



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

***TUESDAY 19 NOVEMBER 2013***

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

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**Hepburn Shire Council  
Ordinary Meeting of  
Council**



# **MINUTES**

**TUESDAY 19 NOVEMBER 2013**

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

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**AARON VAN EGMOND**  
CHIEF EXECUTIVE OFFICER  
19 NOVEMBER 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.

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## 2. OPENING OF MEETING

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

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

### STATEMENT OF COMMITMENT

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

### 3. APOLOGIES

Nil

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### 4. DECLARATIONS OF CONFLICTS OF INTEREST

Councillor Don Henderson declared an indirect Conflict of Interest – close association in Agenda Item 10.8 Community, Sustainability and Anzac Centenary Grants – Round One 2013-2014 as his spouse is President of the Creswick and District Residents Association. Councillor Henderson left the meeting at 7:32 pm and returned to the meeting at 7:36 pm. Councillor Henderson was absent while this matter was considered.

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### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

- 5.1 That the Minutes of the Ordinary Meeting of Council held on 15 October 2013 and the Statutory Meeting of Council held on 12 November 2013 (as previously circulated to Councillors) be confirmed as required under section 93 (2) of the *Local Government Act 1989*.

#### MOTION

5.1. *That the Minutes of the Ordinary Meeting of Council held on 15 October 2013 and the Statutory Meeting of Council held on 12 November 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Councillor Kate Redwood  
**Seconded:** Councillor Bill McClenaghan  
**Carried.**

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### 6. NOTICES OF MOTION

Nil

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**7. ITEMS OF URGENT BUSINESS**

Nil

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## **8. PRESENTATION OF COUNCILLOR REPORTS**

### **MAYOR'S REPORT**

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

My report will be short, as my time as Mayor hasn't been all that long.

I must say, last week I was pleased to travel to Bendigo to attend a ceremony to mark a landmark native title settlement recognising the Dja Dja Wurrung people as traditional owners for lands in central Victoria. An agreement under the *Victorian Traditional Owner Settlement Act 2010* was formally signed by the State Government and representatives of the Dja Dja Wurrung people. It was a very moving ceremony and many cultural performances were presented mostly by young people. There was a traditional Smoking Ceremony which welcomed all the tribes into the circle. All those attending the ceremony, including myself, were also welcomed into their country. The native title settlement includes 266,532 hectares of Crown land.

### **COUNCILLOR REPORTS**

#### **Councillor Pierre Niclas, Birch Ward**

**8/11/2013**

I attended a full day Speech Preparation and Presentation training course at the Municipal Association of Victoria (MAV) in Collins Street in the city. Although it ended up being a long day, it was very beneficial to me personally as it helped me to identify and develop tools to assist me in better managing those areas in my presentation where I struggle.

It was also a wonderful opportunity to meet with other councillors from many other councils who were also there to develop their own skill sets. I am happy to endorse the MAV as a provider of great packages that give both the individual and the organisation world class training and development programs.

**15/11/2013**

Last Friday morning local upper house Member Mr Simon Ramsey came to the Daylesford Town Hall and delivered some great news; the Victorian State Government had finally confirmed their participation in the Vincent Street, Daylesford Streetscape Project with an amount of \$200,000, with the additional \$100,000 from this Council. I am very pleased to say that 2014 will



finally see the delivery of this very important upgrade of this key tourism destination of this Shire.

And it didn't stop there, as a further surprise the State Government provided a further \$30,000 to assist Council (who also allocated \$15,000 to this project) with the specific focus on developing and delivering a plan for the establishment of new and appropriate community facilities at Vic Park; something that has been a long time coming.

### **18/11/2013**

Yesterday, Cr Redwood and I attended the quarterly Audit and Risk Advisory Committee meeting where I once again observed and was extremely impressed with the robust process that this committee applies to evaluating all aspect of this Shire's risks and responsibilities. I feel very confident that this Council is in good hands, thanks to the good work of both our Officers and the Audit and Risk Advisory Committee.

### **18/11/2013**

Last night I attended our Birch Ward Councillor meeting at Yandoit where I shared the meeting on this occasion with the Councillor from Holcombe Ward, Cr Bill McClenaghan.

This is possible as Holcombe Ward takes in Clydesdale.

Another great attendance for a small country town, Yandoit locals are very passionate about their town and their surrounds. It is well known in Council that residents of Yandoit and Franklinford will always actively advocate for the changes their communities need.

### **Councillor Kate Redwood AM, Birch Ward**

This has been a busy month both for Council meetings and constituent issues.

### **Implementation of Streetscape works in Vincent Street**

Last Friday saw the presentation on the steps of the Daylesford Town Hall by the Member for Western District, Simon Ramsay of a cheque for \$200,000 for the Vincent Street streetscape works. This is a very exciting milestone as with the planning work in place, the implementation of the recommendations adopted by Council in May 2013 can proceed.

### **New sporting facilities for Vic Park**

Simon Ramsay also presented a cheque for \$30,000 for the planning and design phase of the Vic Park facilities development. This is also an important milestone in achieving new and much needed facilities. The brief for this work has been prepared and selection of a design firm will proceed quickly so that the project is 'shovel ready' as quickly as possible. Council continues to lobby the Federal Government for funding. We aim to have a package of funding from Federal and State governments, along with Council's funding commitment and funds raised from Vic Park users ready to roll in 2014.

### **Wombat Hill Botanic Gardens Friends Group**

As is widely appreciated, the Friends Group for the Wombat Hill Botanic Gardens is hugely successful both in fund raising and in their work on the Gardens. This year they have funded and reconstructed the fern gully and cascade in the Gardens - an amazing contribution. This coming weekend the Musk Farm garden will be open to the public as a fundraising event for the Wombat Hill Botanic Gardens. I would encourage anyone who has not been there to go as Musk Farm is one of the very special gardens in Australia.

### **The Daylesford ARC**

I am delighted to be able to report that the most recent figures on visitation provided by the Daylesford Neighbourhood Centre regarding the ARC show that the use and range of activities has grown enormously, to such an extent that the school is complaining of traffic jams in Smith Street and the need for a new approach to traffic management. Children and young people are the major service users.

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

- 15/10/2013 Councillor briefings, Councillor/CEO meeting, Council meeting
- 16/10/2013 Hepburn Shire Council Staff Awards Breakfast
- 17/10/2013 International Women's Day Advisory Committee
- 17/10/2013 Wombat Hill Botanic Gardens Advisory Committee
- 17/10/2013 Wombat Hill Botanic Gardens Annual Stakeholders meeting
- 25/10/2013 Daylesford and Hepburn Springs Business and Tourism Association (BATA) - lunch with President
- 26/10/2013 Daylesford ARC garage sale
- 28/10/2013 Daylesford ARC re circus initiative

- 29/10/2013 Howe Street planning meeting
- 30/10/2013 Swiss & Italian Festa Opening - speech
- 30/10/2013 Meeting re Vincent Street streetscape
- 01/11/2013 Daylesford Rotary Art Show
- 01/11/2013 Presentation of Federal Award at Government House
- 02/11/2013 Constituent issues – Jamieson Street
- 06/11/2013 Councillor briefing
- 08/11/2013 Leadership program Echuca - speaking engagement
- 11/11/2013 Meeting with CEO
- 11.11.2013 Daylesford ARC circus futures
- 11/11/2013 Remembrance Day
- 12/11/2013 Councillor only time, Councillor briefings
- 12.11.2013 Delegated Planning Meeting
- 12.11/2013 Election of Mayor and Deputy Mayor
- 15/11/2013 Presentation on steps of Daylesford Town Hall by Member for Western District, Simon Ramsay of State grants for Vincent Street and Vic Park - speech
- 15/11/2013 Wombat Hill Botanic Gardens Friends Group AGM
- 18/11/2013 Audit and Risk Advisory Committee
- 18/11/2013 Daylesford ARC Advisory Committee

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

On Wed 23 October I attended a meeting to discuss the progress of the Goldfields Way touring route from Ballarat to Bendigo, via Maryborough. Discussion included the desire to include Creswick in the route (utilising part of the Midland Highway). This would be a better opportunity to co-market the route along with the bike trail and the passenger rail service. It would also align with Advancing Country Towns initiatives.

Also discussed was the signage required, and some work will need to be undertaken to ensure the route is well signposted from the Ballarat Freeway.

On Monday 4 November I attended one of the 3 information sessions conducted by Renew Australia and Council into the activating empty spaces

project to be rolled out as part of Advancing Country Towns in Clunes Creswick and Talbot.

Around a dozen attended the Clunes session and I have fielded numerous calls in the following days. Clearly, there are businesses out there keen to be involved in the project.

On Monday 11 November I represented the Shire at the Clunes Remembrance Day Service.

On Monday 13 November I met with members of Tourism Hepburn as Council's representative on the Daylesford and Macedon Ranges Regional Tourism Board (DMRRTB), to discuss their role in relation to DMRRTB, the Council and as a voice for the local tourist associations across the Shire. DMRRTB has committed to working with Tourism Hepburn in the new year to further assist with their role.

Yesterday I met with the DMRRTB in Kyneton. Ms Amanda Millar MP, Member for Northern Victoria, launched the Daylesford and Macedon food and wine guide, and the Kyneton and surrounds food and wine guide. Work continues on the official Visitor Guide which is planned to be released next month.

Finally, I would like to congratulate the Clunes and District Agricultural Society who hosted the 153rd Clunes Show last Saturday.

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

Thank you for the report Mayor on your attendance at the Dja Dja Wurrung land rights ceremony. It must have been a moving experience and I wish I could have been there to participate in this very important step for the healing of our culture as a nation. It is of the utmost importance that we recognise the facts of our history and draw on this history collectively to shape the future of our shared culture and land for the better.

My councillor activities for this month ended this morning with the Australasian Waste Management Expo in Melbourne. This was a great showcase of new approaches in an area where the collaboration of government, private industry and the community intersect to provide beneficial outcomes for the health of our environment and economy. On show was an array of new innovative ideas, equipment and systems for waste management, including bins that sense how full they are (allowing for on-demand pickup) or whether for instance they are damaged or on fire. There were logistics and cybernetics systems for managing waste runs, and standout for me was a piece of equipment which can sort wood chips from plastic, dirt, leaves and metal -

providing some increased hope of grading mixed green waste at our waste transfer stations.

Waste is of course only one of a number of issues facing local government for which we need new approaches: rates and revenue, constitutional recognition, collecting levies and the Defined Benefits Scheme legacy all require a fresh look from councils. Locally, we also have many issues that need new approaches.

I have in the past month and beyond, had significant representations from Musk, Bullarto and Trentham – as we are hearing tonight, communities crying out for new approaches – a conversation with them at eye level, engaging them on the substance of their contentions regarding Council's activities. What they are really asking for is a fair dinkum conversation that actually responds to their side of the conversation – not just ignoring the content of their views.

For Musk, this consists of the need for renewed efforts at community planning which recognise the unique character and desires of the Musk community. I have recently been convinced of the need for this and look forward to discussions with Council officers as to how to achieve this.

These communities want a new approach and they expect me, as their representative, to do something about it. They expect us, as their municipal government, to respond to their needs or at least to the actual points of their claims.

I have of course attended a number of other events through October and November in my official capacity as Councillor and these are as follows for the written record:

- Victorian Local Governance Association (VLGA): Resources and Finance Sub Committee
- Catch up with the CEO
- VLGA Board Meeting
- VLGA AGM, where I presented my first Treasurer's Report
- VLGA CEO interviews
- Coliban Ward Meeting
- Unofficial Musk community plan meeting
- Statutory Meeting to elect new Mayor
- University of Ballarat, Bachelor of Sustainability consultation
- Committee for Ballarat, Sustainable Living Task Team
- Trentham Community FORUM Meeting

### **Councillor Greg May, Creswick Ward**

During the previous month I have attended all briefing meetings as well as the Council Meeting just last week to elect the Mayor of the Shire. I'd like to thank the outgoing Mayor Cr McClenaghan for his hard work over the last year and wish the new Mayor Cr Henderson all the best for the upcoming twelve months.

In late October, I attended a meeting at the Novotel Resort in Creswick attended by a good number of local Creswick Ward business owners. The evening was organised to inform people of opportunities available to them to list their businesses on the Shire run website and to hear the latest about Daylesford and Macedon Ranges Tourism. Local businesses are able to register free of charge on the 'visitcreswick' website and would be well advised to take up this opportunity.

I was also invited to chair a community meeting in Kingston recently which was organised to discuss the committee arrangements for the Kingston Community Recreation Centre. Because there is no actual Community Recreation Centre, the committee had not met for some time. This was a very robust meeting attended by over 40 community members, and was a meeting which resulted in a new enthusiastic committee which will lead to some very good outcomes for the Kingston community in general.

I also met recently in Clunes with Crs Newitt and Henderson about the Activating Empty Spaces Project underway currently in Creswick and Clunes. Following this meeting, I had a tour of the newly completed Clunes Community and Interpretive Centre and was most impressed by the building itself and the facilities it offers to the people of Clunes and surrounds.

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

Once again, a very busy month at the end of my Mayoral term. As Mayor and Municipal Association of Victoria (MAV) rep, I attended the second MAV State Council for 2013 in Melbourne on Friday 25<sup>th</sup> October. At this forum, councils from all over Victoria met to discuss and debate issues relevant to the local government sector like infrastructure funding, planning issues, regional development and sector cohesion. Currently, the City of Melbourne is trying to get an as-of-right seat on the MAV Board but this concept is not generally supported. Resolutions passed at State Council lead to changes in MAV policy and the MAV advocating as a peak local government body to the state government.

On Monday 28<sup>th</sup> October, I attended a ceremony at a block of retirement flats in Daylesford owned by the Daylesford Ladies Benevolent Society, where I unveiled a plaque to commemorate 150 years of continuous service to the Daylesford community. I have a commemorative booklet, which I will present to Council, authored by the grand-daughter of the President.



On Wednesday 30<sup>th</sup> October, I officially opened the 3<sup>rd</sup> Regional Food Cultures Conference at Bellinzona Grange and welcomed delegates from all over Australia, overseas and New Zealand. The event was run in partnership between Daylesford/Macedon Ranges Produce and Southern Cross University. I addressed the delegates about Hepburn Shire, its history and the local Hepburn Springs area before an enlightening address by Professor Michael Hall from the University of Canterbury, New Zealand. Professor Hall made some very interesting points on sustainability, food security, food tourism and a most salient point about what attribute attracts tourists to any town or area. What do you think it is? Suitable, adequate and available *public toilets* are sought after facilities by tourists who will gravitate to wherever they can be found.

On Sunday 10<sup>th</sup> November, I attended a regional CFA event in Ballarat where members of local CFA brigades were presented with the National Emergency Medal for continuous service during the worst of the 2009 and Black Saturday bushfires. Volunteers from the following Hepburn Shire brigades received their medals from Mr. David Koch, Member for Western Victoria, and the CFA Chief Officer, Euan Ferguson AFSM.

1. Clunes
2. Creswick
3. Hepburn
4. Kingston
5. Leonards Hill
6. Mollonghip
7. Musk
8. Smeaton and
9. Trentham

A total of 199 medals were individually presented that day. I now present this commemorative folder to Council, giving details of the National Emergency Medal and a complete list of our CFA volunteers so honoured to receive it.

The next day being Remembrance Day, I delivered the address at the Daylesford Cenotaph on the meaning and importance of Remembrance Day. Later on I attended the AGM of the John Curtin Hostel in Creswick as my last formal engagement as Mayor. It is sad to see the Federal Government cutting back on funding to age care facilities when the population is ageing, demand for these facilities is ever increasing and costs are always rising. Certainly, we as Councillors understand how big government keeps moving the goal posts and requiring others down the financial totem pole to do more and more with less and less.

## **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 Neil Newitt  
**Seconded:** Councillor Pierre Niclas  
**Carried.**



## 9. PUBLIC PARTICIPATION TIME

This part of the Ordinary Meeting of Council allows for the tabling of petitions by Councillors and Officers and 30 minutes for the purpose of:

- Responding to questions that have been submitted by members of the community.
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the CEO by 12 noon on the day of the Council meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the CEO by 12 noon on the day of the Council meeting.

Questions received 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 Mr David McCallum, Trentham**

I thank Council for the response to my Question at last month's meeting and for additional detail provided by the General Manager, Corporate Services.

An important element in the management of the Open Space Levy (OSL) funds is in relation to how Council maintains the value of these funds for the purposes for which they are collected. The premise of my question is that unless the value of these funds is maintained then, over time, the ratepayers effectively receive less for the designated purpose than the amount collected. I note that Council charges an interest rate of 10.2% for those ratepayers who are unable to pay their rates on time.

**My Question therefore is:**

**What interest rate does Council obtain for the close to a million dollars collected from developers in the form of the Open Space Levy which sits year after year in the General Revenue Account unexpended?**

**Answered by Mayor Cr Don Henderson:**

For the 2012-13 financial year Council attained the following interest rates:

Floating Interest Rate – weighted average interest rate 3.76%

Fixed Interest Rate – weighted average interest rate 3.82%.

