasis on heritage and the scoring detailed above, Option 1 and Option 2A are the preferred options for further consideration as they preserve the heritage of the existing bridge.

The Arup study recommends that Council proceed to a Stage 2 assessment and investigation of the preferred options. The Stage 2 assessment will provide a more detailed report of the repair methods and upgrades necessary including cost estimates.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Continued progress with determining an outcome in regard to the rectification/replacement of Wheeler’s Bridge is supported as a key strategic activity in the *Council Plan 2013-2017*:

8. Effectively deliver the Capital works program to improve community infrastructure and facilities.
9. Improve sealed and unsealed local roads through the delivery of maintenance and improvement works.

FINANCIAL IMPLICATIONS

The cost of the proposed Stage 2 assessment process is covered in Council’s 2012-13 carry forward budget.

RISK IMPLICATIONS

Wheeler’s Bridge is an historic bridge that significantly contributes to the history of Monash Bridges. The loss of history and reduced transport services are risks to the community if the bridge is not repaired or a new bridge constructed.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Wheeler’s Bridge plays an important role in community access and connectivity. The bridge is historically significant and contributes to the social values of the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council has been in consultation with the Heritage Branch of the Institute Engineers Australia (IEA) and a Heritage Recognition Ceremony has recently occurred for this bridge. The consultations with the Heritage Branch IEA have led to the appointment of Arup consulting Engineers and Monash University have offered their assistance in this project.

CONCLUSION

Council engaged Arup Consulting Engineers to undertake a study of the condition of Wheeler's Bridge and to identify options for rectification or replacement of the bridge.

The study has recommended two options for further consideration and analysis and these are Options 1 and 2A.

A more detailed study of Options 1 and 2A will allow Council to seek external funding to repair Wheeler's Bridge and extend the life of this most important historical asset.

OFFICER'S RECOMMENDATION

10.7.1 That Council proceeds with a Stage 2 analysis of Options 1 and 2A by Arup Consulting Engineers for the repair of Wheeler's Bridge.

MOTION

10.7.1. That Council proceeds with a Stage 2 analysis of Options 1 and 2A by Arup Consulting Engineers for the repair of Wheeler's Bridge.

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

Councillor Bill McClenaghan left the meeting at 8:03pm due to a direct Conflict of Interest and returned at 8:09 pm.

Deputy Mayor Councillor Don Henderson assumed the Chair.

**10.8. FREE GREEN WASTE SERVICE AT TRANSFER STATIONS IN PREPARATION FOR SUMMER FIRE DANGER PERIOD
GENERAL MANAGER INFRASTRUCTURE**

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

PURPOSE

The purpose of this report is for Council to consider the provision of a free green waste tipping service at Council's transfer stations in the lead up to the declared fire danger period.

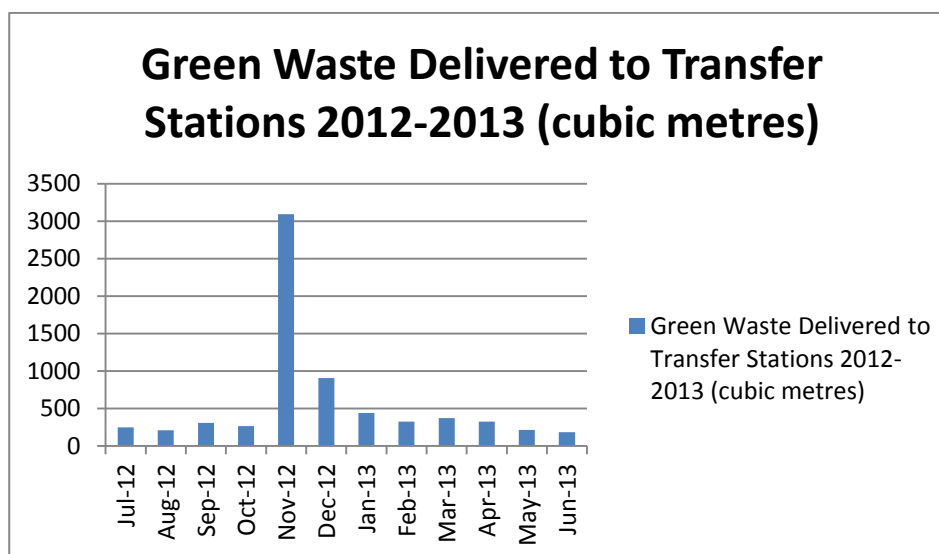
BACKGROUND

Over recent years, Council has accepted free green waste at all three transfer stations for the month of November. This service is to encourage residents and property owners to clean up and dispose of green waste from their properties in preparation for the summer fire danger period.

ISSUE / DISCUSSION

The receipt of free green waste at all three transfer stations has historically been provided by Council to support and encourage all property owners and residents to prepare as best as possible for the pending fire danger period.

To improve Council's understanding of the impact of waiving green waste tipping fees, an analysis of the 2012 service has been completed. The graph below indicates the spike in green waste volumes received during the free green waste period in 2012-2013.



The volumes of green waste that were received at Council's transfer stations in 2012-2013 are shown in the table below with the estimated amount of green waste received during the "free" period provided at the bottom of the table.

