



HEPBURN SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
MINUTES

TUESDAY 15 MARCH 2016

DAYLESFORD SENIOR CITIZENS ROOM
VINCENT STREET, DAYLESFORD

6:00PM

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MINUTES

TUESDAY 15 MARCH 2016

Daylesford Senior Citizens Rooms
Vincent Street, Daylesford

Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
15 MARCH 2016

0. ELECTION OF CHAIR

MOTION

0.1. *That Council appoints Councillor Don Henderson chair.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

Carried.

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2. OPENING OF MEETING

PRESENT: COUNCILLOR DON HENDERSON (CHAIR), COUNCILLOR KATE REDWOOD, COUNCILLOR SEBASTIAN KLEIN, COUNCILLOR BILL MCCLENAGHAN, COUNCILLOR GREG MAY

IN ATTENDANCE: CHIEF EXECUTIVE OFFICER - AARON VAN EGMOND, GENERAL MANAGER COPERATE SERVICES - GRANT SCHUSTER, GENERAL MANAGER INFRASTRUCTURE - BRUCE LUCAS, GENERAL MANAGER COMMUNITY SERVICES - KATHLEEN BRANNIGAN, MANAGER FINANCE & IT - TRAFFORD THOMPSON, MANAGER PLANNING - JUSTIN FIDDES, GOVERNANCE & INFORMATION COORDINATOR - GRAEME MCDONALD

STATEMENT OF COMMITMENT

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

3. APOLOGIES

Councillor Neil Newitt - Central Highlands' Councils delegation to Canberra
Councillor Pierre Niclas

4. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF MINUTES

RECOMMENDATION

- 5.1. That Council confirms the following Minutes (as previously circulated to Councillors) as required under Section 93 (2) of the Local Government Act 1989:
- Ordinary Meeting of Council held on 16 February 2016

MOTION

5.1. *That Council confirms the following Minutes (as previously circulated to Councillors) as required under Section 93 (2) of the Local Government Act 1989:*

- *Ordinary Meeting of Council held on 16 February 2016*

Moved: Councillor Sebastian Klein

Seconded: Councillor Greg May

Carried.

6. NOTICES OF MOTION

Nil

7. ITEMS OF URGENT BUSINESS

Nil

8. PRESENTATION OF COUNCILLOR REPORTS

MAYOR'S REPORT

Councillor Neil Newitt, Cameron Ward

None provided.

COUNCILLOR REPORTS

Councillor Sebastian Klein, Coliban Ward

March has been a relatively quiet month on the council front with little to report except for a congratulatory note to the Trentham Second Division Bowls Team who won their pennant.

Other events I attended included:

- the Vic. Local Governance Association (VLGA) Leading the Agenda Forum with Jeff Kennett
- a number of community meetings
- a meeting with Shepparton's mayor and CEO on behalf of the VLGA
- a meeting with the LG minister and VLGA staff

Councillor Greg May, Creswick Ward

I have a brief councillor report this month. On Thursday the 3rd of March I attended the International Women's Day Heather Mutimer Honour Roll civic reception. The event was well attended and I'm sure all present enjoyed hearing from guest speaker, former ABC journalist and retired politician, Mary Delahunty.

On Sunday the 6th of March I attended the Glenlyon Food and Wine Fayre in its new location at the Glenlyon Reserve. Although unseasonably hot weather perhaps kept some visitors away I'm sure the organisers would consider the event to be a success. I think the Fayre is a great example of a dedicated community group providing an opportunity to local, small scale producers to showcase their produce, benefiting both the producers and the local community.

I also recently attended the first school council meeting for 2016 of the Newlyn Primary school in my role as a community member.

Fortunately Newlyn is one small rural school which remains open but has been grappling with declining enrolments in recent years. The school community there are therefore very pleased to have 5 new preps starting at the school this year which has increased the total enrolment to double figures.

Also I'd like to report on the commencement of road works on the Kingston – Werona road in Kooroocheang. This section of road has been sub-standard and potentially dangerous for some time and its upgrade will be greatly appreciated by local ratepayers.

Councillor Bill McClenaghan, Holcombe Ward

The really great news this month is a \$300,000 state government grant to refurbish the old Glenlyon Shire Hall. The news was announced by Ms Mary Anne Thomas, Member for Macedon, at the recent Glenlyon Fine Food and Wine Fayre two Sundays ago on 6th of March. The news was received with acclamation by the Glenlyon community and the Glenlyon Progress Association that manages the old Shire Hall.