**Question 2:            From Mr Ian MacBean,  
                                  Trentham Community FORUM**

**Rate Equity for Trentham**

The Trentham community, over the past few years, has actively sought to represent the unfair and inequitable treatment it receives from Hepburn Shire Council. These representations have yielded relatively modest once-off outcomes when compared to Council actions and initiatives elsewhere in the Shire.

Incoming Mayor Henderson is reported to have said in a television interview that he supported rate equity for all small towns and listed Trentham in a long list of smaller settlements across the Shire. I was in the gallery at the Council meeting when Cr Henderson first articulated this position and recall that it was more in exasperation in response to the case for rate equity for Trentham. Be that as it may, Trentham has only ever sought 'pro-rata' equity (and that over a rolling average basis as we have repeatedly offered to negotiate with Council). On that basis, we believe it is clearly more appropriate for Trentham to be compared with the larger towns in the Shire – Council publications regularly identify Trentham as one of the four main towns.

Furthermore, we do not advocate rate equity as a thin spread of cash across the municipality. Rather we seek redress of the structural inequities (largely resulting from historical legacies) – which Hepburn Council has seen fit to ignore for most of its existence and, more recently, to strenuously resist due presumably to its marginally viable financial position – as per a recent media comment: *Trentham is the cash cow that Council has to have*. Our community is frustrated by the relentless delaying tactics employed by Council and the refusal of Councillors and management to come to grips with the underlying problem: the best we have been offered is that Council will work with Trentham on future projects but it isn't interested in acknowledging 'history' or the resulting structural disadvantage. As one Councillor put it to me (in writing) '*. . . projects . . . would be easier to respond to than questions of principle*', which doesn't inspire much confidence! The other recent tactic

employed by Council is that before anything can be done for Trentham, a Shire-wide review must be undertaken and then there must be equity-for-all.

Trentham contributes relatively far more rate income than it receives in Council services and facilities either pro-rata or by comparison. The most striking inequity is the provision and maintenance of community halls & meeting places and sporting facilities in the other main towns – community facilities that are maintained by often struggling volunteer committees in Trentham. Before Council jumps to claim virtue for the recently completed Trentham Facilities Review, it should be pointed out that this review, which was conceived and advocated for by the Trentham community, has taken nearly four years since its beginning to completion, and even now we face at least another 2-3 years before we are likely to see the recommended Community Hub facility. This contrasts with the way the Daylesford Community Hub and Service Centre emerged from nowhere with a \$250,000 budget allocation, compared with \$23,000 to ‘progress’ the corresponding Trentham project. [The claim above that Trentham projects must be preceded by a Shire-wide study in fact doesn’t hold in this case – is it because Council doesn’t want the full scale and imbalance of its building inventory exposed to public scrutiny?]

Trentham’s case for rate equity has been documented and argued repeatedly – it has never been refuted by Council. Indeed as the Interim CEO acknowledged: *yes, Trentham has been screwed for years.*

Council should not dismiss this representation lightly and neither should it seek to portray the Trentham community as ungrateful for the projects that Council has supported. Projects such as the Library project and developments at the Sportsground are very much appreciated by this community but they do not address the underlying principles or the structural aspects of the rate equity issue.

We believe that Council must seriously address the matter of rate equity for Trentham and commit itself to a course of action that will deliver fair treatment to the ratepayers of Trentham and districts and therefore ask:

**1. Will Council make a formal and binding commitment to Trentham and Coliban Ward for:**

- **the equitable provision of basic community facilities including, as a minimum, community hall (or equivalent), meeting venues and sportsgrounds;**
- **providing recurrent and maintenance support for community facilities comparable to that in other towns across the municipality; and**

- **provide services equivalent to those provided in other towns?**
- 2. Will Council make a commitment of the necessary resources to achieve full equity, as above, within the next 2 budget years?**
- 3. In anticipation of a positive response to Qs 1 & 2, is Council willing to set up a high level working group, including community representation, to ensure that appropriate measures and information are in place to make the necessary budget provisions and representations to the State and Australian governments to achieve the above outcomes?**

In representing the above requests to Council, I submit that they are both reasonable and unconscionably overdue.

**Answered by Mayor Cr Don Henderson:**

Council is unable to make a binding commitment in Public Question Time.

Council is currently undertaking a number of projects and initiatives that will benefit the Trentham community and the Shire as a whole. These include:

- Trentham Facilities Review and subsequent planning project for the Trentham Community Hub;
- New lighting for the Trentham Sports Ground;
- Council Plan action to clarify roles and responsibilities of Council and sporting groups regarding the level of support provided by Council across the Shire;
- Streetscape Planning across the Shire;
- Industrial and Residential Land Use Study.

**Question 3: From Ms Janet Quilty, Wheatsheaf**

Woodduck Community Fireguard Group expresses concern that under the planning/building restrictions, if more than 50% of a building is destroyed, rebuilding will only be permitted in compliance with the current planning scheme. Many homes in our area might not be able to be rebuilt.

If people think that they will not be able to rebuild, and will not, even with insurance, be able to afford to relocate, some think that their only option is to stay and defend in the case of a bushfire. This is the case with some members of our group, even though they know it may not be the safest option.

**Can the Council please acknowledge that they understand the position of these people?**

**Can the Council please acknowledge that they understand that this is a genuine, if unintended, consequence of this part of the planning policy?**

**Is there any hope you can offer these people that might influence them to think that leaving early is a viable option?**

**Answered by Mayor Cr Don Henderson:**

Council acknowledges and understands the concern that the community feels due to the planning regulation which states if more than 50% of a building is destroyed, rebuilding will only be permitted in compliance with the current planning scheme.

The requirement to obtain a planning permit under such circumstances is mandated by the State Government and is a state wide requirement in all planning schemes to ensure that all development is undertaken to meet current planning and building regulations.

Residents should contact the Country Fire Authority to develop their fire readiness plans.

**Question 4: From Ms Janet Quilty, Wheatsheaf**

Woodduck Community Fireguard is pleased that Council makes free green waste disposal available in November. It helps us with cleaning up before the bushfire season.

This free disposal comes towards the end of the non-restricted burning off period. We ask the Council to consider a follow up free green waste disposal towards the end of February as well. Leaf litter that has accumulated through

the summer months poses a hazard, as it collects in the driest time of the year with still 2 -3 months before any of this can be burnt off.

We believe that this initiative will reduce our fire risk.

**Answered by Mayor Cr Don Henderson:**

The receipt of free green waste is primarily provided to support property owners and residents to prepare their properties for the upcoming fire danger period.

Council recognises this is a valuable service for our communities.

Residents are encouraged to consider other forms of reducing green waste such as composting materials, particularly for the finer materials such as leaf litter.

The current service offered is provided at an estimated annual cost of \$88,000 and Council is not currently proposing to extend the service for the imminent fire danger period beyond November.

**Question 5: From Ms Liz Burns, Musk**

Community planning is a complex and highly skilled area of expertise.

Can Council please explain why there are no minutes, attendance details nor follow up from meetings organized by Council Officers?

Why did the Musk/Bullarto Community Plan leave out the attached profile of Musk?

**Answered by Mayor Cr Don Henderson:**

Process for Musk/Bullarto Community Plan development:

- Community Planning Survey sent to all residences in Bullarto and Musk in 2012.

- Initial community meeting to develop community plan held at the Bullarto Hall on 4 June 2013; over 40 community members in attendance.
- Draft Community Plan developed following the meeting and a hard copy sent to all residences in Bullarto and Musk, with three weeks to provide any feedback on the draft plan
- Further public meeting held at the Bullarto Hall on 29 August 2013; over 20 community members in attendance. At this meeting the final draft plan was discussed and groups formed to commence work on individual projects.
- Final copy of the Bullarto and Musk Community Plan was sent to all residences in Bullarto and Musk.
- A list of attendees from both meetings was recorded. Attendees who put their name down to work on priority projects are included in the finalised Bullarto and Musk Community Plan.

**Question 6: From Ms Liz Burns, Musk**

**Letter re Musk Tennis Courts Funds**

We are concerned that the Musk/Bullarto Community Plan failed to recognize the uniqueness of Musk.

However, we plan to address those issues later. In the meantime, this letter is about releasing the proceeds of the Musk Tennis court sale in 2005 for a meeting place in Musk.

Musk is a rural community of about 130 rateable properties with 30 letterboxes in 14 square km of primarily farming zoned land.

Situated half way between Daylesford and Trentham with the train line and Daylesford-Trentham Rd dissecting it, the only publically owned property left is the CFA Shed & Musk railway station.

Musk has some of the best horticulture soil in the world with abundant, pristine water & ideal climate to support a thriving horticultural industry.

Traditionally a spud/grazing/timber based community, a diverse range of agribusiness enterprises have sprung up over the last 20 years.

There are:

- 2 olive groves, one including a B&B.

- 2 wineries – Passing Clouds selected the ideal piece of land for their cool climate reds, have a cellar door as well as the occasional community event. Barcaldine Winery runs accommodation, weekend meals, cellar door and occasional film nights.
- An Angus stud
- A black faced Suffolk stud as well as goats and cattle.
- Mike Fix has a small agricultural engineering business, having sold off most of his original farm to Coolibah herbs. Mike used his farming experience to design one of the most effective soil regenerators in the world and enjoys worldwide fame for this innovative Rehabilitator plough. He has also designed a mechanical weeding implement invaluable to organic market gardeners for providing chemical free weeding equipment.
- Rijk Zwaan a Dutch based vegetable seed production company has a major holding providing seasonal employment to many long term farmers in the area.
- Istras, a traditional European small goods manufacturer produces a well sought out product.
- Trehwella Berry, Herb & Bushfood farm has a farm shop, provides Biodynamic education to many young people and produces a diverse range of berries thought to be some of the best tasting in the world.
- Daylesford Cidery with function centre.
- Mt Gisborne Cherry Orchards set up a cherry orchard in Dolphins road to grow a particular cherry that required the soil/climate that was unique to Musk.

### **Tourism**

As well as several Agribusiness enterprises incorporating tourism as above, Musk is home to two important other tourism activities:

- Musk Railway station is a destination point for Sunday market attendees & provides a valuable family friendly activity which is huge deficient in the Hepburn Shire.
- The Lost Children's Monument with its magnificently kept gardens by Yvonne Fix on Wheelers Hill is an important attraction for visitors and a reminder of the first community development activity in this area in 1867. The search for the 3 little lost boys in July 1867 brought the whole community together for the first time from a range of gold mining and wood cutting settlements to what eventually became Hepburn Shire.



Many other residents “dabble” in producing their own food and some share their excess land to neighbouring farmers in return for produce.

There are 3 main sub communities within Musk:

- Leitches Creek
- Wheelers Hill
- Dolphins Hill.

Each has its own unique culture. Dolphins Hill has a very different mineral mix in its volcanic soil from that of Wheelers Hill or indeed any other volcano in the district.

Springs abound – much of which is exported out of the district.

When the Musk School was closed and the tennis courts sold off, Musk lost its only meeting place and is in danger of losing its soul.

The sale of the tennis courts caused a major split in the Musk community. The money from the sale was meant to be reinvested in a like facility in Musk.

During the Musk/Bullarto Community Planning meetings, it became evident that Musk was being consumed by Bullarto and that it was time that this money be released and spent on a Musk meeting place.

The idea was proposed that as Musk CFA wanted to add a meeting room to their station, that maybe the tennis court money should be used for this. The other proposal to come out of the Musk/Bullarto planning meetings was the need to preserve Musk’s history in the form of a History Board at the agreed meeting place.

Musk CFA is in a central, easily identifiable part of Musk. Much of Musk owes its existence to the CFA as the 2009 fires threatened to wipe it out.

A meeting held on 20 October at Trewhella Farm and subsequent verbal/email feedback from other community members has unanimously agreed that this is the best use of the tennis court money.

Given that Council has had the use of this money for the past 8 years and that they charge 11% to late rate payers, it seems that the money available for a meeting space at Musk should be \$46,090.72

**We request that the CEO negotiate with us with the CFA and Musk Community a MOA that ensures that both Musk residents and CFA are fairly treated.**

**Answered by Mayor Cr Don Henderson:**

As previously discussed, the best way for community projects to be considered by Council is if they are identified as priorities in a community plan. Council officers were not invited to the Musk community meeting. However, officers are happy to work with the Musk community to ensure their priorities are fully incorporated into the Musk/Bullarto Community Plan.

### **9.3. REQUESTS TO ADDRESS COUNCIL**

Nil

## **10. OFFICERS' REPORTS**

### **10.1. PETITION – SUPPORT FOR THE COUNTRY FIRE AUTHORITY TO CONSTRUCT A NEW FIRE STATION AT 149 MAIN ROAD, HEPBURN OPPOSITE THE HEPBURN PRIMARY SCHOOL 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 consider the petition in support of the Country Fire Authority to construct a new Fire Station at 149 Main Road, Hepburn tabled at the Ordinary Meeting of Council on 15 October 2013 and to inform the signatories of the petition on Council's revised position in relation to the application.

#### **BACKGROUND**

Council at the Delegated Planning Committee (DPC) Meeting on 11 June 2013 refused to grant a permit for the 'Use and Development of an Emergency Services Facility (Rural Fire Station) including the removal of vegetation' at 149 Main Road, Hepburn.

The applicant lodged an appeal at Victorian Civil and Administrative Tribunal (VCAT) against Council's decision. VCAT is now the responsible authority in making a final determination on the application.

#### **ISSUE / DISCUSSION**

Following the DPC refusal to grant a permit, the applicant has since met and briefed Council and agreed to additional measures and alterations to the plans in order to satisfy Council's concerns about the application and proposal.

Council considered the additional measures and amended plans at the DPC meeting on 12 November 2013 and passed a motion to advise VCAT that should it have the power to do so, the DPC would recommend approving a permit for the 'Use and Development of an Emergency Services Facility (Rural Fire Station) including the removal of vegetation' at 149 Main Road, Hepburn.

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

Council's Local Law No 1 – Meeting Procedures states that a petition presented to the Council must lay on the table until the next ordinary meeting

of the Council and no motion, other than to receive the petition may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

### **FINANCIAL IMPLICATIONS**

Council officers will represent Council at VCAT as objections from residents remain against the approval of the proposed facility at 149 Main Road, Hepburn.

### **RISK IMPLICATIONS**

There are no identified risk implications associated with this report

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

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

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987.

### **CONCLUSION**

Council has received a petition with 302 signatories in support of the Country Fire Authority to construct a new Fire Station at 149 Main Road, Hepburn.

Council has revised its position on the planning application and is advising VCAT that should it have the power to do so, it would recommend approving a permit for the 'Use and Development of an Emergency Services Facility (Rural Fire Station) including the removal of vegetation' at 149 Main Road, Hepburn.

A final determination must now be considered at VCAT. The appeal is scheduled to be considered at VCAT on 27 November 2013. Council officers will be presenting a report recommending approval of the proposal subject to conditions.

### **OFFICER'S RECOMMENDATION**

That Council:

10.1.1 Receives and notes the report which responds to the matters raised in the petition and;

10.1.2 Writes to the organisers of the petition to advise of Council's decision.

## MOTION

*That Council:*

- 10.1.1. Receives and notes the report which responds to the matters raised in the petition and;*
- 10.1.2. Writes to the organisers of the petition to advise of Council's decision.*

**Moved:** Councillor Pierre Niclas

**Seconded:** Councillor Bill McClenaghan

**Carried.**

**10.2. COUNCIL MEETING DATES 2014**  
**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 adopt the dates and locations for the 2014 Ordinary Meetings of Council and Delegated Planning Committee meetings.

**BACKGROUND**

In accordance with Section 89(4) of the *Local Government Act 1989*, at least seven days' notice must be given before Ordinary Meetings of Council. Council has utilised a pattern of rotating Ordinary Council Meetings around the Shire between Clunes, Creswick, Daylesford/Hepburn Springs, Trentham and Glenlyon.

**ISSUE / DISCUSSION**

It is proposed that Council continues to hold its Ordinary Meetings on the third Tuesday of each month starting at 6:00 pm. To further support the community access to Council meetings and enhance the democratic process it is also proposed that Council meetings be conducted in Yandoit, Newlyn and Drummond.

Below are the proposed dates and locations for the 2014 Ordinary Meetings.

<b>COUNCIL MEETING DATES AND LOCATIONS 2014</b>		
<b>Date</b>	<b>Time</b>	<b>Location</b>
Tuesday 21 January	6:00pm	Clunes Community & Interpretive Centre
Tuesday 18 February	6:00pm	Trentham Mechanics Institute
Tuesday 18 March	6:00pm	Glenlyon Shire Hall
Tuesday 15 April	6:00pm	Creswick Senior Citizens Centre
Tuesday 20 May	6:00pm	Clunes Community & Interpretive Centre
Tuesday 17 June	6:00pm	Yandoit Mechanics Institute
Tuesday 15 July	6:00pm	Daylesford Senior Citizens Room

Tuesday 19 August	6:00pm	Daylesford Senior Citizens Room
Tuesday 16 September	6:00pm	Trentham Mechanics Institute
Tuesday 21 October	6:00pm	Newlyn Community Complex
Tuesday 18 November	6:00pm	Drummond Hall
Tuesday 16 December	6:00pm	Clunes Community & Interpretive Centre

Historically, Hepburn Shire Council has conducted a Delegated Planning Committee meeting on the second Tuesday of each month and an Ordinary Meeting of Council on the third Tuesday of each month. It is proposed to combine these meetings into one meeting to be held on the third Tuesday of each month. The combining of these two meetings will provide process efficiencies, cost savings and greater transparency of planning matters to the wider community.