Month	Daylesford	Creswick	Trentham	TOTAL
	Cubic metres	Cubic metres	Cubic metres	Cubic metres
Jul 2012	207.5	29	10	246.5
Aug 2012	137	45	25	207
Sep 2012	183	64	58	305
Oct 2012	219	41	6	266
Nov 2012	1441	1061	589	3091
Dec 2012	544	244	116	904
Jan 2013	302	88	49	439
Feb 2013	242	51	31	324
Mar 2013	263	33	74	370
Apr 2013	274	43	9	326
May 2013	173	31	8	212
Jun 2013	148	30	7	185
Total for 2012-2013	4,134	1,760	982	6,876
Total free green waste for Nov & first 2 weeks of December	1683	1217	656	3556
Total of free green waste as a percentage	41%	69%	67%	52%

Table No 1 - Volumes of Green waste received at each transfer station

Whilst lawn and grass clippings are included in the above volumes, these items continued to attract a fee of \$16 per cubic metre last year noting that the estimated volume is very small.

The cost for providing this service in 2012 has been reviewed in order to understand the financial implications and is summarised below:

Estimated lost income (fee waiver)	\$ 56,000
Estimated cost to treat product	<u>\$ 32,000</u>
Total cost implication	<u>\$ 88,000</u>

Similar costs have been allowed for in Council's 2013-14 waste management budget in anticipation of the service being continued in 2013.

As this free green waste service is targeted at residential properties, the free green service should be limited to Hepburn Shire residents and ratepayers and therefore should not include commercial quantities of green waste. If commercial operators are engaged to prepare residential properties for the fire danger period, there needs to be a mechanism to ensure residential landowners are not excluded from this free green waste service. This could take the form of allowing commercial operators to deposit green waste in non commercial quantities and providing the address of the property that the green waste was collected from.

The options for consideration are as follows:

1. Continue to Provide a Free Green Waste Tipping Service

Provide a free green waste disposal service at all three transfer stations for the month of November at an estimated cost of \$91,000. This service should be restricted to residential properties within the Shire and should exclude commercial quantities of green waste.

2. Do Not Provide Free Green Waste Tipping Service.

By not providing a free green waste service the likely outcome would be reduced green waste volumes being received at all three sites which would incur less processing costs with a rise in income providing a net financial benefit to Council. This would discontinue a service that Council currently provides to the community to assist in fire preparedness and some resistance from the public to this change would be anticipated.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

There is a legislative requirement for Council to undertake inspections of urban properties, prior to the summer fire danger period, to ensure that there is not a build up of flammable material on the properties. The provision of a

free green waste service prior to the fire season assists property owners to reduce the fuel load on their land and demonstrates Council's commitment to working with the community to mitigate fire risks.

FINANCIAL IMPLICATIONS

Council has allowed for the costs of providing a free green waste service in Council's 2013-14 waste management budget.

RISK IMPLICATIONS

The provision of a free green waste service will encourage property owners to reduce the fuel load on their property prior to the summer fire danger period season thus reducing the fire risk to properties.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The provision of a free green waste service allows for the delivered material to be mulched rather than burnt. The assistance in providing a free green waste service to property owners in their preparation for the summer fire season should assist in reducing the anxiety posed by the summer fire danger period.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The amount of green waste delivered in previous years indicates there is support for this program. The use of *The Advocate* and other community newspapers to publicise Council's decision will provide an appropriate avenue for informing the community.

CONCLUSION

Over recent years, Council has accepted free green waste at all three transfer stations for the month of November. This service is intended to allow property owners to clean up and dispose of green waste from their properties in preparation for the summer fire danger period. Council has a budget allowance to provide this service for the month of November at an estimated cost of \$91,000. This free green waste service should be restricted to residential properties within the Shire and should exclude commercial quantities of green waste from commercial operators.

OFFICER'S RECOMMENDATION

10.8.1 That Council provides a free green waste tipping service for the Month of November at Council's three Transfer Stations to assist residential properties in their preparation for the summer fire danger period. This free green waste service is to apply to residential

properties within the Shire and to exclude commercial quantities of green waste from commercial operators.

MOTION

10.8.1. That Council provides a free green waste tipping service for the Month of November at Council's three Transfer Stations to assist residential properties in their preparation for the summer fire danger period. This free green waste service is to apply to residential properties within the Shire and to exclude commercial quantities of green waste from commercial operators.

Moved: Councillor Pierre Niclas

Seconded: Councillor Greg May

Carried.

**10.9. PROPOSED SALE OF LAND SURPLUS TO REQUIREMENTS -
FLORENCE DENBIGH PRATT RESERVE – REAR OF TABLE HILL ROAD,
DAYLESFORD
GENERAL MANAGER CORPORATE SERVICES**

In providing this advice to Council as the Property Officer, I Karen Ratcliffe have no interests to disclose in this report.

PURPOSE

The purpose of this report is to recommend that Council declare the Florence Denbigh Pratt Reserve as surplus to requirements and publicly advertise Council's intention to sell the land.

BACKGROUND

The Reserve was created in 1974 solely as a recreation land contribution on Plan of Subdivision 111383. The land is named after the previous owner. The reserve does not form any part of the Great Dividing Trail or Lost Children's Walk.

The total area of the Reserve is approximately 2000sqm and is a thin strip of land running along an elevated ridge between the Midland Highway and Table Hill Rd, Daylesford. The reserve abuts four privately owned residential properties.

The following map shows the Florence Denbigh Pratt Reserve shaded 'red'.



ISSUE / DISCUSSION

Council's Requirements for the Land

Due to its small size, relative inaccessibility and isolation, Council does not have a maintenance or fire management plan in place for this strip of land.

Council's Infrastructure and Parks & Gardens officers have considered whether this Reserve is required for any council services. Their recommendation is that this reserve is surplus to requirements and can be sold.

Sale and Sub-division

Council envisages that it will be the abutting four property owners who will be interested in purchasing this land, however there could be potential for conflict if one purchaser owns the whole reserve running behind the three remaining properties. Officers propose that in order to mitigate any problems arising from this, there be a condition of sale that the purchaser arranges a four-part subdivision and transfers ownership to the remaining three landowners.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013–2017: Key Strategic Activity 27

Action: Undertake the sale of underutilised and surplus land and buildings in consultation with the community.