It is also proposed to move from two Councillor Briefing sessions per month to one on the first Tuesday of each month. The Briefing session will include regular briefings and planning updates. To ensure that Councillors receive adequate Briefings, the length of the proposed Briefing session will be extended to accommodate this. Additional Briefings will be scheduled as required during the preparation of the annual budget and when required for significant projects. Briefings are attended by Councillors, Officers and invited guests where appropriate.

The Councillor Briefing Session is a non-decision making forum which provides Councillors with the opportunity to:

- Comment on proposed policy or other strategic or community sensitive issues;
- Be informed of issues of significance; and
- Provide general guidance for Council officers to progress relevant issues.

A resolution of Council is not necessary to adopt a cycle of Councillor Briefing Sessions as the meeting has no legal “status”. However, Council should indicate its intention regarding this meeting so that the community is aware of Council’s activities.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

In accordance with Section 89(4) of the *Local Government Act 1989*, at least seven days’ notice must be given before Ordinary Meetings of Council.

### **FINANCIAL IMPLICATIONS**

There are no additional financial implications in rotating Council's Ordinary Meetings around the Shire.

### **RISK IMPLICATIONS**

There are no risk implications noted.

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

The varied locations of Ordinary Council Meetings provide increased community engagement and participation in the democratic process of local government.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Council Meetings timetable is listed in the Hepburn Shire Advocate page weekly. The timetable will also be placed on Council's website. Additional media will cover the meeting dates and times to ensure community awareness.

### **CONCLUSION**

That Council adopt the proposed timetable for 2014 Ordinary Meetings of Council and Councillor Briefings.



## OFFICER'S RECOMMENDATION

That Council:

- 10.2.1 Adopts the Council Meeting dates and locations for the 2014 Ordinary Meetings of Council as presented in the table below.

<b>COUNCIL MEETING DATES AND LOCATIONS 2014</b>		
<b>Date</b>	<b>Time</b>	<b>Location</b>
Tuesday 21 January	6:00pm	Clunes Community & Interpretive Centre
Tuesday 18 February	6:00pm	Trentham Mechanics Institute
Tuesday 18 March	6:00pm	Glenlyon Shire Hall
Tuesday 15 April	6:00pm	Creswick Senior Citizens Centre
Tuesday 20 May	6:00pm	Clunes Community & Interpretive Centre
Tuesday 17 June	6:00pm	Yandoit Mechanics Institute
Tuesday 15 July	6:00pm	Daylesford Senior Citizens Room
Tuesday 19 August	6:00pm	Daylesford Senior Citizens Room
Tuesday 16 September	6:00pm	Trentham Mechanics Institute
Tuesday 21 October	6:00pm	Newlyn Community Complex
Tuesday 18 November	6:00pm	Drummond Hall
Tuesday 16 December	6:00pm	Clunes Community & Interpretive Centre

- 10.2.2 Resolves to include agenda items previously referred to the Delegated Planning Committee for consideration at Ordinary Meetings of Council for 2014.
- 10.2.3 Publishes a public notice to advise that the meeting dates for Ordinary Meetings of Council have been set for the 2014 calendar.

## MOTION

*That Council:*

10.2.1. *Adopts the Council Meeting dates and locations for the 2014 Ordinary Meetings of Council as presented in the table below.*

COUNCIL MEETING DATES AND LOCATIONS 2014		
Date	Time	Location
Tuesday 21 January	6:00pm	Clunes Community & Interpretive Centre
Tuesday 18 February	6:00pm	Trentham Mechanics Institute
Tuesday 18 March	6:00pm	Glenlyon Shire Hall
Tuesday 15 April	6:00pm	Creswick Senior Citizens Centre
Tuesday 20 May	6:00pm	Clunes Community & Interpretive Centre
Tuesday 17 June	6:00pm	Yandoit Mechanics Institute
Tuesday 15 July	6:00pm	Daylesford Senior Citizens Room
Tuesday 19 August	6:00pm	Daylesford Senior Citizens Room
Tuesday 16 September	6:00pm	Trentham Mechanics Institute
Tuesday 21 October	6:00pm	Newlyn Community Complex
Tuesday 18 November	6:00pm	<b>Lyonville Hall</b>
Tuesday 16 December	6:00pm	Clunes Community & Interpretive Centre

10.2.2. *Resolves to include agenda items previously referred to the Delegated Planning Committee for consideration at Ordinary Meetings of Council for 2014.*

10.2.3. *Publishes a public notice to advise that the meeting dates for Ordinary Meetings of Council have been set for the 2014 calendar year in accordance with Section 89(4) of the Local Government Act 1989.*

**Moved:** Councillor Sebastian Klein  
**Lapsed.**

**MOTION**

*That Council:*

10.2.1. *Adopts the Council Meeting dates and locations for the 2014 Ordinary Meetings of Council as presented in the table below.*

<b>COUNCIL MEETING DATES AND LOCATIONS 2014</b>		
<b>Date</b>	<b>Time</b>	<b>Location</b>
Tuesday 21 January	6:00pm	Clunes Community & Interpretive Centre
Tuesday 18 February	6:00pm	Trentham Mechanics Institute
Tuesday 18 March	6:00pm	Glenlyon Shire Hall
Tuesday 15 April	6:00pm	Creswick Senior Citizens Centre
Tuesday 20 May	6:00pm	Clunes Community & Interpretive Centre
Tuesday 17 June	6:00pm	Yandoit Mechanics Institute
Tuesday 15 July	6:00pm	Daylesford Senior Citizens Room
Tuesday 19 August	6:00pm	Daylesford Senior Citizens Room
Tuesday 16 September	6:00pm	Trentham Mechanics Institute
Tuesday 21 October	6:00pm	Newlyn Community Complex
Tuesday 18 November	6:00pm	Drummond Hall
Tuesday 16 December	6:00pm	Clunes Community & Interpretive Centre

10.2.2. *Resolves to include agenda items previously referred to the Delegated Planning Committee for consideration at Ordinary Meetings of Council for 2014.*

10.2.3. *Publishes a public notice to advise that the meeting dates for Ordinary Meetings of Council have been set for the 2014 calendar year in accordance with Section 89(4) of the Local Government Act 1989.*

**Moved:** Councillor Pierre Niclas  
**Seconded:** Councillor Kate Redwood  
**Carried.**

### **10.3. COUNCILLOR REPRESENTATION ON COMMITTEES AND OTHER BODIES**

#### **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 determine Councillor representation on Committees, Boards and External Bodies. Council has established several advisory committees and special committees of Council which assist Council in making policy and strategy decisions and in some cases making decisions on behalf of Council. Many of these committees require that a Councillor be appointed to those committees to represent Council.

In addition to this, Council is also a member of various associations and bodies which require that a Councillor is appointed to be the Council representative.

#### **BACKGROUND**

At the November 2012 Ordinary Council Meeting, Council resolved to appoint Councillors to the committees, boards and external bodies contained below.

On an annual basis Council reviews the representation and makes amendments where required.

#### **ISSUE / DISCUSSION**

In accordance with the historical practice it is now an appropriate time to review and update the appointment of Councillors to the committees, boards and external bodies contained in the table attached.

Council is currently reviewing all of the Advisory Committees and therefore only those Advisory Committees that are required by legislation are being allocated Councillor representation. A further report will be presented to Council with a recommendation on the future structure of Advisory Committees.

<b>Organisations</b>	<b>Councillors Representation</b>
<b>External Bodies</b>	
Committee of Management for DEPI (26 Committees)	All Councillors represent their electorate at these meetings when required
Municipal Association of Victoria	Cr Bill McClenaghan
Victorian Local Governance Association	Cr Sebastian Klein
Highlands Regional Waste Management Group	Cr Bill McClenaghan (Director)
Trentham Neighbourhood Centre Committee	Cr Sebastian Klein
Central Highlands Agribusiness Forum	Cr Greg May
Central Victorian Greenhouse Alliance	Cr Sebastian Klein
Local Government Sustainability Network (MAV)	Cr Sebastian Klein
Timber Towns	Cr Don Henderson
Daylesford & Macedon Ranges Regional Tourism Board	Cr Neil Newitt
Loddon Highlands WSPA Consultative Committee	Cr Greg May
<b>Section 86 Committees</b>	
Lee Medlyn Home of Bottles	Cr Neil Newitt
Clunes Community and Interpretive Centre Special Committee	Cr Neil Newitt

Clunes Community Centre Special Committee	Cr Neil Newitt
<b>Statutory Council Advisory Committees</b>	
Audit and Risk Advisory (two positions)	Cr Kate Redwood Cr Pierre Niclas
Municipal Emergency Management Planning	Cr Bill McClenaghan

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

Many of these committees have been established to advise Council of issues relating to the development of policy and strategy. As such, appointing Councillors as representatives on these committees is an important step in ensuring that there are consultative processes in place.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK IMPLICATIONS**

Appropriate Councillor Representation is required on Committees, Boards and External Bodies to ensure that public views are incorporated into the decision making process.

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

Effective community engagement provides the opportunity for Hepburn Shire citizens to influence Council decisions and where appropriate play a partnership role in the planning and implementation of those decisions.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The purpose of these Committees, Boards and External Bodies is to gain community and stakeholder engagement.

### **CONCLUSION**

Based on the review of Councillor representation on Committees, Boards and External Bodies it is proposed that the identified changes be made.

## OFFICER'S RECOMMENDATION

10.3.1 That Council adopts the appointment of Councillors to the following Committees, Boards and External Bodies.

Organisations	Councillors Representation
<b>External Bodies</b>	
Committee of Management for DEPI (26 Committees)	All Councillors represent their electorate at these meetings when required
Municipal Association of Victoria	Cr Bill McClenaghan
Victorian Local Governance Association	Cr Sebastian Klein
Highlands Regional Waste Management Group	Cr Bill McClenaghan (Director)
Trentham Neighbourhood Centre Committee	Cr Sebastian Klein
Central Highlands Agribusiness Forum	Cr Greg May
Central Victorian Greenhouse Alliance	Cr Sebastian Klein
Local Government Sustainability Network (MAV)	Cr Sebastian Klein
Timber Towns	Cr Don Henderson
Daylesford & Macedon Ranges Regional Tourism Board	Cr Neil Newitt
Loddon Highlands WSPA Consultative Committee	Cr Greg May

<b>Section 86 Committees</b>	
Lee Medlyn Home of Bottles	Cr Neil Newitt
Clunes Community and Interpretive Centre Special Committee	Cr Neil Newitt
Clunes Community Centre Special Committee	Cr Neil Newitt
<b>Statutory Council Advisory Committees</b>	
Audit and Risk Advisory (two positions)	Cr Kate Redwood Cr Pierre Niclas
Municipal Emergency Management Planning	Cr Bill McClenaghan



## MOTION

10.3.1 *That Council adopts the appointment of Councillors to the following Committees, Boards and External Bodies.*

<b>Organisations</b>	<b>Councillors Representation</b>
<b>External Bodies</b>	
Committee of Management for DEPI (26 Committees)	All Councillors represent their electorate at these meetings when required
Municipal Association of Victoria	Cr Bill McClenaghan
Victorian Local Governance Association	Cr Sebastian Klein
Highlands Regional Waste Management Group	Cr Bill McClenaghan (Director)
Trentham Neighbourhood Centre Committee	Cr Sebastian Klein
Central Highlands Agribusiness Forum	Cr Greg May
Timber Towns	Cr Don Henderson
Daylesford & Macedon Ranges Regional Tourism Board	Cr Neil Newitt
Loddon Highlands WSPA Consultative Committee	Cr Greg May

<b>Section 86 Committees</b>	
Lee Medlyn Home of Bottles	Cr Neil Newitt
Clunes Community and Interpretive Centre Special Committee	Cr Neil Newitt
Clunes Community Centre Special Committee	Cr Neil Newitt
<b>Statutory Council Advisory Committees</b>	
Audit and Risk Advisory (two positions)	Cr Kate Redwood Cr Pierre Niclas
Municipal Emergency Management Planning	Cr Bill McClenaghan

10.3.2 *Note that Council currently recognises the importance of the ongoing contribution of several standing committees which include the:*

- *International Women’s Day Women’s Honour Roll Advisory Committee,*
- *Wombat Hill Botanic Gardens Advisory Committee,*
- *Daylesford ARC Advisory Committee.*

*and that these bodies will be continuing with Council officer support and resourcing but will be differently named.*

**Moved:** Councillor Kate Redwood  
**Seconded:** Councillor Bill McClenaghan  
**Carried.**

#### **10.4. PUBLIC HOLIDAY ARRANGEMENTS 2013-2014 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 seek Council's endorsement of the closure of the Hepburn Shire Council offices during the holiday period 2013-2014.

The report also seeks endorsement for an early closure of the offices on Wednesday 18 December 2013 to facilitate a staff end of year celebration.

##### **BACKGROUND**

It has been the practice of Hepburn Shire Council to close during the holiday period.

The holiday period closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances. This has been the practice over the past few years as there is limited demand placed on municipal services over this period and the closure is generally accepted by the community.

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

It is proposed that the Hepburn Shire municipal offices be closed from 3.00pm on Tuesday 24 December 2013 to Thursday 2 January 2014.

The period comprises 3 work days and 3 public holidays. Public holidays have been assigned, under the *Public Holidays Act*, to Wednesday 25 December 2013, Thursday 26 December 2013 and Wednesday 1 January 2014, as Christmas Day, Boxing Day and New Year's Day respectively. It is proposed that the three days (Friday 27 December, Monday 30 December and Tuesday 31 December) will be taken by staff as leave during this period.

Further, each year Hepburn Shire Council holds an end of year break-up function to thank staff for their contribution to the organisation over the past 12 months. In order to facilitate this celebration, it is proposed that the municipal offices close early on Wednesday 18 December 2013 at 1.30 pm.

A skeleton staff will continue to operate during the closure period to ensure that essential services continue. Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the Emergency Management procedures. On declared Code Red days, Hepburn Shire Council Emergency Management staff will be stationed in the Municipal

Emergency Coordination Centre (MECC) in readiness for any incidents. Council will have a roster for Emergency Management Staff over the holiday period closure.

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

Nil

### **FINANCIAL IMPLICATIONS**

There is no financial impact as a result of closing the offices and depots between Christmas and New Year. The closure provides the organisation with the opportunity to decrease its annual leave liability.

### **RISK IMPLICATIONS**

Nil

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

Nil

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

It is proposed that the office and depot closures will be advertised in *The Advocate* and *The Courier, Ballarat* newspapers.

Public advertisements will indicate the arrangements for service provision and emergency response over the Christmas/New Year period

### **CONCLUSION**

It is appropriate that the Hepburn Shire Council offices close during the Christmas/New Year holiday period 2013-2014.

### **OFFICER'S RECOMMENDATION**

That Council:

- 10.4.1 Closes the Hepburn Shire Council offices and depots for the period from 3.00pm on Tuesday 24 December 2013 to return of business on Thursday 2 January 2014 and close the municipal offices at 1.30pm on Wednesday 18 December 2013 to facilitate the all staff end of year function.
- 10.4.2 Places advertisements in *The Advocate* and *The Courier, Ballarat* advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2013-2014 holiday period.

## MOTION

*That Council:*

- 10.4.1. Closes the Hepburn Shire Council offices and depots for the period from 3.00pm on Tuesday 24 December 2013 to return of business on Thursday 2 January 2014 and close the municipal offices at 1.30pm on Wednesday 18 December 2013 to facilitate the all staff end of year function.*
- 10.4.2. Places advertisements in The Advocate and The Courier, Ballarat advising of the closure arrangements, indicating service delivery and emergency response arrangements during the 2013-2014 holiday period.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Pierre Niclas

**Carried.**

## **10.5. REVIEW OF POLICY 48 (C) - COMMUNITY FACILITY HIRE FEE WAIVER POLICY**

### **GENERAL MANAGER CORPORATE SERVICES**

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

### **PURPOSE**

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

### **BACKGROUND**

The original Hall Hire Fee Waiver Policy was adopted by Council in 2007. The Hall Hire Fee Waiver Policy had a significant review in September 2011 and was renamed Policy 48 (C) Community Facility Hire Fee Waiver Policy.

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

### **ISSUE / DISCUSSION**

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

To promote equity across the shire it is proposed that the policy be amended to identify one facility in each ward, either Council owned or not that Council will provide a fee waiver to a Hepburn Shire Community not for profit group.