FINANCIAL IMPLICATIONS

There will be no cost to Council as the purchaser will be required to pay all associated costs of the sale process. Prior to selling the property, a statutory valuation of the property is required.

RISK IMPLICATIONS

There is no immediately identifiable risk associated with selling this land, in fact bushfire risk will be reduced as the land will be in private ownership and management.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Council does not have a maintenance or fire management plan in place for this isolated strip of land.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Before council sells the land a resolution to declare the land as surplus to requirements and advertise Council's intention to sell will be required. Council

is required to comply with *Section 189 of the Local Government Act 1989* which requires public notice of the intention to sell, consideration of submissions, if any, and obtaining a current valuation.

CONCLUSION

If the Council intends to proceed with this matter it should declare the land as surplus to needs and give public notice to sell the land.

OFFICER'S RECOMMENDATION

That Council:

- 10.9.1 Is satisfied that the unused strip of land known as the Florence Denbigh Pratt Reserve at Table Hill Road, Daylesford is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and
- 10.9.2 Proceeds to advertise its intention to sell the land by a public process and seek public submissions on this proposal in accordance with S189, S192 and S223 of the *Local Government Act 1989*.

MOTION

That Council:

- 10.9.1. *Is satisfied that the unused strip of land known as the Florence Denbigh Pratt Reserve at Table Hill Road, Daylesford is no longer required, nor is it necessary or desirable to use the land for a municipal purpose, therefore it is surplus to needs and may be sold; and*
- 10.9.2. *Proceeds to advertise its intention to sell the land by a public process and seek public submissions on this proposal in accordance with S189, S192 and S223 of the Local Government Act 1989.*

Moved: Councillor Don Henderson
Seconded: Councillor Kate Redwood
Carried.

10.10. REVIEW OF POLICY 16.1 (C) - HERITAGE LOANS

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to adopt the revised Heritage Loans Policy.

BACKGROUND

The policy seeks to provide loans to fund the restoration of places of heritage and conservation significance in Hepburn Shire, as recognised in the Heritage Overlay in the Hepburn Planning Scheme.

ISSUE / DISCUSSION

The revised Heritage Loans Policy is attached in Attachment 7.

The major changes to the provisions of the existing policy are:

- The Heritage Loan will be assessed by Council's Heritage Advisor and Council officers.
- A recommendation will be given to Council's Chief Executive Officer (CEO). The CEO will be delegated to approve or refuse any loan application.
- The maximum loan amount is increased to \$7,000.00.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The Heritage Policy is being reviewed in accordance with the terms as set out in the policy.

FINANCIAL IMPLICATIONS

\$20,000.00 is already allocated to fund the policy.

RISK IMPLICATIONS

Standard debt collection procedures to be followed in cases where loan default may occur.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Heritage Loans Policy provides an important loans scheme to allow for the restoration of important heritage and conservation places in the Hepburn Shire.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Nominations are to be considered annually in July, in accordance with the updated policy.

CONCLUSION

This report seeks to update Council's Heritage Loans Policy.

OFFICER'S RECOMMENDATION

- 10.10.1 Adopts Policy 16.1 – Heritage Loans Policy September 2013.
- 10.10.2 Makes Policy 16.1 – Heritage Loans Policy September 2013 available for public inspection on Council's website.

MOTION

That Council:

- 10.10.1. *Adopts Policy 16.1 (C) – Heritage Loans Policy September 2013.*
- 10.10.2. *Makes Policy 16.1 (C) – Heritage Loans Policy September 2013 available for public inspection on Council's website.*
- 10.10.3. *Reviews Policy 16.1 (C) – Heritage Loans Policy in one year's time.*

Moved: Councillor Kate Redwood

Seconded: Councillor Pierre Niclas

Carried.

ATTACHMENT 7 - REVISED POLICY 16.1 (C) - HERITAGE LOANS



POLICY NUMBER 16.1 (C)

HERITAGE LOANS POLICY

DATE AMENDED: September 2013
DATE OF NEXT REVIEW: September 2014
DATE ADOPTED: 17 September 2013
RESPONSIBLE OFFICER: Manager Planning

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.

Introduction

This policy seeks to provide guidance on loans for heritage related works undertaken in Hepburn Shire.

Scope

The Scope of the Policy is:

- To promote the conservation and protection of heritage places in the Shire by the provision of financial assistance to worthy conservation projects.
- To provide a loan scheme, which will fund, wholly or partly, restoration works to buildings, sites or objects listed in the Hepburn Planning Scheme's Heritage Overlay.

Purpose

This policy provides guidelines to the Council, loan recipients and ratepayers of the Hepburn Shire in the administration of the Hepburn Shire Council's Heritage Loans Scheme, particularly in respect of:

- The type of projects and applicants, which are eligible to receive a loan.
- The terms and conditions under which agreements will be entered into.
- The accountability of each party.
- The monitoring of the scheme.

Definitions

Applications for funds under this scheme will only be considered if they meet the following criteria:

- The project involves carrying out work on;
 1. A heritage asset, object or place listed in the Hepburn Planning Scheme's Heritage Overlay, or
 2. A heritage asset, object or place proposed for inclusion in the Heritage Overlay.
- Where the work to be funded is external and will be visible from the public realm or is otherwise necessary to conserve the significant fabric.
- Will be likely to comply with the requirements of the Heritage Overlay.
- Or the project involves other recommendations from the Hepburn Shire Council's Heritage Advisor.
- Where all proposed works are adequately documented by the applicant to the satisfaction of the Heritage Advisor and are likely to receive relevant permits.