The proposed facilities are:

1. Daylesford Town Hall
2. Creswick Town Hall
3. Glenlyon Shire Hall
4. Trentham Mechanics Institute Hall
5. Clunes Town Hall.

The financial impact of the proposed amendment will be monitored for the remainder of the 2013-14 financial year and reviewed as part of the 2014-15 budget setting process.

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

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Council Plan 2013-2017:*

Strategic Objective – Sustainable Financial Management and Innovative Corporate Systems.

Key Strategic Activity:

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

## **FINANCIAL IMPLICATIONS**

The 2013-14 budget has an allocation of \$500 for fee waiver reimbursements. The budget will be monitored for the remainder of the year in order to provide guidance on the quantum required for the 2014-15 budget.

## **RISK IMPLICATIONS**

No risks have been identified

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

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

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

## **CONCLUSION**

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

## **OFFICER'S RECOMMENDATION**

That Council:

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

## **DEFERRAL MOTION**

*10.5.1. That Council defers this matter for further discussion.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Kate Redwood

**Carried.**



**ATTACHMENT 1 - POLICY 48 (C) – COMMUNITY FACILITY HIRE FEE  
WAIVER POLICY**



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

<b>DATE AMENDED:</b>	November 2013
<b>DATE OF NEXT REVIEW:</b>	November 2017
<b>DATE ADOPTED:</b>	November 2013
<b>RESPONSIBLE OFFICER:</b>	General Manager Corporate Services
<b>REFERENCES:</b>	Not Applicable

**Best Value Principles**

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

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

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

## **Introduction**

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

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

## **Scope**

This policy applies to:

- Daylesford Town Hall
- Creswick Town Hall
- Glenlyon Hall
- Trentham Mechanics Institute Hall
- Clunes Town Hall

and community facilities that are managed on behalf of Council by Special Committees (S86 Committees) including the Newlyn Sporting Complex Committee.

## **Purpose**

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

## **Definitions**

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

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

## **Policy**

### Waiver of Community Facility Hire Fees

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

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

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

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

### Reimbursement of Community Facility Hire Fees

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

### Claim reimbursement process

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

### **Implementation**

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

### **Review**

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

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



## Community Facility Hire Fee Waiver Form

Organisation Name: \_\_\_\_\_

Organisation Contact: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Organisation Address: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Community Facility Required: \_\_\_\_\_

Date of Function: \_\_\_\_\_

Description of group/organisation requesting hire fee waiver:

Details of function to be held:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### OFFICE USE ONLY

Action Officer:

Date:

Trim Ref:

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

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



## Hall Hire Fee Waiver – Claim for Reimbursement

Community Not-For-Profit Hirers

### Hire Details:

Hall: \_\_\_\_\_  
 Date/s of Hire: \_\_\_\_\_  
 Period of Hire: \_\_\_\_\_ hours/days  
 Total Hire Fees Waived\*: \_\_\_\_\_

Postal address for remittance  
 (Please complete)

Attention: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**\*Note:** Charges levied for bond/insurance are at the discretion of the hirer and are not eligible for reimbursement

### Not-For-Profit Hirer:

Organisation: \_\_\_\_\_  
 Contact: Name \_\_\_\_\_  
 Phone \_\_\_\_\_

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

\_\_\_\_\_  
 Secretary/President, Committee of Management

Please attach copy of hire agreement, if available

### Office Use Only:

Ledger No.	Amount \$	GST	Total \$

Authorising Officer: \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Name

## **10.6. DOUG LINDSAY MANAGEMENT ARRANGEMENTS - NOMINATIONS FOR DOUG LINDSAY RESERVE SPORTS AND COMMUNITY MANAGEMENT ASSOCIATION INCORPORATED AND RULES OF INCORPORATION GENERAL MANAGER COMMUNITY SERVICES**

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

### **PURPOSE**

The purpose of this report is to recommend appointment of members to the Doug Lindsay Reserve Sports and Community Management Association Incorporated and to endorse the Rules of Incorporation.

### **BACKGROUND**

Over the past 12 months Council Officers and the Doug Lindsay Reserve and Community Facility Management Advisory Committee have been working to develop a suitable management model and Rules of Incorporation for Doug Lindsay Reserve and Community Facility.

Council will enter into a Lease with an Incorporated Association made up of user groups and community representatives who will manage the facility. The Incorporated Committee will consist of an 'executive committee' of four suitably experienced local community members and a Council representative along with a 'general committee' made up of one user group representative from each of the facilities five user groups (Creswick Football and Netball Club, Creswick Bowling Club, Creswick Soccer Club, Creswick Imperials Cricket Club and the Creswick Municipal Band).

### **ISSUE / DISCUSSION**

To commence the process, Council publicly advertised for nominations for the executive committee and each of the facility user groups were requested to provide a nomination for the general committee.

#### **Executive Committee**

Nominations for the executive committee were open from Wednesday 4 September to Thursday 31 October. Skills and experience in one or more of the following areas was requested:

- Financial Management/Accounting
- Marketing
- Strategic and Business Planning

- Facility Management and Operations.

All nominations received were assessed against the following criteria:

- Relevant experience and expertise in one or more of - financial management/accounting, marketing, strategic and business planning and facility management and operations;
- Current level of community involvement and business networks;
- Ability to add value to management of the facility;
- All applicants must be residents of Hepburn Shire and may not be current Committee members of any of the facility user groups; and,
- Applicants who live within Creswick and District will be preferred.

Council received five nominations for the executive committee. These nominations were from:

- Janine Booth
- Wayne Strong (ineligible, is not a resident of Hepburn Shire)
- Daryl Clifton
- Rhonda Lowe
- Mike McCaw.

Attachment 2 outlines the experience of each of the nominees for the executive committee and their capability against the skills and experience required.

### **General Committee**

A letter was sent to each of the facility user groups seeking an individual nomination to act as their 'user group representative' on the Incorporated Committee.

The following nominations for the Committee were received from each of the user groups:

- Creswick Football Netball Club - Peter Considine
- Creswick Soccer Club - Anthony Hazeldine
- Creswick Bowling Club - Robert Ohlsen
- Creswick Municipal Band - Michael Bird
- Creswick Imperials Cricket Club - Darren Mitchell.



### **Rules of Incorporation**

In order to establish the Doug Lindsay Reserve Sports and Community Management Association Incorporated, Rules of Incorporation (Rules) have also been developed. These Rules reflect the management structure outlined above. The draft Rules of Incorporation are included in Attachment 3.

Due to the value and importance of the facilities at Doug Lindsay Reserve these Rules allow for Council to have on-going input in to the make-up of the Committee. The key areas of input on-going, are:

- Council approving nominees for the executive committee
- Council approving the Terms of Reference between the general committee and the executive committee.

In addition to the measures included in the Rules of Incorporation, Council will enter into a Lease agreement with the Committee. The proposed Lease will be brought to a future Council meeting for approval. A 12 month review of the operation of the Incorporated Committee will also be conducted and reported back to Council.

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

*Council Plan 2013-2017:*

Strategic Objective - Active and Engaged Communities

Key Strategic Activity:

4. Implement a proactive and planned approach to the maintenance, renewal and upgrade of recreation assets.

### **FINANCIAL IMPLICATIONS**

A five year Business Plan including financial projections for the Doug Lindsay Reserve Sports and Community Management Association Incorporated is currently under development and will be presented to Council at a future Council meeting.

### **RISK IMPLICATIONS**

Any risks associated with community management will be addressed through the following:

- Proposed facility Lease with Council
- Council Officer on the Incorporated Association
- Rules of Incorporation
- Requirements under the Associations Incorporation Act.

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

The establishment of the Doug Lindsay Reserve Sports and Community Management Association Incorporated - with four community members and a representative from each of the five user groups - will ensure that management of the facility remains in the Creswick area.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Management arrangements for Doug Lindsay Reserve have been developed with the Doug Lindsay Reserve and Community Facility Management Advisory Committee. This Advisory Committee is made up of representatives from each of the facility user groups and three community representatives.

A call for nominations for the executive committee of the Doug Lindsay Reserve Sports and Community Management Association Incorporated was advertised through *The Advocate* and Council's Community Groups email database.

## **CONCLUSION**

The appointment of Executive Committee members, user group representatives and approval of the Rules of Incorporation will allow the Incorporated Association to be established.

## **OFFICER'S RECOMMENDATION**

That Council:

10.6.1 Appoints the following community members to the Doug Lindsay Reserve Sports and Community Management Association Incorporated - Executive Committee :

- Daryl Clifton,
- Janine Booth,
- Mike McCaw,
- Rhonda Lowe.

10.6.2 Appoints the following user group representatives to the Doug Lindsay Reserve Sports and Community Management Association Incorporated - Committee:

- Creswick Football Netball Club - Peter Considine,
- Creswick Soccer Club - Anthony Hazeldine,
- Creswick Bowling Club - Robert Ohlsen,
- Creswick Municipal Band - Michael Bird,
- Creswick Imperials Cricket Club - Darren Mitchell.

10.6.3 Approves the Doug Lindsay Reserve Sports and Community Management Association Incorporated Rules of Incorporation.

## MOTION

*That Council:*

10.6.1. *Amends the Doug Lindsay Reserve Sports and Community Management Association Incorporated Rules with the following:*

- *To allow five members of the Executive Committee;*
- *To allow non-Hepburn resident members to be appointed on the Committee.*

10.6.2. *Approves the amended Doug Lindsay Reserve Sports and Community Management Association Incorporated Rules of Incorporation.*

10.6.3. *Appoints the following community members to the Doug Lindsay Reserve Sports and Community Management Association Incorporated - Executive Committee:*

- *Daryl Clifton,*
- *Janine Booth,*
- *Mike McCaw,*
- *Rhonda Lowe.*
- *Wayne Strong.*

10.6.4. *Appoints the following user group representatives to the Doug Lindsay Reserve Sports and Community Management Association Incorporated - Committee :*

- *Creswick Football Netball Club - Peter Considine,*
- *Creswick Soccer Club - Anthony Hazeldine,*
- *Creswick Bowling Club - Robert Ohlsen,*
- *Creswick Municipal Band - Michael Bird,*
- *Creswick Imperials Cricket Club - Darren Mitchell.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Kate Redwood

**Carried.**

**ATTACHMENT 2 - NOMINATIONS FOR THE EXECUTIVE COMMITTEE  
OF THE DOUG LINDSAY RESERVE SPORTS AND COMMUNITY  
MANAGEMENT ASSOCIATION INCORPORATED**

**Nominations for the Executive Committee of the Doug Lindsay Reserve Sports and Community Management Association Incorporated**

<b>Nominee</b>	<b>Business and Community Involvement</b>	<b>Financial Management</b>	<b>Marketing</b>	<b>Strategic and Business Planning</b>	<b>Facility Management and Operations</b>
Janine Booth	Owens and manages the Creswick Post Office, Director of the Creswick Community Bank, President Creswick Business and Tourism and previously a Hepburn Shire Councillor.	Yes	Yes	Yes	Business operations and management
Mike McCaw	Finance Director MAPAL Australia, President Committee for Creswick and previously General Manager at H. Troon Construction.	Yes	No	Yes	Business operations and management
Daryl Clifton	Currently in charge of Operational Policing for Central and Northern Victoria. Sits on the Steering Committee for Youth Governance for State Government Youth Projects in the Loddon Mallee region and on the Loddon Mallee Regional Management Forum.	Yes	No	Yes	Business operations and management
Rhonda Lowe	Creswick Community Bank Manager, School Council Creswick North Primary School and member Mount Prospect Tennis Association.	Yes	Yes	Yes	Business operations and management
Wayne Strong	Founder and Chief Strategy Officer at Strong Consulting, Director North Ballarat Football Club and involved with Creswick Trails proposal.	Yes	Yes	Yes	Yes

**ATTACHMENT 3 - DRAFT RULES OF THE DOUG LINDSAY RESERVE  
SPORTS AND COMMUNITY MANAGEMENT ASSOCIATION  
INCORPORATED**

**Rules of the Doug Lindsay Reserve Sports and  
Community Management Association Incorporated**



# **RULES OF THE DOUG LINDSAY RESERVE SPORTS AND COMMUNITY CLUB INCORPORATED**

## **1. Name**

The name of the incorporated association ("the Association") is the Doug Lindsay Reserve Sports and Community Management Association Incorporated.

## **2. Definitions**

2.1. In these Rules, unless the contrary intention appears—

- a) ***authorised person*** means a licensing inspector, an authorised member of the Police Force, the Victorian Commissioner for Gaming and Liquor Regulation, or any person authorised in writing by the Victorian Commissioner for Gaming and Liquor Regulation;
- b) ***committee*** means the committee of management of the Association;
- c) ***Council*** means the Hepburn Shire Council and includes its successors or assigns;
- d) ***financial year*** means the 12-month period ending on 30 June;
- e) ***general meeting*** means a general meeting of members convened in accordance with rule 12;
- f) ***life member*** means a member of the Association who has been granted life membership in accordance with rule 8;
- g) ***member*** means either a user group member, life member or an ordinary member of the Association;
- h) ***Member Clubs*** means the individual clubs that combined to form the Association including Creswick Football Netball Club, Creswick Soccer Club, Creswick Bowling Club, Creswick Imperials Cricket Club, Creswick Brass Band and/or any other clubs as may be determined by the committee in accordance with rule 5.1;
- i) ***ordinary member*** means a member of the Association who is not a user group member or a life member;
- j) ***ordinary member of the committee*** means a member of the committee who is not an officer of the Association under rule 21;

- k) **Regulations** means regulations under the Act;
- l) **relevant documents** has the same meaning as in the Act;
- m) **Rules** means these Rules of the Association;
- n) **special resolution** has the same meaning as in the Act;
- o) **the Act** means the *Incorporated Associations Act 1981* until such time as it is repealed, and thereafter the *Associations Incorporation Reform Act 2012*;
- p) **user group member** means a member of the Association who is also a member of a Member Club.

### **3. Statement of Purpose**

3.1. The purpose of the Association is:

- a) to provide sporting, social and entertainment for members and their guests;
- b) to provide club rooms for the use of members and their guests with the provision of meals, liquor and other refreshments;
- c) to provide changing rooms for participants in sporting events; and
- d) to remain a good neighbour to the local community.

### **4. Alteration of the rules**

These Rules must not be altered except by special resolution of the members.

### **5. Membership, joining fees and subscription**

5.1. The committee may determine by special resolution:

- a) to appoint a new club as a Member Club;
- b) to remove one of the Member Clubs from being a Member Club; and/or
- c) the number of representatives a Member Club may have on the committee.

5.2. A person who is approved as a member of a Member Club pursuant to the rules of that Member Club will be eligible to become a member of the Association upon-

- a) notification by the secretary or other authorised officer of the Member Club to the Secretary; and
- b) approval of the committee.

- 5.3. A person who is not a member of a Member Club who applies and is approved for membership under these Rules is eligible to be a member of the Association on payment of the joining fee and annual subscription payable under these Rules.
- 5.4. A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless—
  - a) he or she is eligible to be a member under sub-rule 5.2; or
  - b) he or she applies for membership in accordance with sub-rule 5.5; and
  - c) the admission as a member is approved by the committee.
- 5.5. An application of a person for membership of the Association must—
  - a) be made in writing in the form set out in Appendix 1; and
  - b) be lodged with the Secretary.
- 5.6. As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee.
- 5.7. The committee must determine whether to approve or reject the application.
- 5.8. If the committee approves an application for membership, the Secretary must, as soon as practicable—
  - a) notify the applicant in writing of the approval for membership; and
  - b) request payment within twenty-eight (28) days after receipt of the notification of the sum payable under these Rules as the joining fee and the first year's annual subscription.
- 5.9. The Secretary must, within twenty-eight (28) days after receipt of the amounts referred to in sub-rule 5.8, enter the applicant's name in the register of members.
- 5.10. An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.
- 5.11. If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 5.12. A right, privilege, or obligation of a person by reason of membership of the Association—
  - a) is not capable of being transferred or transmitted to another person; and

- b) terminates upon the cessation of membership whether by death or resignation or otherwise.
- 5.13. The joining fee is the relevant amount set out in Appendix 4 as amended from time to time in accordance with rule 5.15.
- 5.14. The annual subscription is the relevant amount set out in Appendix 4 and is payable in advance by all members except life members on or before 1 July in each year.
- 5.15. The joining fee and the annual subscription fee amount may be varied by special resolution at the annual general meeting.

## **6. General rights of members**

- 6.1. A member of the Association who is entitled to vote has the right—
- a) to receive notice of general meetings in the manner and time prescribed by these Rules; and
  - b) to submit items of business for consideration at a general meeting; and
  - c) to attend and be heard at general meetings; and
  - d) to vote at a general meeting as provided under rule 22; and
  - e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 40; and
  - f) to inspect the register of members.

## **7. Membership Classifications**

- 7.1. Members shall be classified as ordinary members, user group members or life members.
- 7.2. The committee shall have discretion to determine further classifications of membership from time to time.

## **8. Life Members**

- 8.1. The committee may, at its discretion, appoint a member to be a life member if the member has:
- a) been an ordinary member for more than twenty consecutive years; and/or
  - b) been a member of the committee for more than five years; and/or
  - c) contributed in a positive way towards the achievement of the purposes of the Association.

8.2. A life member is not required to pay annual subscription fees.

## **9. User Group Members**

9.1. A user group member has the same rights as ordinary members but is not required to pay the joining fee or annual subscription fees.

## **10. Register of members**

10.1. The Secretary must keep and maintain a register of members containing—

- a) the name and address of each member;
- b) the date on which each member's name was entered in the register; and
- c) particulars of payment of the last subscription for membership paid by each member.

10.2. The Secretary must keep and maintain a register of guests containing:

- a) the name and address of each guest;
- b) the date of admission of each guest; and
- c) the name of the member who accompanied each guest on the Association premises.

10.3. The members' and guests' registers are available for inspection free of charge by any member or by an authorised person upon request at the address of the Secretary.

## **11. Liquor Licensing**

11.1. No officer, employee, servant or agent of the Association may be paid any amount by way of commission or allowance from the receipts of the Association for the supply of liquor.

11.2. No visitor to the Association may be supplied with liquor in the Association premises unless the visitor is a guest in the company of a Member.

11.3. Each Member is entitled to accompany an unlimited number of guests to the Association premises at any time unless the Board determines otherwise.

11.4. A person may not:

- a) be admitted as an honorary or temporary Member of the Association; or
- b) be exempted from the obligation to pay the ordinary subscription membership of the Association:

unless the person is of a class specified in these Rules and the admission or exemption is in accordance with these Rules.

## **12. Ceasing membership**

12.1. A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.

12.2. After the expiry of the period referred to in sub-rule **12.1**—

- a) the member ceases to be a member; and
- b) the Secretary must record in the register of members the date on which the member ceased to be a member.

## **13. Discipline, suspension and expulsion of members**

13.1. Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution—

- a) suspend that member from membership of the Association for a specified period; or
- b) expel that member from the Association; or
- c) fine that member an amount not exceeding \$500.00

13.2. A resolution of the committee under sub-rule 13.1 is not considered to have been passed, unless—

- a) at a meeting held in accordance with sub-rule 13.3, the committee confirms the resolution; and
- b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.

13.3. A meeting of the committee to consider a proposed resolution under sub-rule 13.1 must be held not earlier than fourteen (14) days, and not later than twenty-eight (28) days, after notice has been given to the member in accordance with sub-rule 13.4.

13.4. For the purposes of giving notice in accordance with sub-rule 13.3, the Secretary must, as soon as practicable, cause to be given to the member a written notice—

- a) setting out the proposed resolution of the committee and the grounds on which it is based;
- b) stating that the member, or his or her representative, may address the committee at a meeting to be held in accordance with sub-rule 13.3;
- c) stating the date, place and time of that meeting; and
- d) informing the member that he or she may do one or both of the following—
  - (i) attend that meeting; and/or
  - (ii) give to the committee before the date of that meeting a written statement objecting to the resolution; and
- e) informing the member that, if at that meeting, the committee passes the resolution, he or she may, not later than forty-eight (48) hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in a general meeting against the resolution.

13.5. At a meeting of the committee to consider a proposed resolution under sub-rule 13.1, the committee must—

- a) give the member, or his or her representative, an opportunity to be heard; and
- b) give due consideration to any written statement submitted by the member; and
- c) vote as to whether to pass or reject the resolution.

13.6. If at the meeting of the committee, the committee passes the resolution, the member may, not later than forty-eight (48) hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

13.7. If the Secretary receives a notice under sub-rule 13.6, he or she must notify the committee and the committee must convene a general meeting of the Association to be held within twenty-one (21) days after the date on which the Secretary received the notice.

13.8. At a general meeting of the Association convened under sub-rule 13.7—

- a) no business other than the question of the appeal may be conducted; and
- b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and

- c) the member, or his or her representative, must be given an opportunity to be heard; and
  - d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 13.9. A resolution that has been appealed under sub-rule 13.6 is confirmed if, at the general meeting under sub-rule 13.7, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

#### **14. Disputes and mediation**

- 14.1. The grievance procedure set out in this rule applies to disputes under these Rules between—
- a) a member and another member; or
  - b) a member and the Association.
- 14.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- 14.3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
- 14.4. The mediator must be—
- a) a person chosen by agreement between the parties; or
  - b) in the absence of agreement—
    - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
    - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria .
- 14.5. A member of the Association can be a mediator.
- 14.6. The mediator cannot be a member who is a party to the dispute.
- 14.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.



14.8. The mediator, in conducting the mediation, must—

- a) give the parties to the mediation process every opportunity to be heard; and
- b) allow due consideration by all parties of any written statement submitted by any party; and
- c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

14.9. The mediator must not determine the dispute.

14.10. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **15. Annual general meetings**

15.1. The committee may determine the date, time and place of the annual general meeting of the Association.

15.2. The notice convening the annual general meeting must specify that the meeting is an annual general meeting.

15.3. The ordinary business of the annual general meeting shall be—

- a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
- b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year; and
- c) to elect officers of the Association and the ordinary members of the committee; and
- d) to receive and consider the financial statements submitted by the Association in accordance with the Act.

15.4. The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

## **16. Special general meetings**

16.1. In addition to the annual general meeting, any other general meetings may be held in the same year.

16.2. All general meetings other than the annual general meeting are special general meetings.

- 16.3. The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 16.4. If, but for this sub-rule, more than fifteen (15) months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- 16.5. The committee must, on the request in writing of members representing not less than five per cent (5%) of the total number of members, convene a special general meeting of the Association.
- 16.6. The request for a special general meeting must—
- a) state the objects of the meeting; and
  - b) be signed by the members requesting the meeting; and
  - c) be sent to the address of the Secretary.
- 16.7. If the committee does not cause a special general meeting to be held within one (1) month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than three (3) months after that date.
- 16.8. If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

## **17. Special business**

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

## **18. Notice of general meetings**

### 18.1. The Secretary

- a) at least fourteen (14) days; or
- b) if a special resolution has been proposed, at least twenty-one (21) days;

before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

18.2. Only members recorded in the members' register as at the date of the notice shall be entitled to vote at the general meeting

18.3. Notice may be sent—

- a) by prepaid post to the address appearing in the register of members; and/or
- b) by facsimile transmission or electronic transmission; and/or
- c) by an advertisement in the Public Notices Section of the Ballarat Courier.

18.4. No business other than that set out in the notice convening the meeting may be conducted at the meeting.

18.5. A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

## **19. Quorum at general meetings**

19.1. No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.

19.2. Five (5) members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.

19.3. If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present—

- a) in the case of a meeting convened upon the request of members—the meeting must be dissolved; and
- b) in any other case—the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.

19.4. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

## **20. Presiding at general meetings**

- 20.1. The President shall preside as Chairperson at each general meeting of the Association.
- 20.2. If the President is absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

## **21. Adjournment of meetings**

- 21.1. The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- 21.2. No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 21.3. If a meeting is adjourned for fourteen (14) days or more, notice of the adjourned meeting must be given in accordance with rule 18 using membership census from original meeting date.
- 21.4. Except as provided in sub-rule 21.3, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

## **22. Voting at general meetings**

- 22.1. Upon any question arising at a general meeting of the Association, a member has one vote only.
- 22.2. All votes must be given personally or by proxy.
- 22.3. In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 22.4. A member is not entitled to vote at a general meeting if any moneys due and payable by the member to the Association have not been paid, save for the amount of the annual subscription payable in respect of the current financial year.

## **23. Poll at general meetings**

- 23.1. If at a meeting a poll on any question is demanded by not less than three (3) members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 23.2. A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other

question must be taken at such time before the close of the meeting as the Chairperson may direct.

**24. Manner of determining whether resolution carried**

24.1. If a question arising at a general meeting of the Association is determined on a show of hands—

- a) a declaration by the Chairperson that a resolution has been—
  - (i) carried; or
  - (ii) carried unanimously; or
  - (iii) carried by a particular majority; or
  - (iv) lost; and
- b) an entry to that effect in the minute book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

**25. Proxies**

25.1. Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 72 hours before the time of the meeting in respect of which the proxy is appointed.

25.2. The notice appointing the proxy must be—

- a) for a meeting of the Association convened under rule 13, in the form set out in Appendix 2; or
- b) in any other case, in the form set out in Appendix 3.

**26. Committee of management**

26.1. The affairs of the Association shall be managed by the committee of management.

26.2. The committee—

- a) shall control and manage the business and affairs of the Association; and
- b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and

- c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

26.3. Subject to the Act, the committee shall consist of—

- a) Five (5) representatives of the Hepburn Shire community including non-Hepburn Shire residents
- b) one (1) representative from each of:
  - (i) Creswick Football Netball Club
  - (ii) Creswick Bowling Club
  - (iii) Creswick Soccer Club
  - (iv) Creswick Imperials Cricket Club
  - (v) Creswick Brass Band

each of whom shall be elected at the annual general meeting of the Club in each year together with one (1) representative from Council who will be appointed externally by Council and will not be required to be a member of the Association.

## **27. Office holders**

27.1. The officers of the Association shall be—

- a) a President;
- b) a Vice-President;
- c) a Treasurer; and
- d) a Secretary.

27.2. The provisions of rule 31, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule 27.1.

27.3. Each officer of the Association shall hold office for three years but is eligible for re-election.

27.4. In the event of a casual vacancy in any office referred to in sub-rule 27.1, the committee may appoint one of its members to the vacant office and the member

appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

**28. Sub-Committees**

28.1. The committee shall have the power to appoint sub-committees from the members and to regulate and control such sub-committees.

28.2. Sub-committees so appointed shall have such powers, duties, functions and privileges as are from time to time ascribed to them by the committee (within the limits of these Rules).

**29. Executive Committee**

29.1. The committee, unless Council approve otherwise, will appoint an executive sub-committee to act in relation to specific matters determined by terms of reference.

29.2. An executive sub-committee will be comprised of:

- a) the four officers of the Association appointed under rule 31; and
- b) one of the five (5) committee members who are representatives of the general community of Creswick under clause 26.3(a) who is not also an officer and who is appointed to the executive sub-committee by majority vote of the committee subject to the final approval by Council.

29.3. Where there is only one (1) committee member who is a representative of the general community of Creswick under clause 26.3(a) who is not also an officer of the Association, that person shall be automatically entitled to be a member of the executive sub-committee.

29.4. The terms of reference for an executive sub-committee must be reviewed annually by the committee and are subject to final approval by Council.

**30. Ordinary members of the committee**

30.1. Subject to these Rules, each ordinary member of the committee shall hold office for three years but is eligible for re-election.

30.2. In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

**31. Election of officers and ordinary committee members**

31.1 At each annual general meeting one-third of all of the officers and ordinary members of the committee combined (or if their number is not 3 or a multiple of 3, then the number nearest one-third) shall retire from office. The officers and/or ordinary members of the committee who retire are those who have been longest in the office since their election or appointment. As between persons who became officers or ordinary members of the committee on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot.

31.1. Nominations of candidates for election as officers of the Association or as ordinary members of the committee must be—

- a) made in writing, signed by two (2) members of the Association or Member Club of which the candidate is a member and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- b) delivered to the Secretary not less than seven (7) days before the date fixed for the holding of the annual general meeting.

31.2. A candidate may only be nominated for one office or as an ordinary member of the committee, prior to the annual general meeting.

31.3. All nominations for office must be approved by Council prior to the annual general meeting.

31.4. If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.

31.5. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

31.6. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

31.7. The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

## **32. Indemnity of office holders and committee members**

32.1. Every officer and ordinary committee member for the time being of the Association shall be indemnified out of the assets of the Association against any liability arising



out of the execution of the duties of his office which is incurred by him in defending any proceedings whether civil or criminal in which judgment is given in his favour or in which he is acquitted or in connection with any application under the Act in which relief is granted to him by the Court in respect of any negligence default breach of duty or breach of trust.

32.2. No officer or ordinary committee member shall be liable for any loss damage or misfortune to the Association which shall happen in the execution of the duties of his office or in relation thereof unless the same happen through his own dishonesty.

### **33. Vacancies**

33.1. The office of an officer of the Association, or of an ordinary member of the committee, becomes vacant if the officer or member—

- a) ceases to be a member of the Association; or
- b) becomes an insolvent under administration within the meaning of the Corporations Act; or
- c) resigns from office by notice in writing given to the Secretary.

### **34. Meetings of the committee**

34.1. The committee must meet at least four (4) times in each year at such place and such times as the committee may determine.

34.2. Special meetings of the committee may be convened by the President or by any four (4) members of the committee.

### **35. Notice of committee meetings**

35.1. Written and/or electronic notice of each committee meeting must be given to each member of the committee at least two (2) business days before the date of the meeting.

35.2. Written and/or electronic notice must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

### **36. Quorum for committee meetings**

36.1. Any six (6) members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.

36.2. No business may be conducted unless a quorum is present.

- 36.3. If within half an hour of the time appointed for the meeting a quorum is not present—
- a) in the case of a special meeting—the meeting lapses;
  - b) in any other case—the meeting shall stand adjourned to the same place and the same time and day in the following week.

36.4. The committee may act notwithstanding any vacancy on the committee.

**37. Presiding at committee meetings**

37.1. At meetings of the committee—

- a) The President or,
- b) in the President's absence, the members of the committee present choose one of their number to preside.

**38. Voting at committee meetings**

38.1. Questions arising at a meeting of the committee, or at a meeting of any subcommittee appointed by the committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

38.2. Each member present at a meeting of the committee, or at a meeting of any subcommittee appointed by the committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

**39. Removal of committee member**

39.1. The Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.

39.2. A member who is the subject of a proposed resolution referred to in sub-rule 39.1 may make representations in writing to the Secretary or, if the proposed resolution relates to the Secretary, the President and may request that the representations be provided to the members of the Association.

39.3. The Secretary or the President, as the case may be, may give a copy of the representations to each member of the Association or, if they are not so given, the

member may require that they be read out at the meeting, provided always that the representations are of a reasonable length.

#### **40. Minutes of meetings**

40.1. The Secretary must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

40.2. The minutes of general meetings and committee meetings, including financial statements submitted at a meeting, are available for inspection free of charge by any member upon request at the address of the Secretary.

40.3. A member may make a copy of the minutes of general meetings and committee meetings and any financial statements submitted at a meeting.

#### **41. Funds**

41.1. The Treasurer must—

- a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and
- b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

41.2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two (2) members of the committee.

41.3. The funds of the Association shall be derived from joining fees, annual subscriptions, donations and such other sources as the committee determines.

#### **42. Management of Funds**

42.1. The committee shall deal with the funds of the Association in accordance with this rule 42.

42.2. The funds of the Association shall be applied firstly to cover overhead and capital costs relating to running the Association and complying with the purpose of the Association;

42.3. Any surplus funds remaining after the funds have been applied in accordance with sub-rule 42.2 shall be applied at the discretion of the committee, provided that the committee aims at all times that:

- a) the Association has sufficient funds to maintain the facilities and cover capital costs; and
- b) the Association is at all times operated in a financially viable manner.

42.4. The Association must not secure pecuniary profit for the members.

#### **43. Seal**

43.1. The common seal of the Association must be kept in the custody of the Secretary.

43.2. The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two (2) members of the committee or, of one (1) member of the committee and of the Secretary.

#### **44. Notice to members**

44.1. Except for the requirement in rule 12, any notice that is required to be given to a member, by or on behalf of the Association, under these Rules may be given by—

- a) delivering the notice to the member personally; or
- b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

#### **45. Winding up**

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

#### **46. Custody and inspection of books and records**

46.1. Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.

46.2. All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.

**46.3.** A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

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**APPENDIX 1**

**APPLICATION FOR MEMBERSHIP OF THE DOUG LINDSAY RESERVE SPORTS AND  
COMMUNITY MANAGEMENT ASSOCIATION INCORPORATED**

I, \_\_\_\_\_ of \_\_\_\_\_ and a member of  
*(name and occupation)* *(address)* *(affiliated club)*

desire to become a member of the Doug Lindsay Reserve Sports and Community Association.

In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.

Signature of Applicant

Date

I, \_\_\_\_\_, a member of the Association,  
*(name)*  
nominate the applicant, who is personally known to me, for membership of the Association.

Signature of Proposer

Date

I, \_\_\_\_\_, a member of the Association, second  
*(name)*  
the nomination of the applicant, who is personally known to me, for membership of the Association.

Signature of Secunder

Date

---

**APPENDIX 2**

**FORM OF APPOINTMENT OF PROXY FOR MEETING OF ASSOCIATION CONVENED  
UNDER RULE 13.7**

I,

*(name)*

of

*(address)*

being a member of

*(name of Incorporated Association)*

appoint

*(name of proxy holder)*

of

*(address of proxy holder)*

being a member of that Incorporated Association, as my proxy to vote on my behalf at the appeal to the general meeting of the Association convened under rule 13.7, to be held on—

*(date of meeting)*

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution: *[insert details of resolution passed under rule 13.1]*

Signed

Date

---

**APPENDIX 3**

**FORM OF APPOINTMENT OF PROXY**

I,

*(name)*

of

*(address)*

being a member of

*(name of Incorporated Association)*

appoint

*(name of proxy holder)*

of

*(address of proxy holder)*

being a member of that Incorporated Association, as my proxy to vote on my behalf at the \*annual/\*special general meeting of the Association to be held on—

*(date of meeting)*

and at any adjournment of that meeting.