Funds will not be made available for:

- Projects which involve undertaking research, recording and documentation of heritage places.
- The applicant's own labour.
- The payment of building insurance.
- Works that have been completed or are in progress prior to the lodgement of an application under the Heritage Loans Policy.
- Planning and Building permit fees.

Policy

The Hepburn Shire Council will make available funds of \$20,000.00 for the Scheme. The balance of funds remaining in the pool at each financial year's end will be credited forward to the Scheme.

The funding arrangements are to be reviewed at the end of each financial year.

ELIGIBILITY CRITERIA OF THE APPLICANT

The applicant must:

- Be the owner or occupier of the place or object.
- Or have the written consent of the owner for the lodgement of the application and conduct of the works.
- Have the ability to fulfill the requirements of the loan contract as determined by Council at its discretion.

AVAILABILITY OF SCHEME

Council will advertise the availability of the Heritage Loans Scheme and call for applications annually to be considered in July of every year, subject to the availability of funds.

ADVERTISING OF THE SCHEME

Hepburn Shire Council will publicise the availability of the loan funds and undertake any steps necessary to provide the ratepayers and constituents of Hepburn Shire with information regarding the availability of the loan scheme.

ASSESSMENT AND DECISIONS IN RESPECT OF APPLICATIONS

Applications will be assessed by the Council's Heritage Advisor and Council Officers. A recommendation will be given to Council's Chief Executive Officer to make a determination of any application/s received

REPORTING REQUIREMENTS

Council officers will report on the progress of the Scheme to Council at the end of each financial year.

TERMS OF THE LOAN AGREEMENT

Principal

The minimum amount of any loan is \$1,000.

The maximum amount of any loan is \$7,000.

Payment to contractors

10% of any payments to contractors is to be withheld by the applicant subject to the satisfactory completion of the works as determined by Council.

Duration

The maximum term for the loan repayment is 24 months. The term will be determined during the approval process.

However, the maximum loan term for a loan of \$1,000 (the minimum amount for a loan) shall be 12 months from the final payment.

Repayments

Loans are to be repaid monthly or at other agreed intervals over the term of the loan. Repayment method to be determined by agreement prior to approval of any loan.

Interest rate

The interest rate will be fixed for the period of the loan and will be set at the Reserve Bank of Australia official cash rate applicable at the time of the loan.

Use of funds

Funds are not to be used for the applicant's own labour.

Funds can only be used for works described in the letter of approval.

Defaults in conduct of the works

Should the works not be carried out satisfactorily as determined by Council and/or are not in accordance with any planning or building permit obtained, Council may give notice, in accordance with the provisions of the agreement [see following clause], of its intention to terminate the agreement.

Defaults in repayment

If the recipient of a loan should make unreasonable default in the repayment of the loan, or performance of the works, Council shall give seven days notice of its intent to terminate the loan agreement. Upon the expiry of the seven days the whole of the moneys owing shall become payable and recoverable as a debt due to the Council.

APPLICATION INFORMATION

Applicants will be required to submit the following information:

- A completed application request.
- Proof of ownership or occupation of the place, object, asset or property. This can include a recent copy of the Certificate of Title, or in the case of an occupier written approval from the owner (along with Certificate of Title as before).
- Proof of ability to repay the loan such as payslips, business activity statement, bank statement and details of existing borrowings and other financial commitments, all as required by Council.
- A description of the proposed works, which are the subject of the loan application including the extent and nature of the works.
- If available, a copy of the relevant planning permit and/or building permit, which has been issued for the proposed works.
- Any architectural, archaeological or horticultural reports where appropriate.
- Photographs of the existing condition of the object or place.
- Two quotes or costs estimates from appropriately registered and experienced builders/contractors.
- Identification of any works to be carried out using the applicant's own labour.
- Where painting involving a change of colour scheme is proposed, samples of the proposed colours and their locations.

APPLICATION

The application is to be in the form of a written request to Hepburn Shire Council.

LOAN CONTRACT

The loan contract shall be binding between the two parties to the satisfaction of Council.

AMENDMENTS TO THIS POLICY

Amendments to this policy shall be approved by Hepburn Shire Council.

POLICY REVIEW

This policy is to be reviewed in one year from the date of the adoption of the policy.

10.11. REVIEW OF POLICY 60 (C) – PLAQUES AND MEMORIALS ON PUBLIC LAND AND BUILDINGS

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 consider and adopt Policy 60 (C) Plaques and Memorials on Public Land and Buildings.

BACKGROUND

The Plaques and Memorials on Public Land and Buildings policy was originally adopted in February 2010. In accordance with the policy, it is due for review.

ISSUE / DISCUSSION

The current policy provides a framework to consistently deal with applications from persons or organisations wishing to install a plaque or memorial on Council or Council controlled public property.

Examples of plaques or memorials may include a tablet, stone, timber or metal object which includes text or images which commemorates a person, event or historical information.

The purpose of this policy is to:

- Restrict plaques and memorials to events or persons of significant importance to an area.
- Minimise the risks and environmental impact of plaques and memorials
- Minimise the incidence of plaques and memorials in open space.
- Ensure safety of motorists where plaques or memorials are located on streets or roadsides.

Existing plaques and memorials will generally be retained but if maintenance costs become prohibitive or there is a need to re-locate, then those originally involved in its placement, will be consulted before re-siting or removal where practical/possible.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The review and update of Council policies supports the *Council Plan 2013-2017* Strategic Objective of becoming a High Performing Organisation.

FINANCIAL IMPLICATIONS

There are no financial implications associated with adopting this policy.