My proxy is authorised to vote \*in favour of/\*against the following resolution: [*insert details of resolution*]

Signed

Date

\*Delete if not applicable

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**APPENDIX 4**

**SCHEDULE OF FEES**

<i>Fee</i>	<i>Amount</i>
Joining fee	\$5
Annual subscription fee	\$20

**10.7. COMMUNITY PRICING – HEPBURN BATHHOUSE AND SPA  
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 for Council to consider amending the Community Services Agreement between Belgravia Health & Leisure Group Pty Ltd (Belgravia) and Council to recognise increases in service charges proposed by Belgravia for community access to the Hepburn Bathhouse and Spa (Bathhouse).

**BACKGROUND**

In 2008, Hepburn Shire Council and Belgravia entered into a Community Services Agreement. The Community Services Agreement sets out the community based pricing regime, minimum operating hours, minimum service requirements and minimum staff qualifications. This agreement runs concurrently with the lease over the Bathhouse. The Community Service Agreement can only be amended in accordance with the procedure set out in clause 10.10 of the lease.

Clause 10.10 of the lease stipulates that the Landlord and the Tenant must agree on amendments to the Community Service Agreement for the coming year of the lease.

Since the commencement of the Community Service Agreement the following increases have been agreed:

<b>Year</b>	<b>Action</b>
2009 for commencement 1-04-2010	No community pricing increase
2010 for commencement 1-04-2011	Average increase 5.5% to 10.0%
2011 for commencement 1-04-2012	Average increase 3.4% to 5.8%, however this was not applied until October 2013
2012 for commencement 1-04-2013	No community pricing increase

The current community prices are contained within the existing Community Services Agreement Amending Agreement 2012.

## ISSUE / DISCUSSION

Belgravia has proposed an increase in the Community Based Pricing Regime of between 3.2%–5.9% for commencement on 1 April 2014. Through negotiations, Belgravia agreed to offer locals ‘2 for 1’ tokens to be advertised locally every 2 months on the Council Page in The Advocate. This arrangement will be reviewed as part of the annual community pricing review.

The following table details both the current and proposed Community Based Pricing Regime to commence on 1 April 2014:

	Current Pricing (\$)	Proposed Pricing 1-04-2014 (\$)	% Increase
Local community access – Bathhouse	\$11.50	\$12.00	4.4%
Community Multipass Visit (10 Visits)	\$92.00	\$97.00	5.4%
Hydrotherapy Participant	\$17.00	\$18.00	5.9%
Hydrotherapy Pool Hire (including Therapist)	\$20.00	\$21.00	5.0%
Aqua Classes	\$17.00	\$18.00	5.9%
Mums and Bubs Learn to Swim Classes	\$15.50	\$16.00	3.2%

### Adopting the Proposed Changes

Council’s Chief Executive Officer and the Bathhouse General Manager have agreed, as the nominated representatives, to the changes shown above. Changes are required to be accompanied by an Amending Agreement (as attached).

The Lease and Amending Agreement provide the method for adopting any change or price increase. The Agreement provides:

- 1.1.1 *The Community Based Pricing Regime, the Minimum Operating Hours and the Minimum Service Requirement can only be amended in accordance with the procedure set out in clause 10.10 of the Lease.*
- 1.1.2 *Subject to paragraph (a), this document can only be amended or replaced by another document signed by the parties.*

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

The changes are catered for within the Lease authorised by the Crown Land (Reserves) Act 1978 and the Agreement.

## **FINANCIAL IMPLICATIONS**

Council benefits from pricing increases through a percentage of the turnover rent.

## **RISK IMPLICATIONS**

There are no direct risk implications.

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

There are no environmental implications.

Socially or economically the increases should not be significant, especially when the '2 for 1' tokens to be advertised locally every 2 months are taken into account.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Application and publication of changed prices is a matter for Belgravia as operator of the Bathhouse.

## **CONCLUSION**

In accordance with the Community Service Agreement and the Bathhouse lease, Belgravia has requested an increase in the community based pricing regime. The proposed increase of between 3.2%–5.9% for the 2014-15 year is reasonable when combined with the '2 for 1' tokens to be offered every two months to local residents.

## **OFFICER'S RECOMMENDATION**

That Council:

- 10.7.1 Agrees to the revised Community Based Pricing Regime to be introduced by Belgravia Health & Leisure Group Pty Ltd from 1 April 2014;
- 10.7.2 Agrees to advertise a '2 for 1' offer in *The Advocate* every two months.

- 10.7.3 Authorises the execution and sealing of the attached Community Services Agreement Amending Agreement 2014 which includes the revised Community Based Pricing Regime and '2 for 1' offer details to commence from 1 April 2014.

## MOTION

*That Council:*

- 10.7.1. *Agrees to the revised Community Based Pricing Regime to be introduced by Belgravia Health & Leisure Group Pty Ltd from 1 April 2014;*
- 10.7.2. *Agrees to advertise a '2 for 1' offer in The Advocate every two months.*
- 10.7.3. *Authorises the execution and sealing of the attached Community Services Agreement Amending Agreement 2014 which includes the revised Community Based Pricing Regime and '2 for 1' offer details to commence from 1 April 2014.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Pierre Niclas

**Carried.**

**ATTACHMENT 4 - COMMUNITY SERVICES AGREEMENT  
AMENDING AGREEMENT 2014**

**Hepburn Shire Council**

**AND**

**Belgravia Health and Leisure Group Pty Ltd**

**COMMUNITY SERVICES AGREEMENT  
AMENDING AGREEMENT 2014**

## COMMUNITY SERVICES AGREEMENT – AMENDING AGREEMENT 2014

DATE: .....

### PARTIES

**Hepburn Shire Council** ABN 76 845 763 535 of 76 Vincent Street, Daylesford, Victoria

**Belgravia Health & Leisure Group Pty Ltd** ACN 005 087 463 of 20 Longstaff Road,  
Bayswater, Victoria 3153

### WHEREAS:

- A. the Parties entered into a Community Services Agreement dated 9 September 2008 and by Amending Agreement 2012 amended the Community Based Pricing Regime by the insertion of new prices effective from 1 April 2012. This Amending Agreement dated 19 November 2013 amends the Community Based Pricing Regime by the insertion of new prices effective from 1 April 2014.**
- B. the Community Services Agreement can only be amended or replaced by another document signed by the parties in accordance with Clause 6**
- C. the Parties have agreed to further amend the Community Based Pricing Regime – ‘Annexure A’ shown in the amended Community Services Agreement dated 9 September 2008 by the deletion of prices and the insertion of New Prices shown in this Amending Agreement**

**This Amending Agreement provides as follows:**

#### **1. COMMUNITY BASED PRICING REGIME – NEW PRICES AND LOCAL COMMUNITY OFFERS**

- 1.1. Local community access to the Relaxation Pool, Spa 1 and Relaxation Pool Change Rooms in accordance with Minimum Service Requirements - **\$12.00\***
- 1.2. Hydrotherapy in the Relaxation Pool in accordance with the Minimum Service Requirements - **\$18.00\*** entry fee per participant, and a hire fee of the Relaxation Pool of **\$21.00\*** per hour (inclusive of the entry fee for the therapist).
- 1.3. Aqua Classes in the Relaxation Pool in accordance with the Minimum Service Requirements - **\$18.00\*** per participant.
- 1.4. Mums and Bubs Learn to Swim Classes - **\$16.00\*** per participating mum and bub couple.
- 1.5. Community Multi Visit Pass (10 Visits) - **\$97.00\***.
- 1.6. A ‘2 for 1’ token for local community access to the Relaxation Pool, Spa 1 and Relaxation Pool Change Rooms to be offered via local print advertisement every two months - **2 people for \$12.00\* when token is presented.**

\*all prices are inclusive of GST



NB, the fees for Hydrotherapy, Aqua Classes and Mums and Bubs Learn to Swim Classes allow participants to enjoy the Relaxation Pool, Relaxation Spa and Relaxation Pool Change rooms after the relevant class.

**2. OPERATION OF NEW PRICES**

2.1. The New Prices operate from 1 April 2014 and remain in place until the Parties agree to any further amendment.

**3. GENERAL**

3.1 All other provisions and aspects of the Community Services Agreement dated 9 September 2008 and as previously amended remain operational and unchanged.

**EXECUTED** as an Agreement on the date above and in Witness:

**THE COMMON SEAL of the HEPBURN  
SHIRE COUNCIL** )

was affixed in the presence of: )

“SEAL”

\_\_\_\_\_  
Mayor : Cr Don Henderson

\_\_\_\_\_  
Chief Executive Officer: Aaron van Egmond

**EXECUTED by Belgravia Health &  
Leisure Group Pty Ltd** by being  
signed by those persons who are  
authorised to sign for the company:

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Full name

\_\_\_\_\_  
Full name

\_\_\_\_\_  
Usual address

\_\_\_\_\_  
Usual address

**Councillor Don Henderson left the meeting at 7:32 pm due to an indirect Conflict of Interest and returned at 7:36 pm.**

**Deputy Mayor Councillor Kate Redwood assumed the Chair during Councillor Henderson's absence.**

## **10.8. COMMUNITY, SUSTAINABILITY AND ANZAC CENTENARY GRANTS - ROUND ONE 2013-2014**

### **GENERAL MANAGER COMMUNITY SERVICES**

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

#### **PURPOSE**

The purpose of this report is to recommend the allocation of Round One 2013-2014 Community, Sustainability and Anzac Centenary Grants.

#### **BACKGROUND**

Following a review of Council's grants programs, Sustainability Grants have been combined with the Community Grants program. For the 2013-2014 year, Council has also contributed \$5,000 to fund projects that commemorate the service and sacrifice of Australian service men and women in the First World War. This allocation has also been incorporated into Community Grants.

These funding programs allow Council to directly support the work of community groups and organisations as well as provide the chance for new innovations.

Round One 2013-2014 Community, Sustainability and Anzac Centenary Grants opened on 28 August 2013 and closed on 25 September 2013. The availability of the grants was advertised in *The Advocate*, in local newsletters and on Council's webpage. The grants were also promoted through e-mail distribution lists.

A total of twenty-two (22) applications were received for this funding round.

#### **ISSUE / DISCUSSION**

Twenty-two applications were received in the following grant categories:

- Community Grants - 18 applications seeking \$21,480 in funding
- Sustainability Grants - 3 applications seeking \$10,500 in funding
- Anzac Centenary Grants - 1 application seeking \$500 in funding.

The grants were assessed by Council's Community, Sustainability and Landcare Grant Assessment Panel, appointed by Council in September 2013. This assessment panel is made up of five community members with skills and experience in arts and culture, sustainability, land management, community development and events. The Manager Community Development, Sustainability Officer and Events Coordinator also participated in the assessment.

Grant applications were assessed against the following criteria:

- Description of project 10%
- What will this project address? 25%
- What will the project achieve? 25%
- How will the project be implemented and who will be doing it? 20%
- How will risk and safety issues associated with the project be assessed? 10%
- Financial details – income and expenditure budget 10%.

The recommended Community, Sustainability and Anzac Centenary Grants allocation for Round One (2013-2014) is \$13,921. A summary of projects and recommendations is attached (refer Attachment 5).

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Council Plan 2013-2017:*

Strategic Objective – Active and Engaged Communities.

Key Strategic Activity:

- 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**

In the 2013-2014 budget, Council has allocated \$40,000 for Community Grants, \$13,000 for Sustainability Grants and \$5,000 for Anzac Centenary Grants.

It is recommended that:

- Community Grants - 11 grants to the value of \$10,421 are provided;
- Sustainability Grants - 1 grant to the value of \$3,000 is provided;
- Anzac Centenary Grants - 1 grant to the value of \$500 is provided.

The balance of funds for round two is \$29,579 funding in Community Grants, \$10,000 remaining in Sustainability Grants and \$4,500 in Anzac Centenary Grants.

### **RISK IMPLICATIONS**

All applicants are required to identify how project risk and safety issues will be managed.

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

Community, Sustainability and Anzac Centenary Grants support projects by volunteer community groups. The focus of these projects is to strengthen community resilience and connection, promote sustainability and commemorate the Anzac Centenary.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Round One 2013-2014 Community, Sustainability and Anzac Centenary Grants were advertised in *The Advocate*, on Council's webpage, through community newsletters and email distribution lists.

### **CONCLUSION**

The recommended projects support the objectives of the Community, Sustainability and Anzac Centenary Grant Guidelines.

## OFFICER'S RECOMMENDATION

That Council:

10.8.1 Awards the Community, Sustainability and Anzac Centenary Grants for Round One 2013-2014, as recommended to:

Name of Organisation / Club / Group	Project Name	Recommended Funding
<b>Recommended - Community Grants</b>		
Friends of Creswick's Park Lake Botanical Reserve	Big Barrow & Thistle Spray	\$151
Daylesford Men's Shed	Safety At Height	\$1,250
Trentham Neighbourhood Centre Inc	Your Town on the Wall - Photos of Trentham 2013	\$1,320
Creswick Men's Friendship Shed	1st Aid (Defibrillator)	\$1,000
Clunes CWA (for Clunes Youth Programs)	Art Classes for Young People	\$2,000
Kingston Agricultural Society Inc	146th Kingston Agricultural Show	\$920
Daylesford & District Historical Society Inc.	Clean Place, Safe Place	\$500

Name of Organisation / Club / Group	Project Name	Recommended Funding
Creswick & District Residents Assoc Inc	Creswick On Line Information Resource	\$1,980
Creswick & District Historical Society	Celebrating 150 Years of Creswick Hospital	\$300
Trentham District Primary School	Purchase of Equipment	\$500
Daylesford Rotary Club	Art Materials for Youth Art Hub	\$500
<b>Recommended - Sustainability Grants</b>		
Clunes Primary School	Irrigation - Clunes Primary School Garden	\$3,000
<b>Recommended - Anzac Centenary Grants</b>		
Friends of the Avenue Kingston	Replacing Plaques - Avenue of Honour Kingston	\$500

10.8.2 Carries forward the remaining funds from round one to round two of the Community, Sustainability and Anzac Centenary Grants.

## MOTION

*That Council:*

10.8.1. *Awards the Community, Sustainability and Anzac Centenary Grants for Round One 2013-2014, as recommended to:*

Name of Organisation / Club / Group	Project Name	Recommended Funding
<b>Recommended - Community Grants</b>		
Friends of Creswick's Park Lake Botanical Reserve	Big Barrow & Thistle Spray	\$151
Daylesford Men's Shed	Safety At Height	\$1,250
Trentham Neighbourhood Centre Inc	Your Town on the Wall - Photos of Trentham 2013	\$1,320
Creswick Men's Friendship Shed	1st Aid (Defibrillator)	\$1,000
Clunes CWA (for Clunes Youth Programs)	Art Classes for Young People	\$2,000
Kingston Agricultural Society Inc	146th Kingston Agricultural Show	\$920
Daylesford & District Historical Society Inc.	Clean Place, Safe Place	\$500

Name of Organisation / Club / Group	Project Name	Recommended Funding
Creswick & District Residents Assoc Inc	Creswick On Line Information Resource	\$1,980
Creswick & District Historical Society	Celebrating 150 Years of Creswick Hospital	\$300
Trentham District Primary School	Purchase of Equipment	\$500
Daylesford Rotary Club	Art Materials for Youth Art Hub	\$500
<b>Recommended - Sustainability Grants</b>		
Clunes Primary School	Irrigation - Clunes Primary School Garden	\$3,000
<b>Recommended - Anzac Centenary Grants</b>		
Friends of the Avenue Kingston	Replacing Plaques - Avenue of Honour Kingston	\$500

10.8.2. *Carries forward the remaining funds from round one to round two of the Community, Sustainability and Anzac Centenary Grants.*