RISK IMPLICATIONS

The adoption of this policy minimises the risk of inappropriately placed plaques and memorials.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The adoption of the Plaques and Memorials on Public Land and Buildings Policy provides guidance to Council and the community on the process required to have a plaque or memorial erected.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Plaques and Memorials on Public Land and Buildings Policy will be placed on the Hepburn Shire Council website and available to the public

CONCLUSION

The review of the Plaques and Memorials on Public Land and Buildings Policy ensures that the policy stays up to date and relevant to Hepburn Shire.

OFFICER'S RECOMMENDATION

That Council:

- 10.11.1 Adopts Policy 60 (C) Plaques and Memorials on Public Land and Buildings Policy September 2013.
- 10.11.2 Makes Policy 60 (C) Plaques and Memorials on Public Land and Buildings Policy September 2013 available for public inspection on Council's website.

MOTION

That Council:

- 10.11.1. *Adopts Policy 60 (C) Plaques and Memorials on Public Land and Buildings Policy September 2013.*
- 10.11.2. *Makes Policy 60 (C) Plaques and Memorials on Public Land and Buildings Policy September 2013 available for public inspection on Council's website.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Greg May

Carried.

**ATTACHMENT 8 - REVISED POLICY 60 (C) – PLAQUES AND
MEMORIALS ON PUBLIC LAND AND BUILDINGS**



POLICY NUMBER 60 (C)

PLAQUES AND MEMORIALS ON PUBLIC LAND AND BUILDINGS

DATE AMENDED: September 2013

DATE OF NEXT REVIEW: September 2017

DATE ADOPTED: 17 September 2013

RESPONSIBLE OFFICER: General Manager Corporate Services

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.

Introduction

The Plaques and Memorials on Public Land and Buildings Policy provides a policy framework for the installation of plaques or memorials within the Hepburn Shire.

Scope

The scope of this policy is the installation of plaques or memorials in or on buildings, on the pavement, in public parks, open space, gardens, streets or public places. All plaques or memorials installed within the Hepburn Shire should conform to this Policy. Some parks or other locations already contain plaques or memorials that predate this Policy. These markers will generally remain but should not be taken as a precedent for future approvals.

Purpose

The purpose of this policy is to:

- Restrict plaques and memorials to events or persons of significant importance to an area.
- Minimise the risks and environmental impact of plaques and memorials
- Minimise the incidence of plaques and memorials in open space.
- Ensure safety of motorists where plaques or memorials are located on streets or roadsides.

Definitions

- Plaque – A flat tablet, stone, or other material which includes text or images which commemorate a person, event or historical information relative to a location.
- Memorial – an object established in memory of a person, association, anniversary or event and includes a monument.
- Open Space – refers to all land owned and or /managed by Council that is zoned Public.
- Public Park & Recreation Zone (PPRZ) and Public Conservation & Resource Zone (PCRZ) and is available for public access. Typically open space includes parks, gardens, trails, habitat corridors, utility reserves, water ways, foreshores, sportsgrounds and conservation reserves.
- Public Place – refers to road reserves, streetscapes and other municipal places that are owned and /or managed by Council.

Policy

The installation of plaques and memorials will be assessed against the following criteria:

- Existing plaques and memorials will generally be retained. If the existing site is inappropriate, maintenance cost prohibitive or the condition of the plaque or memorial is poor, those originally involved in its placement should, where practical be consulted before re-siting or removal. Replacement plaques or memorials of a different style and material may also be considered at the cost of the applicant.
- Council does not encourage the installation of plaques or memorials in open space and only events or people of significant importance may be commemorated by a plaque or memorial.
- Subjects for plaques and memorials will be limited to the following:
 - An individual or association that has contributed significantly to the cultural, political or social aspects of the Hepburn Shire or it's community;
 - An individual or association strongly linked to the Hepburn Shire and its history;
 - A significant anniversary of an event unique to the history or development of the locality;
 - Historical or other information relevant to the site/location of the plaque.
 - Recognition of significant contributions for open space infrastructure can be acknowledged by a way of a plaque mounted on the infrastructure. For example - requirement of a funding agency.
- Plaques and memorials shall be designed and sited so as not to intrude upon or damage the structure or natural environment or otherwise create a public risk. Their construction should require little maintenance and should be resistant to vandalism.
- The approved plaque or memorial will be located at the designated site for a period of not less than ten years. Council however maintains the right to remove or relocate it should the site be redeveloped or significantly changed in character prior to the expiration of this period. Council does not guarantee the retention of any plaque or memorial beyond ten years.
- A Plaque or memorial should be:
 - Located in a position where it will not distract a driver's attention or interfere with the role of any traffic control item.
 - Located in a position where it will not be hazardous to passing traffic or prevent appropriate maintenance of open space, reserve, road reserve or public infrastructure.
- Applicants must meet all costs associated with the design, manufacture and installation of a plaque or memorial, which shall be undertaken by, or under the supervision of Council.
- Requests for a plaque or memorial shall be made in writing to the Chief Executive Officer, Hepburn Shire Council detailing the following:

- Location of intended installation
- Reason for installation
- Brief statement of significance of the event or person concerned
- Name of proponent
- Intended date of installation
- Copy of any text already prepared
- Acceptance to policy conditions of installation.
- The General Manager Corporate Services should keep a record of all approved installations in Council's corporate records.
- Plaques or Memorials which have been placed in any location without authorisation, or which do not meet the general requirements of this policy may be removed after attempts have been made to consult with the persons responsible for the installation.

Implementation

The adopted policy will be placed on Council's website and will be administered by the General Manager Corporate Services.

Review

The policy will be reviewed every four years in accordance with the Hepburn Shire Council Policy Framework.

10.12. RECORD OF ASSEMBLIES OF COUNCILLORS – AUGUST 2013
GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

This report summarises Assemblies of Councillors for August 2013.

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

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

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

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

Assemblies of Councillors		
Date	Location	Committee Name
6 August 2013	Council Chamber, Daylesford	Councillor Briefing
7 August 2013	Council Chamber, Daylesford	International Women’s Day Women’s Honour Roll Advisory Committee
13 August 2013	Council Chamber, Daylesford	Councillor Briefing
19 August 2013	Daylesford Secondary College	Daylesford ARC Advisory Committee
20 August 2013	Council Chamber, Daylesford	Councillor/CEO Meeting
20 August 2013	Council Chamber, Daylesford	Pre Council Meeting

ISSUE / DISCUSSION

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Local Government Act 1989, Section 80A

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

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

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

Information provided for noting.

OFFICER'S RECOMMENDATION

- 10.12.1 That Council receives and notes the Records of Assemblies of Councillors for August 2013.

MOTION

10.12.1. That Council receives and notes the Records of Assemblies of Councillors for August 2013.

Moved: Councillor Kate Redwood

Seconded: Councillor Don Henderson

Carried.

**ATTACHMENT 9 - RECORDS OF ASSEMBLIES OF COUNCILLORS –
AUGUST 2013**

(Issued Under Separate Cover)

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 – 05/08/2013.
- Minutes from Glenlyon Recreation Reserve Special Committee – 14/08/2013.
- Minutes from Glenlyon Recreation Reserve Special Committee – 26-08-2013 to amend Minutes of meeting held on 14/08/2013.
- Minutes from Lee Medlyn Home of Bottles Special Committee – Annual General Meeting – 7/08/2013
- Minutes from Lee Medlyn Home of Bottles Special Committee – General Meeting – 7/08/2013.
- Minutes from Drummond Hall Special Committee – Annual General Meeting and General Meeting – 30/08/2013.

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

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

- Nil

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

11.1.1 That Council receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.

MOTION

11.1.1. That Council receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

11.2. RECOMMENDATION FROM THE GLENLYON RECREATION RESERVE SPECIAL COMMITTEE – ADDITION OF LAND TO GLENLYON RECREATION RESERVE
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 a motion of the Glenlyon Recreation Reserve Special Committee for Council to become committee of management over additional land adjacent to the Glenlyon Recreation Reserve.

BACKGROUND

The Glenlyon Upper Loddon Landcare Group Inc has been in discussions with the Department of Environment and Primary Industries (DEPI) in relation to its activities along the Loddon River in Glenlyon. Mr John Cable approached Council in June 2013 with a request for it to consider becoming Committee of Management over a portion of crown land in Glenlyon. The specific land is Crown Allotment 8, Section 48, Township of Glenlyon. The land is shown in Figure 1 below, with the current Recreation Reserve depicted by the PPRZ area (light green) to the East of the proposed land.

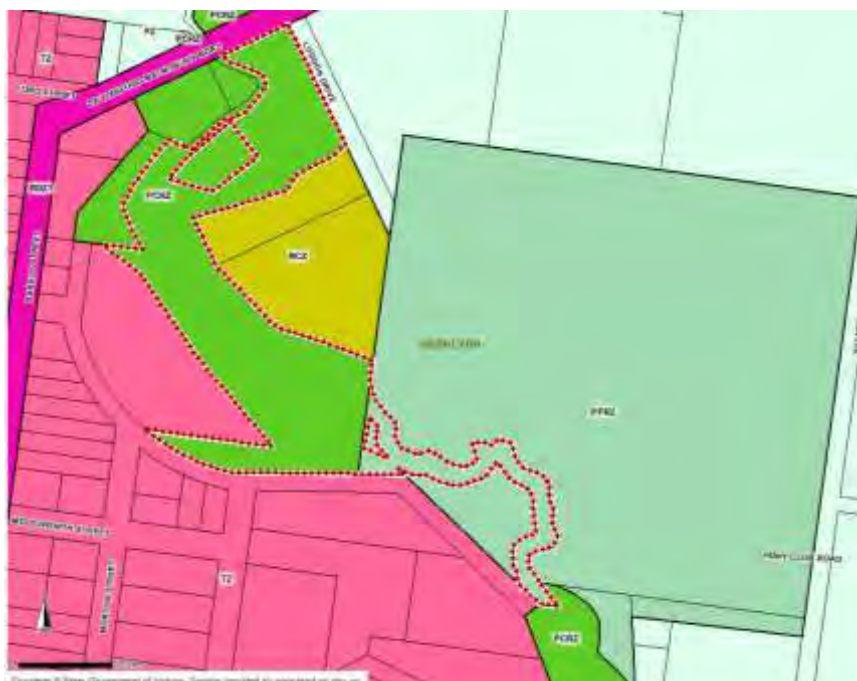


Figure 1: Crown Allotment 8, Section 48, Township of Glenlyon shown by red dashed line

The current Recreation Reserve is shown in Figure 2, which also shows an aerial view of the proposed additional land.



Figure 2: Glenlyon Recreation Reserve shown by hashed area

Council is Committee of Management of the Crown land recreation reserve. Council has appointed a special committee with responsibility for managing the existing reserve.

The additional land contains the Loddon River, a walking trail, a large number of native trees and some non-native trees. There is a significant amount of weeds in the additional land.

ISSUE / DISCUSSION

Council's Glenlyon Recreation Reserve Special Committee passed the following motion at its meeting on 14 August 2013:

Motion: A request has been made that crown allotment 8/48 Glenlyon be added to the recreation reserve.