**Moved:** Councillor Bill McClenaghan  
**Seconded:** Councillor Greg May  
**Carried.**



**ATTACHMENT 5 - COMMUNITY, SUSTAINABILITY AND  
ANZAC CENTENARY GRANTS – ROUND ONE 2013-2014  
RECOMMENDATIONS**

Name of Organisation / Club / Group	Project Name	Grant Type: Youth, Arts, Small Equipment or Community Strengthening	Project Description	Score	Recommended Funding
<b>Recommended - Community Grants</b>					
Friends of Creswick's Park Lake Botanical Reserve	Big Barrow & Thistle Spray	Small Equip	Purchase large barrow to reduce walking by volunteers when removing rubbish, green waste and carrying heavy bags of fertiliser. To Supply Round-Up to spray noxious thistles.	80.1	\$151
Daylesford Men's Shed	Safety At Height	Comm Streng	Develop community program to provide access for 'not for profit' organisations & vulnerable members of community to scaffolding. Primary goal to reduce risks eg., falls from ladders, climbing on roofs etc. Men's Shed would manage / maintain scaffolding.	75.7	\$1,250
Trentham Neighbourhood Centre Inc	Your Town on the Wall - Photos of Trentham 2013	Comm Streng	Would like to have 15 canvas photo prints (20" X16") made to hang in the main hall. Photos taken by group of walkers & photographers over the last year.	75.4	\$1,320
Creswick Men's Friendship Shed	1st Aid	Defib	Creswick Men's Friendship Shed members have identified areas of concern (1) Learn more about 1st aid & resuscitation, and (2) would benefit from having a defibrillator in case of an emergency.	72.1	\$1,000
Clunes CWA (for Clunes Youth Programs)	Art Classes for Young People	Arts & Cult	Program of recreational activities for young people in Clunes involving craft, games etc., & tutoring program. Enhance Program by providing monthly formal art classes taught by professional artists/ art teachers who live locally. Would offer young people opportunity develop & exhibit specialized skills. Would include some young people's art in Art Exhibition.	72	\$2,000
Kingston Agricultural Society Inc	146th Kingston Agricultural Show	Comm Event	146th Kingston Agricultural Show to be held 1 December 2013. Show supports local agricultural community & brings 'town and country' people together.	71.6	\$920
Daylesford & District Historical Society Inc.	Clean Place, Safe Place	Small Equip	Purchase new dustless vacuum cleaner to allow volunteer staff to easily, efficiently & safely maintain cleanliness required in museum. Researched latest cleaning machines & determined Dyson Machine best fits criteria.	71.5	\$500
Creswick & District Residents Assoc Inc	Creswick On Line Information Resource	Comm Streng	Facilitate better information flow between community groups, individuals & HSC by developing Creswick on-line website - facebook, blog sites and event diary.	69.3	\$1,980
Creswick & District Historical Society	Celebrating 150 Years of Creswick Hospital	Comm Event	In conjunction with Director of Nursing & Hospital Board of Management organize & provide appropriate celebration of 150th anniversary of the Creswick Hospital. Launch book on History of Hospital.	69.1	\$300
Trentham District Primary School	Purchase of Equipment	Small Equip	Primary School requires trolley to manage the classroom sets of iPad devices. Trolley to be secure and sturdy. Mobile cart that will store, protect, lock & charges the iPads.	65.5	\$500
Daylesford Rotary Club	Art Materials for Youth Art Hub	Small Equip	Assisting new Daylesford Art Hub by providing art materials for youth art project co-ordinated through VCAL, Buffalo Girls & community members. Art Hub is monthly meeting place for young people to learn new skills.	64.3	\$500
<b>Recommended - Sustainability Grants</b>					
Clunes Primary School	Irrigation - Clunes Primary School Garden	Sust Grant-Water	Primary School requires newly planted orchard - 30 trees to be watered by dripper system & existing extensive vegetable garden to be watered by vertical irrigation system & inclusion of automatic irrigation controller.	73.8	\$3,000
<b>Recommended - Anzac Centenary Grants</b>					
Friends of the Avenue Kingston	Replacing Plaques - Avenue of Honour Kingston	ANZAC	Currently 4 plaques missing & 2 plaques broken. Would like to replace & repair in preparation for Centenary of the Avenue in 2018. Hope to unveil Plaque Wall & Interpretative Signage at an event in 2018.	76.4	\$500
Page 106					\$13,921.00

Name of Organisation / Club / Group	Project Name	Grant Type: Youth, Arts, Small Equipment or Community Strengthening	Project Description	Score	Recommended Funding
<b>Not Recommended - Community Grants</b>					
Clunes CWA (for Clunes Youth Programs)	Children's Booktown Festival- Involvement Local Children	Comm Event	Co-ordinate involvement of Clunes children in Children's Booktown Festival (CB). CB focuses on activities for local children & visitors. Our Youth Program sees participation by local children as vital. Coordinated process would minimize communication & stress problems, maximize opportunities for children & adult volunteers who assist. <b>Reason</b> - Funding is recommended for the CWA number one priority of art classes.		\$0
Spa Country Sculptors Association	Spa Country Sculptors' Inaugural Sculpture Show	Arts & Cult	Will hold inaugural Sculpture Exhibition at public accessible spaces. Create Sculpture Path over 4-6 week period in Autumn 2014. <b>Reason</b> - Great event idea however further planning and approvals are required prior to the event being ready for funding. Council Officers will work with the Spa Country Sculptors to assist with this.		\$0
Glenlyon Recreation Reserve COM	Doggy Do Clean Up	Comm Streng	To provide Dog Waste Bag Dispensers with bags at entrance Glenlyon Recreation Reserve. <b>Reason</b> - Council will fund the completion of this project through a recurrent budget, therefore funding through community grants is not required.		\$0
Newlyn Football Netball Club-Anderson Mill Committee	Providing Children's Activities - Anderson Mill Festival 2014	Comm Event	Provide Children's Activities - encourage more visitors of all ages to shire for event. <b>Reason</b> - Grant application requires further detail with quotes and budget information to show how this aspect fits within the whole Andersons Mill event. Council Officers will work with the Andersons Mill Committee to assist with this.		\$0
Clunes Tourist & Development Assoc Inc	The Clunes Community Strengthening Plan	Comm Streng	Plan to restructure Clunes Tourist & Development Assoc Inc., website. New website will allow more use of site & more information available. <b>Reason</b> - Grant applications requires further financial detail through a detailed quote and project plan. Council Officers will work with the Clunes Tourist and Development Association to assist with this.		\$0
Daylesford Community Food Gardens	Bus Stop Precinct Upgrade and Beautification	Comm Streng	Enhance Bridport St Bus Stop & area. Planting drought hardy plants, fruit trees. Upgrade & beautify shelter for commuters, improve amenity & services eg. timetables, garbage & general upkeep. Involvement of greater no., of groups to take 'ownership'. <b>Reason</b> - Prior to funding further work is required in securing all permits and approvals for this project to take place. Council Officers will work with the Daylesford Community Food Gardeners to assist with this.		\$0
Pavilion Arts Project	Pavilion Arts-Second Event- Exhibition of Creative Arts	Arts & Cult	Our art therapist & volunteers will conduct workshops. Participants will have extensive choices regarding individual art form. Public Exhibition to be held. <b>Reason</b> - Grant application requires further clarity to explain the outcomes funding the project will provide. Council Officers will work with the Pavilion Arts Project to assist with this.		\$0
<b>Not Recommended - Sustainability Grants</b>					
Trentham Sustainability Group	Future of Farming in Upper Campaspe / Coliban	Sust Grant - Behaviour	Comprehensive research project into past, present & future of agriculture in Trentham & Districts. Analyse past agricultural trends, determine current lay of the land for broad cross-section of local producers & define opportunities for long term resilience & sustainability of local food system. <b>Reason</b> - Unsure how grant funding would be spent and the benefits this project would provide. Council Officers will work with the Trentham Sustainability Group to clarify this project.		\$0
Yandoit Mechanics Institute Hall	Yandoit Mechanics Institute Solar Panels	Sust Grant - Energy	To affix solar panels to roof of Hall to provide power to the grid and assist with lowering power costs. <b>Reason</b> - Grant application requires further financial detail to show the benefits funding this project will provide. Council Officers will work with the Mechanics Institute Hall Committee to assist with gathering this information.		\$0

**10.9. B-DOUBLE CONSENT – BASALT ROAD, WERONA ROAD, TELEGRAPH ROAD, BELLS REEF ROAD AND GAMBLES LANE  
GENERAL MANAGER INFRASTRUCTURE**

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

**PURPOSE**

The purpose of this report is for Council to consider the renewal of a B-Double permit for Venmoore Pty Ltd to use Telegraph Road, Bells Reef Road, Basalt Road and Werona Road for the transportation of timber from Hancock Victorian Plantations (HVP) and Gambles Lane (formerly Leonards Hill Bullarto Road) to access their property.

**BACKGROUND**

Council issued the initial consent in 2012 for Venmoore Pty Ltd to operate a B-Double and heavy vehicle (semi trailer) to transport timber for HVP.

**ISSUE / DISCUSSION**

Venmoore Pty Ltd has applied for permission to use a B-Double and a semi trailer at Higher Mass Limits (HML) for the roads listed below:

- Werona Road and Basalt Road Eganstown to access the Midland Highway;
- Telegraph Road and Bells Reef Road Sailors Falls to access the Ballan Daylesford Road; and
- Gambles Lane for access to facilitate housing of the trucks at the applicant's place of residence.

Council consent is required to enable VicRoads to issue a B-Double permit to Venmoore Pty Ltd.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council's Freight Strategy 2012 provides a framework for the consideration of issues relating to heavy vehicle movements around the Shire. Telegraph Road, Basalt Road, Bells Reef Road and Gambles Lane (Leonards Hill-Bullarto Road) are listed in the Freight Strategy for use by B-Doubles with a permit.

**FINANCIAL IMPLICATIONS**

One of the main considerations in assessing these applications is the financial impact of road deterioration. Council's asset management data indicates

there has not been any undue deterioration of condition since 2006 on these roads.

Venmoore Pty Ltd is allowed under State Law to use standard semi trailers to transport timber however by using a B-Double the number of truck movements is reduced by approximately 40%. The average number of truck movements per day is two but the roads used will vary through harvest rotation of plantations that are located in Hepburn and neighbouring shires.

### **RISK IMPLICATIONS**

The alignment of the roads is such that trucks should use these roads with due regard for local traffic. Trucks and semi trailers can legally use these roads and the use of a B-Double will reduce the traffic volume from logging operations. Considering the increased size of a B-Double vehicle against the reduced number of movements of a semi-trailer, there is not believed to be any increased risk to other road users.

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

The use of B-Double vehicles reduces the number of vehicle movements required which has a positive economic outcome for the operator as well as an overall environmental benefit by reducing emissions.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The request is to effectively continue the previous arrangement and is not expected to have any significant implications for the community, as cartage of logs can legally be undertaken by semi trailers at general mass limits.

### **CONCLUSION**

Council has been requested to issue consent for B-Double access on Werona Road, Basalt Road, Telegraph Road and Bells Reef Road to transport logs from HVP Plantations and Gambles Lane to facilitate housing of the trucks at the applicant's place of residence.

### **OFFICER'S RECOMMENDATION**

That Council:

- 10.9.1 Consents to Venmoore Pty Ltd being able to operate a B-Double and Semi Trailer at Higher Mass Limits in Werona Road, Basalt Road, Telegraph Road, Bells Reef Road and Gambles Lane for 12 months from 20 November 2013 for trucks with Registration Numbers PAU290 & REM197 respectively.

- 10.9.2 Consent is conditional on a maintenance agreement being reached with Venmoore Pty Ltd and Council Officers to address any deterioration of the listed roads from the carting of timber. An agreement to this effect must be signed prior to consent being granted

## MOTION

*That Council*

- 10.9.1. *Consents to Venmoore Pty Ltd being able to operate a B-Double and Semi Trailer at Higher Mass Limits in Werona Road, Basalt Road, Telegraph Road, Bells Reef Road and Gambles Lane for 12 months from 20 November 2013 for trucks with Registration Numbers PAU 290 and REM 197 respectively.*
- 10.9.2. *Consent is conditional on a maintenance agreement being reached with Venmoore Pty Ltd and Council Officers to address any deterioration of the listed roads from the carting of timber. An agreement to this effect must be signed prior to consent being granted.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

## **10.10. B-DOUBLE PERMIT – ASCOT ROAD AND MENDHAMS DAM ROAD, CRESWICK**

### **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 to consider the renewal of consent for a B-double permit issued to Brendan Martin to access his property in Mendhams Dam Road via Ascot Road Creswick.

### **BACKGROUND**

Council has provided consent for a low frequency B-Double truck to access a property on Mendhams Dam Road via Ascot Road Creswick in May 2012 for a 12 month period. Currently the B-Double is housed off site until a new permit is issued.

### **ISSUE / DISCUSSION**

The consent for B-Double access is to facilitate housing of the truck at the applicant's place of residence at weekends after interstate trips to aid security of the vehicle. It is intended as low frequency access of one round trip per week resulting in four trip movements per month. The vehicle will be unloaded when making use of Ascot Road and Mendhams Dam Road.

A Council consent is required to enable VicRoads to issue a B-Double permit to Brendan Martin.

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

Council's Freight Strategy 2012 provides a framework for the consideration of issues relating to heavy vehicle movements around the Shire. Ascot Road is suitable for use by trucks and Mendhams Dam Road is a gravel road suitable for use by trucks.

### **FINANCIAL IMPLICATIONS**

Due to the minimal expected number of B-Double movements, this consent is not expected to have significant impact on the roads listed.

### **RISK IMPLICATIONS**

No additional risks are believed to be associated with granting consent for this infrequent use of Ascot Road and Mendhams Dam Road.

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

The truck is housed within the property. Mendhams Dam Road is a short single lane gravel road with low traffic volumes and the use of one round trip per week by the B-Double will not significantly affect the amenity of the area and Ascot Road.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The request is to effectively continue the previous arrangement and is not expected to have any significant implications for the community.

## **CONCLUSION**

Council has been requested to renew consent for low frequency B-Double access on Ascot Road and Mendhams Dam Road, Creswick to facilitate housing of the unloaded truck at place of residence after interstate trips to aid security of the vehicle.

The request is to effectively continue the current arrangement and is not expected to have any significant implications for the community.

## **OFFICER'S RECOMMENDATION**

10.10.1 That Council consents to the issue of a permit, valid for 12 months from 19 November 2013 to Mr Brendan Martin to operate a B-Double in Ascot Road and Mendhams Dam Road, Creswick for vehicle Registration Number WCU 400.

## **MOTION**

*10.10.1. That Council consents to the issue of a permit, valid for 12 months from 19 November 2013 to Mr Brendan Martin to operate a B-Double in Ascot Road and Mendhams Dam Road, Creswick for vehicle Registration Number WCU 400.*

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



**10.11. RECORD OF ASSEMBLIES OF COUNCILLORS – OCTOBER 2013**  
**GENERAL MANAGER CORPORATE SERVICES**

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

**PURPOSE**

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

**BACKGROUND**

*The Local Government Act 1989 defines Assembly of Councillors as*

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

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

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

<b>Assemblies of Councillors</b>		
<b>Date</b>	<b>Location</b>	<b>Committee Name</b>
1 October 2013	Council Chamber, Daylesford	Councillor Briefing
8 October 2013	Council Chamber, Daylesford	Councillor Briefing
15 October 2013	Council Chamber, Daylesford	Councillor/CEO Meeting
15 October 2013	Council Chamber, Daylesford	Pre Council Meeting
17 October 2013	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Advisory Committee
17 October 2013	Council Chamber, Daylesford	Wombat Hill Botanic Gardens Annual Meeting of Stakeholders

17 October 2013	Council Chamber, Daylesford	International Women's Day Women's Honour Roll Committee
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**ISSUE / DISCUSSION**

- 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.
- The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Local Government Act 1989, Section 80A*

**FINANCIAL IMPLICATIONS**

Nil.

**RISK IMPLICATIONS**

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

**ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

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

**COMMUNITY AND STAKEHOLDER ENGAGEMENT**

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

**CONCLUSION**

Information provided for noting.

**OFFICER'S RECOMMENDATION**

- 10.11.1 That Council receives and notes the Records of Assemblies of Councillors for October 2013.