This motion has been asked to be put forward by John Cable on behalf of the Landcare group

Motion Carried.

As this motion relates to a matter outside of the committee's delegated authority, in effect it becomes a recommendation to Council.

This request from the Glenlyon Upper Loddon Landcare Group Inc, as recommended by Council's special committee, for Council to become committee of management over the additional parcel of crown land must be considered against Council's Asset Management Policy and the Council Plan 2013-2017.

Asset Management Policy

The purpose of Council's Asset Management Policy is to 'ensure that infrastructure assets which support the provision of services to the community are appropriate, accessible, reliable, sustainable and managed in accordance with sound asset management principles'.

In terms of service provision, the addition of this land would provide a bush walking trail and nature reserve which is part of the Glenlyon Bio Link Trail. These services are not traditionally provided by Hepburn Shire Council or local government more widely. These services are provided by State Government through DEPI or Parks Victoria. This land would not directly support active recreation facilities at the Glenlyon Recreation Reserve. As such, the addition of this land does not support services provided by Hepburn Shire Council.

Council Plan

Council Plan 2013-2017 – Key Strategic Activity:

10. Effectively manage Council's Asset portfolio in order to improve service levels while progressively closing the asset renewal gap.

The addition of this land would contribute negatively to this Key Strategic Activity by increasing the asset maintenance burden on Council and its special committee.

Taking on management of this land would have an ongoing cost burden on Council to maintain the trail, manage weeds, undertake tree maintenance and manage the river. Council does not have surplus financial or staffing capacity to undertake these additional tasks. Furthermore, Council already supports the special committee with the management of the Recreation Reserve (e.g. mowing and tree maintenance), demonstrating that the special committee does not have surplus capacity to take on further tasks.

Council may have a long term financial and practical burden managing this land if it takes on responsibility for managing it. The Glenlyon Upper Loddon Landcare Group Inc has expressed an interest in taking out a Licence with Council to manage the additional land. This may work in the short term, but

there is no certainty that the group would continue this licence in the future and the land would then become the responsibility of Council to manage as committee of management. A better solution would be DEPI entering into a Licence directly with the Glenlyon Upper Loddon Landcare Group Inc. Council officers have been in discussions with DEPI to support this occurring.

The Glenlyon Upper Loddon Landcare Group Inc wishes to have a formalised arrangement for management of this land. A request has been put to Council to become committee of management to enable this to happen. This will have negative impacts on Council beyond the benefit to the Landcare Group, as described above. It is suggested that DEPI enter into a Licence with the Glenlyon Upper Loddon Landcare Group Inc to achieve the same environmental and social outcomes, without burdening Council

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017 – Key Strategic Activity:

10. Effectively manage Council's Asset portfolio in order to improve service levels while progressively closing the asset renewal gap.

The acceptance of the management of this land will increase Council's portfolio of land under management and the responsibilities associated with it.

FINANCIAL IMPLICATIONS

There will be financial implications associated with becoming committee of management over this land in terms of maintaining the trail, managing weeds, undertaking tree maintenance and managing the river.

RISK IMPLICATIONS

Risk implications of accepting management of this land include river management and fire management.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The management and maintenance of the land by the Glenlyon Upper Loddon Landcare Group Inc provides environmental, social and economic benefits. The Glenlyon Upper Loddon Landcare Group Inc through a licence with DEPI is the best model to ensure ongoing benefits for the environment and the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Council through supporting the Glenlyon Upper Loddon Landcare Group Inc to enter into a licence with DEPI for the management of the land will provide an avenue for the future management of the land.

CONCLUSION

The Glenlyon Recreation Reserve Special Committee has requested that Council consider becoming Committee of Management over land described as Crown Allotment 8, Section 48, Township of Glenlyon. The Glenlyon Recreation Reserve Special Committee has been approached by the Glenlyon Upper Loddon Landcare Group Inc to manage this land on Council's behalf to facilitate their desire to manage the land under licence with Council. It is recommended that Council could best support the Glenlyon Upper Loddon Landcare Group Inc through facilitating a licence between the Glenlyon Upper Loddon Landcare Group Inc and DEPI.

OFFICER'S RECOMMENDATION

That Council:

- 11.2.1 Not agree to become Committee of Management over Crown Allotment 8, Section 48, Township of Glenlyon.
- 11.2.2 Facilitates the negotiation of a licence between the Glenlyon Upper Loddon Landcare Group Inc and the Department of Environment and Primary Industries.

MOTION

That Council:

- 11.2.1. Not agree to become Committee of Management over Crown Allotment 8, Section 48, Township of Glenlyon.*
- 11.2.2. Facilitates the negotiation of a licence between the Glenlyon Upper Loddon Landcare Group Inc and the Department of Environment and Primary Industries.*

Moved: Councillor Pierre Niclas
Seconded: Councillor Greg May
Carried.

12. COUNCIL ADVISORY COMMITTEES

12.1. MINUTES OF ADVISORY COMMITTEES

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

BACKGROUND

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

ISSUE/DISCUSSION

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

- Daylesford ARC Advisory Committee – 19/08/2013.

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

12.1.1 That Council 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 Neil Newitt
Seconded: Councillor Kate Redwood
Carried.

12.2. EXTENSION TO APPOINTMENT OF MEMBERS – WOMBAT HILL BOTANIC GARDENS ADVISORY COMMITTEE GENERAL MANAGER INFRASTRUCTURE

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

PURPOSE

The purpose of this report is for Council to extend the current appointment of members of the Wombat Hill Botanic Gardens Advisory Committee (WHBGAC).

BACKGROUND

Council has recently commenced a process to review the structure of Special Committees and Advisory Committees currently in place to ascertain the effectiveness of these groups, however this review has not yet been completed.

The WHBGAC Terms of Reference identify the appointment of members for a two year period and the members may be reappointed for a further term at the discretion of Council. The current membership is set to expire at the end of September 2013.

ISSUE/DISCUSSION

Given the review of Special Committees and Advisory Committees is not yet complete, it would be premature to publicly call for nominations for this advisory committee for a further 2 year period. However without appointing a further term for members, the WHBGAC will lapse and not be able to operate as an advisory committee in accordance with the Terms of Reference.

In order to allow the committee to meet and function whilst the review is completed, the current members will need to be reappointed by Council. A further six month term is suggested to allow Council's review to be completed and then call for nominations for membership depending on the outcome of the review process.

The selection criteria for nominations as set out in the Terms of References states:

The Committee should be a mix of community and skills based members and aim to reflect the diversity of the whole community and a variety of geographic areas.

Community members of the Committee should be able to represent the needs and interests of the whole community and should be able to:

- *Demonstrate broad understanding of community needs, concerns and issues relating to botanic gardens and/or landscape on a Shire wide basis;*
- *Be able to objectively consider community and botanic/landscape issues;*
- *Demonstrate ability to work as part of a team and be solution focused.*

Nominees should:

- *Be residents of Hepburn Shire;*
- *Be able to demonstrate an understanding of the role of local government in botanic gardens/landscape matters;*
- *Be able to communicate effectively with a wide range of individuals, organisations and professionals.*

The current members appointed by Council in accordance with the above criteria are:

- Gael Shannon – Community representative
- Lisa Gervasoni - Community representative
- David Marshall – Community representative
- Michael O’Neil - Friends of WHBG representative
- Stephen Davis - Friends of WHBG representative
- Robert Hewat - Friends of WHBG representative

These members have a diverse interest in botanic gardens and demonstrated a strong commitment to WHBG. They have made valuable contributions to the routine and long term management of the gardens and played an integral role in preparing for the 150th anniversary celebrations earlier this year.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Council Plan 2013-2017: 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.

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

The Wombat Hill Botanic Gardens Advisory Committee plays an important role in advising Council on conservation management and future development of the Wombat Hill Botanic Gardens.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Following an invitation process, Council appointed the current membership in accordance with the Terms of Reference

CONCLUSION

In order to allow the WHBGAC to continue to function under the current Terms of Reference whilst Council completes a review of advisory Committees, the current members will need to be reappointed by Council.

A further term of six months is suggested to allow Council's review to be completed and then call for nominations for membership depending on the outcome of the review process.

OFFICER'S RECOMMENDATION

12.2.1 Appoints Gael Shannon, Lisa Gervasoni and David Marshall as community representatives of the Wombat Hill Botanic Gardens Advisory Committee for a period of 6 months, expiring on 28 March 2014.

12.2.2 Appoints Michael O'Neil, Stephen Davis and Robert Hewat to represent the Friends of Wombat Hill Botanic Gardens for a period of 6 months, expiring on 28 March 2014.

MOTION

That Council:

- 12.2.1. *Appoints Gael Shannon, Lisa Gervasoni and David Marshall as community representatives of the Wombat Hill Botanic Gardens Advisory Committee for a period of 6 months, expiring on 28 March 2014.*

- 12.2.2. *Appoints Michael O'Neil, Stephen Davis and Robert Hewat to represent the Friends of Wombat Hill Botanic Gardens for a period of 6 months, expiring on 28 March 2014.*

Moved: Councillor Kate Redwood

Seconded: Councillor Don Henderson

Carried.

13. CONFIDENTIAL ITEMS

13.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

RECOMMENDATION

13.1.1 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 H434-2013 - Creswick Bowling Club Relocation – Design and Construction of Club Rooms;

Contract H435-2013 – Creswick Bowling Club Relocation – Design and Construction of Bowling Green; and

13.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Appointment of Community, Sustainability, Anzac Centenary and Landcare Grant Assessment Panel.

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 H434-2013 - Creswick Bowling Club Relocation – Design and Construction of Club Rooms;

Contract H435-2013 – Creswick Bowling Club Relocation – Design and Construction of Bowling Green; and

13.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

Appointment of Community, Sustainability, Anzac Centenary and Landcare Grant Assessment Panel.

Moved: Councillor Neil Newitt

Seconded: Councillor Don Henderson

Carried.

The Meeting Closed to Members of the Public at 8:34 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 Kate Redwood

Carried.

The Meeting re-opened to the Public at 8:45 pm.

In accordance with Council's resolutions, the following information is provided to the public on matters during the confidential section of the Meeting.

That Council:

13.2.1 Appoints the following community members to the Community, Sustainability, Anzac Centenary and Landcare Grants Assessment Panel for 2013-14:

- Ian Head,*
- Chris Chatham,*
- Lesley Hewitt,*
- Elizabeth Hack*
- Laurel Freeland.*

13.3.1 Subject to the successful completion of the current ground improvement works, awards the Tender for Contract H434–2013 – Creswick Bowling Club Relocation: Design & Construction of Club Rooms Building, Doug Lindsay Reserve, Creswick for the lump sum of \$508,209.78 to MKM Constructions Pty Ltd.

13.4.1 Subject to the successful completion of the current ground improvement works, awards the Tender for Contract H435–2013 – Creswick Bowling Club Relocation: Design & Construction of a Bowling Green at the Doug Lindsay Recreation Reserve, Creswick for the lump sum of \$246,054 to Berry Bowling Systems Pty Ltd.

15. CLOSE OF MEETING

The Meeting closed at 8:45 pm.