## MOTION

*10.11.1. That Council receives and notes the Records of Assemblies of Councillors for October 2013.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Kate Redwood

**Carried.**

**ATTACHMENT 6 - RECORDS OF ASSEMBLIES OF COUNCILLORS –  
OCTOBER 2013**

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** Councillor Briefing  
**Date:** Tuesday 1 October 2013  
**Time:** 1:00 pm

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

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas   | <input checked="" type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood    | <input checked="" type="checkbox"/> Cr Greg May         |
| <input checked="" type="checkbox"/> Cr Neil Newitt     | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Sebastian Klein |   |

**Members of Council Staff present:**

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

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** 

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

**Confidential**  
**Councillor Briefing Agenda**  
**Tuesday 1 October 2013**



<b>Tuesday 1 October 2013</b> 1:30 pm		<b>Council Chamber</b> <b>Daylesford Town Hall</b>	
<b>Chair</b>	<b>Mayor</b>	Cr Bill McClenaghan	
<b>Attendees</b>	<b>Councillors</b>	Cr Pierre Niclas, Cr Kate Redwood AM, Cr Neil Newitt, Cr Sebastian Klein, Cr Don Henderson, Cr Greg May	
	<b>Officers</b>	Chief Executive Officer, General Manager Community Services, General Manager Infrastructure, and other officers as required	
<b>Apologies</b>	General Manager Corporate Services		

Time		Title	Action Officer	
1.	1:30 pm	Informal Discussion <b>Local Law No 1 – Meeting Procedures &amp; Common Seal</b>	Chief Executive Officer	<b>Page 3</b>
2.	2:00 pm	Verbal Presentation <b>Draft Public Health &amp; Wellbeing Plan 2013-2017</b>	General Manager Community Services	<b>Page 4</b>
3.	2:30 pm	Verbal Presentation <b>Doug Lindsay Management Arrangements – Nominations for Incorporated Committee and Rules of Incorporation</b> <b>Attachment 1</b>	General Manager Community Services & Manager Community Development	<b>Page 5</b>  <b>Page 8</b>
4.	3:15 pm	Verbal Presentation <b>Advancing Country Towns – Clunes Cluster Project Update</b>	General Manager Community Services & Project Manager – Advancing Country Towns	<b>Page 33</b>
5.	3:45 pm	Report <b>Community Pricing 2014-15 – Hepburn Bathhouse and Spa</b>	Manager Property & Risk & Property Officer	<b>Page 34</b>

**Confidential**  
**Councillor Briefing Agenda**  
**Tuesday 1 October 2013**



Time		Title		Action Officer	
6.	4:15 pm	Report	<b>Tourism Policy</b>	General Manager Community Services & Manager Economic Development & Tourism	<b>Page 36</b>
			<b>Attachment 2</b>		<b>Page 37</b>
7.	4:45 pm	Verbal Presentation	<b>Development/Planning Improvement Program</b>	Chief Executive Officer & Manager Planning	<b>Page 43</b>
8.	5:15 pm	<b>CLOSE OF MEETING</b>			<b>Page 44</b>

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** Councillor Briefing  
**Date:** Tuesday 8 October 2013  
**Time:** 12:00 pm

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) – Paddock Room, Daylesford Neighbourhood Centre

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas   | <input checked="" type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood    | <input checked="" type="checkbox"/> Cr Greg May         |
| <input checked="" type="checkbox"/> Cr Neil Newitt     | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Sebastian Klein |   |

**Members of Council Staff present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond                     | <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas |
| <input checked="" type="checkbox"/> GM Corporate Services Evan King          | <input checked="" type="checkbox"/> Other, please specify:        |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | <i>Richard Russell</i>  |
|  | <i>Ashlyn McSavain</i>  |
|  | <i>Justin Fiddes</i>  |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned
<i>Cr McClenaghan - item 4</i>	<i>Left 1:58pm Returned 2:38pm</i>

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** *Evan King*

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



**Confidential**  
**Councillor Briefing Agenda**  
**Tuesday 8 October 2013**



<b>Tuesday 8 October 2013</b> 12:00 pm		<b>Paddock Room</b> <b>Daylesford Neighbourhood Centre</b>
<b>Chair</b>	<b>Mayor</b>	Cr Bill McClenaghan
<b>Attendees</b>	<b>Councillors</b>	Cr Pierre Niclas, Cr Kate Redwood AM, Cr Neil Newitt, Cr Sebastian Klein, Cr Don Henderson, Cr Greg May
	<b>Officers</b>	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure, and other officers as required
<b>Apologies</b>		

	<b>Time</b>		<b>Title</b>	<b>Action Officer</b>	
	12:00pm	<b>Lunch will be provided</b>			
<b>1.</b>	12:30 pm	Informal Discussion	<b>Introduction - Smeaton Primary School Site</b>	GM Community Services & Manager Community Development	<b>Page 3</b>
<b>2.</b>	12:45 pm	External Presentation	<b>Smeaton Primary School Site</b>	GM Community Services & Manager Community Development  Friends of Smeaton – Mr Ron Cosgrave	<b>Page 3</b>
<b>3.</b>	1:15 pm	Report	<b>Appointment of Community Representatives to the Clunes Community and Interpretive Centre Special Committee</b>  <b>Attachment 1</b>	General Manager Community Services & Team Leader – Clunes Community and Interpretive Centre	<b>Page 4</b>  <b>Page 5</b>
<b>4.</b>	1:30 pm	External Presentation	<b>Waste Management Strategy</b>	GM Infrastructure & Manager Assets & Engineering Services	<b>Page 7</b>

**Confidential**  
**Councillor Briefing Agenda**  
**Tuesday 8 October 2013**



Time		Title	Action Officer	
5.	2:00 pm	Verbal Presentation <b>Creswick Landfill Pollution Abatement Notice from Environment Protection Authority</b>	General Manager Infrastructure & Manager Assets & Engineering Services	<b>Page 8</b>
6.	2:30 pm	Verbal Presentation <b>Tender – Hepburn Community and Council Services Hub – Planning and Design Services</b>	GM Community Services & Manager Risk and Property	<b>Page 9</b>
7.	3:00 pm	Verbal Presentation <b>Pedestrian Safety and Access Improvements – Bleakley Street, Daylesford</b>	GM Infrastructure & Senior Project Engineer	<b>Page 10</b>
8.	3:30 pm	Verbal Presentation <b>Performance Reporting Demonstration</b>	Chief Executive Officer	<b>Page 11</b>
9.	4:15 pm	Verbal Presentation <b>Review of Policy 48 (C) – Community Facility Hire Fee Waiver Policy</b>	GM Corporate Services	<b>Page 12</b>
10.	4.45 pm	Report <b>Hepburn CFA – Proposed Fire Station</b>	Chief Executive Officer & Manager Planning	<b>Page 13</b>
11.	5:15 pm	<b>CLOSE OF MEETING</b>		<b>Page 15</b>

**DISCLOSURE OF CONFLICT OF INTEREST**

I, Councillor BILL M<sup>c</sup>CLENAGHAN hereby disclose  
 a conflict of interest in the following matter BRIEFING AGENDA ITEM  
ON WASTE MANAGEMENT STRATEGY

This matter is being considered at a meeting of

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

on TUE 08 OCT 13

The class of the interest is (tick appropriate box)

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

Please select from the following types of indirect interest:

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

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

The nature of the interest is as follows:

AS A WASTE MANAGEMENT CONTRACTOR MY  
BUSINESS IS IMPACTED BY WHATEVER NEW  
WASTE MANAGEMENT STRATEGY & COSTS THAT  
COUNCIL DECIDES ON.

Print Name: BILL M<sup>c</sup>CLENAGHAN

Signed: [Signature]

Date: 08 OCT 13

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** Councillor/CEO Meeting  
**Date:** Tuesday 15 October 2013  
**Time:** 1:00 pm

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) – Creswick Senior Citizen’s Room

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas   | <input checked="" type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood    | <input checked="" type="checkbox"/> Cr Greg May         |
| <input checked="" type="checkbox"/> Cr Neil Newitt     | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Sebastian Klein |   |

**Members of Council Staff present:**

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

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** 

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

**AGENDA  
COUNCILLOR / CEO MEETING**

<b>Tuesday 15 October 2013 Commencing 1:00 pm</b>		<b>Creswick Senior Citizens Centre Water Street, Creswick</b>	
<b>Chair:</b>	Mayor	Councillor Bill McClenaghan	
<b>Attendees:</b>	Councillors	Kate Redwood, Neil Newitt, Don Henderson, Sebastian Klein, Pierre Niclas, Greg May	
	Officers	CEO, Aaron van Egmond	
<b>Apologies:</b>	Councillors		
	Officers		
<b>COUNCILLOR ONLY TIME</b>			
11:30 pm		Councillors Only	
<b>AGENDA – COUNCILLOR / CEO MEETING</b>			
1:00 pm		CEO & Councillors	
1.	<b>CEO Appraisal discussion</b>		
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
<b>2:30pm</b>			
2:30pm	<b>Pre-Council Meeting Briefing 15 October 2013</b>		<b>Councillors and Officers</b>
4:00 pm	<b>Calembeen Park Site Visit</b>		
5:00 pm	<b>Return to Creswick Senior Citizens' Centre</b>		
5:15 pm	<b>Citizenship Ceremony - Mrs Nicola Skelton</b>		
5:30 pm	<b>Meal break - finger food with Citizenship ceremony participant and guests</b>		
6:00 pm	<b>Council Meeting - Creswick</b>		

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** FREE COUNCIL MEETING

**Date:** 15/10/18

**Time:** 2-30

**Venue:**  Council Chamber Daylesford  
 Senior Citizens Centre Daylesford  
 Other (specify) CRESWICK SENIOR CITIZENS

**Councillors present:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Cr Pierre Niclas   | <input checked="" type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood    | <input checked="" type="checkbox"/> Cr Greg May         |
| <input checked="" type="checkbox"/> Cr Neil Newitt     | <input checked="" type="checkbox"/> Cr Bill McClenaghan |
| <input checked="" type="checkbox"/> Cr Sebastian Klein |   |

**Members of Council Staff present:**

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

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** Evan King

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

## DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor NEIL NEWITT hereby disclose  
 a conflict of interest in the following matter .....  
11.2 APPOINTMENT OF COMMUNITY RECREATION REPRESENTATIVES TO THE  
GUIDES COMMUNITY INTERPRETIVE CENTRE SPECIAL COMMITTEE

This matter is being considered at a meeting of

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

on 15 OCTOBER 2013

The class of the interest is (tick appropriate box)

- a direct interest
- OR**
- an indirect interest  (see below)

Please select from the following types of indirect interest:

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

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

The nature of the interest is as follows:

MY FATHER WORKS WITH ONE OF THE COMMUNITY REPRESENTATIVES BEING  
CONSIDERED FOR THE SPECIAL COMMITTEE

Print Name: NEIL NEWITT  
 Signed: *(Signature)*  
 Date: 15 OCTOBER 2013

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** Wombat Hill Botanic Gardens Advisory Committee

**Date:** Thursday 17 October 2013

**Time:** 9.00am – 10.00am

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

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr Pierre Niclas           | <input type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood | <input type="checkbox"/> Cr Greg May         |
| <input type="checkbox"/> Cr Neil Newitt             | <input type="checkbox"/> Cr Bill McClenaghan |
| <input type="checkbox"/> Cr Sebastian Klein         |  |

**Members of Council Staff present:**

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

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** 

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





**WOMBAT HILL BOTANIC GARDENS  
ADVISORY COMMITTEE  
MEETING NO 41**

**Thursday 17 October 2013  
9.00am – 10.00am  
Council Chambers**

**AGENDA**

**Attendees:** Cr Kate Redwood, Bruce Lucas, Gael Shannon, Lisa Gervasoni, Stephen Davis, James Lowe, Robert Hewat, David Marshall, Michael O'Neil

**Apologies:**

<b>Item No.</b>	<b>Time</b>	<b>Agenda Item</b>	<b>Presenter</b>
1	9.00am	<b>Welcome &amp; Apologies</b>	Cr Kate Redwood
2	9.02am	<b>Adoption of Minutes Meeting 40 – 15 August 2013</b>	Cr Kate Redwood
3	9.05am	<b>Matters Arising from 15 August Meeting</b>	Cr Kate Redwood
4	9.10am	<b>Parks &amp; Gardens Report</b>	James Lowe
5	9.20am	<b>FWHBG Report</b> • Remaining 150 <sup>th</sup> Booklets	FOWHBG
6	9.30am	<b>Draft Mission Statement</b>	All
7	9.40am	<b>General Business</b>	All
	10.00am	<b>CLOSE</b>	

**Next Meeting: 19 December 2013**

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** Wombat Hill Botanic Gardens Annual Meeting of Stakeholders

**Date:** Thursday 17 October 2013

**Time:** 10.00am – 11.00am

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

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr Pierre Niclas           | <input type="checkbox"/> Cr Don Henderson    |
| <input checked="" type="checkbox"/> Cr Kate Redwood | <input type="checkbox"/> Cr Greg May         |
| <input type="checkbox"/> Cr Neil Newitt             | <input type="checkbox"/> Cr Bill McClenaghan |
| <input type="checkbox"/> Cr Sebastian Klein         |  |

**Members of Council Staff present:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond (15 mins for presentation) | <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas     |
| <input type="checkbox"/> GM Corporate Services Evan King                            | <input checked="" type="checkbox"/> Other, please specify: James Lowe |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan                   |   |

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

**Agenda Attached**

**Name and title of Officer responsible for this written record:**

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

**Signature:** 

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



# WOMBAT HILL BOTANIC GARDENS ANNUAL MEETING OF STAKEHOLDERS

Thursday 17 October 2013  
Council Chambers Town Hall  
10.00am to 12.00pm

## AGENDA

**Attendees:** Cr Kate Redwood, Bruce Lucas, James Lowe, Gael Shannon, Robert Hewat, Lisa Gervasoni, David Marshall, Michael O'Neil, Stephen Davis,

**Guests:**

**Apologies:**

Item No.	Time	Agenda Item	Presenter
1.	10.00am	<b>Welcome</b>	Cr Kate Redwood
2	10.10am	<b>Major Activities Over the Past 12 Months</b> <ul style="list-style-type: none"> <li>• Restoration of Rustic Cascade &amp; Fern Gully</li> <li>• Debrief of 150<sup>th</sup> Anniversary Event</li> <li>• Footpath Upgrade</li> <li>• Tree Assessment &amp; Traffic Report</li> <li>• Conservatory Glass Panel Replacement</li> </ul>	Cr Kate Redwood
3.	10.40am	<b>Review of Priority Works List</b>	Cr Kate Redwood
4.	11.20am	<b>Agency Reports</b>	
5.	11.40am	<b>General Business</b>	
		<b>CLOSE</b>	

**Actions::**

**RECORD OF ASSEMBLY OF COUNCILLORS**

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

**Title of Meeting:** International Women's Day

**Date:** Thursday 17 October 2013

**Time:** 4.00pm

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

**Councillors present:**

- |   |  |
|---|--|
| <input type="checkbox"/> Cr Pierre Niclas           | <input checked="" type="checkbox"/> Cr Don Henderson |
| <input checked="" type="checkbox"/> Cr Kate Redwood | <input type="checkbox"/> Cr Greg May                 |
| <input type="checkbox"/> Cr Neil Newitt             | <input type="checkbox"/> Cr Bill McClenaghan         |
| <input type="checkbox"/> Cr Sebastian Klein         |  |

**Members of Council Staff present:**

- CEO Aaron van Egmond
- GM Corporate Services Evan King
- GM Community Services Kathleen Brannigan
- GM Infrastructure Bruce Lucas

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

**Conflict of Interest Disclosures:**

Councillor Name	Time Left and Returned

**Matters Considered:**

Agenda Attached

**Name and title of Officer responsible for this written record:**

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

**Signature:** Michelle R Collett

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

## **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 Glenlyon Recreation Reserve Special Committee – Annual General Meeting – 25/09/2013.
- Minutes from Lee Medlyn Home of Bottles Special Committee – 2/10/2013.
- Minutes from Creswick Museum Special Committee – 7/10/2013
- Minutes from Lyonville Hall Special Committee – Annual General Meeting – 8/10/2013.

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:

- Glenlyon Recreation Reserve Special Committee:  
That Hepburn Shire Council installs a fence around the perimeter of the playground (main concern the proximity of the Loddon River).

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

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

Nil

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

Nil

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes and reports have been provided for noting.

## **OFFICER'S RECOMMENDATION**

That Council:

- 11.1.1 Receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.
- 11.1.2 Requests officers to include the installation of a perimeter fence around the playground at the Glenlyon Recreation Reserve for consideration in the 2014-2015 Budget bid.

## MOTION

*That Council:*

- 11.1.1. *Receives and notes the minutes of the Special Committee (Section 86) listed above which have been distributed under separate cover.*
- 11.1.2. *Requests officers to include the installation of a perimeter fence around the playground at the Glenlyon Recreation Reserve for consideration in the 2014-2015 Budget bid process.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Pierre Niclas

**Carried.**

## **12. COUNCIL ADVISORY COMMITTEES**

### **12.1. MINUTES OF ADVISORY COMMITTEES**

#### **GENERAL MANAGER CORPORATE SERVICES**

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

#### **PURPOSE**

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

#### **BACKGROUND**

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

#### **ISSUE/DISCUSSION**

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

Nil

These minutes have been provided to Councillors under separate cover.

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

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

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

Nil

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

Members of the community are represented on these committees.



## **CONCLUSION**

No Minutes from Advisory Committees have been received for the month of October.

## **OFFICER'S RECOMMENDATION**

12.1.1 That Council notes that no minutes from Advisory Committees have been received for the month of October.

## **MOTION**

*12.1.1. That Council notes that no minutes from Advisory Committees have been received for the month of October 2013.*

**Moved:** Councillor Bill McClenaghan

**Seconded:** Councillor Neil Newitt

**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

Nil; and

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

- Chief Executive Officer's Performance Appraisal – May 2013-May 2014.

## 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*

*Nil; and*

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

- *Chief Executive Officer's Performance Appraisal – May 2013 - May 2014.*

**Moved:** Councillor Bill McClenaghan

**Carried.**

**The Meeting Closed to Members of the Public at 7:50 pm.**

## 14. RE-OPENING OF MEETING TO PUBLIC

### RECOMMENDATION

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

### PROCEDURAL MOTION

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

**Moved:** Councillor Bill McClenaghan  
**Carried.**

**The Meeting re-opened to the Public at 7:55 pm.**

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## 15. CLOSE OF MEETING

**The Meeting closed at 7:55 pm.**

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