Historically the former Shire of Glenlyon built the hall in 1890 using timber supplied by a local sawmill owned by a Councillor. Some suggested that inferior grade timber was supplied at top rates but nevertheless the old hall has stood there in Barkly Street for 126 years. When the Glenlyon Shire amalgamated with the Borough of Daylesford in 1966, the old timber hall became surplus to requirements and reverted to state government ownership as the Shire of Daylesford and Glenlyon was headquartered right here in the Daylesford Town Hall.

Sadly the over century old building is now deteriorating rapidly. Walls are separating at corners and stumps have collapsed making doors and windows well off square. External weatherboards are rotting and it seems that the last paint job is what holds many of them together.

The Glenlyon Progress Association will now engage local tradesmen to repair the community's much loved old hall over the next year. Council will conduct Streetscape works outside the hall and around the Old Glenlyon General Store. The entire hall and Streetscape project will cost \$400,000 and will be money well spent in one of our small towns where not much gets allocated compared to the larger centres.

In fact many local communities regularly celebrate their small halls. Just this coming Wednesday is the Festival of Small Halls with many small halls around the Shire involved. Many of these small halls have been lovingly and laboriously restored by volunteers in their various communities. All ? Sadly not. I find it incredible that one community wants to knock theirs down.

Another feel good small community event took place at Drummond at yet another small hall. The semi annual Drummond Community BBQ took place on Saturday 27th February. Numerous new and existing community members attended and neighbours met neighbours. Two home BBQs did the job but what we clearly need is

a permanent BBQ at the hall and tennis court facility. It would be a wonderful way to encourage community spirit and cohesion.

As well as this, I attended the International Women's Day celebration at the Daylesford Town Hall on Thursday 03rd March and witnessed two very worthy women inducted posthumously onto the Heather Mutimer Hepburn Shire Women's Honour Roll.

And of course there was the Glenlyon Fine Food and Wine Fayre, at which the hall funding announcement was made. Better than ever this year under the leafy trees of the Glenlyon Recreation Reserve, the Fayre attracted many producers, sellers and buyers locally and from way outside the Shire. One thing really stood out; we all know how some sections of the media are very critical of local government and strongly criticize Councils for wasting money. One Melbourne radio station has a reputation for that and I was delighted to be approached by a presenter from that radio station who had been to the Fayre, seen the community spirit and heard the funding announcement. He told me that he was very much impressed by what he had seen as it was all good positive stuff and that he would be giving it a good wrap up on his next radio show as good news from a small community in Hepburn Shire.

Councillor Kate Redwood AM, Birch Ward

It has been a relatively quiet month, allowing me to familiarise myself with the issues facing the Hepburn Health Board to which I have been appointed.

Over and above the usual meetings, assemblies, briefings, media interviews and constituents issues to follow up, there was:

Council's annual International Women's Day event, attended by around 130 residents to celebrate the two posthumous inductees to the Heather Mutimer Honour Roll for Women who were – Julie Ingleby and Gale Orford . The citations for these two women were particularly impressive, and are soon to be posted on Council's website. We were delighted by the Daylesford Secondary College students who spoke so well, and with our guest speaker Mary Delahunty. This is now a regular event in the annual calendar for our state representative, Mary Anne Thomas usually also for Louise Staley, and if parliament is not sitting in Canberra, for Catherine King. Frances Greenwood's photographs were a highlight - women from all over the Shire with the caption: what makes me strong. These will now rotate through Council's libraries. Thank you to Crs McClenaghan, Henderson and May for attending and to Mayor Newitt for his speech.

A special thank you to the Council staff who worked so hard to make the event such a well organised success, and to the members of the IWD Advisory Committee and Nomination Panel.

Chillout – a wonderfully colourful celebration of LGBTQI, was held over the long weekend. I was delighted to lead the Chillout parade again this year on the Sunday.

I note that the parade is attracting an ever greater number of participants each year. A thankyou to St Vincent de Paul for the loan of the bling. I was pleased to stand in for the Mayor in giving one of the opening speeches at the carnival. The crowd were cheering to hear of the Hepburn Health rainbow accreditation and this was followed with commendation from the Commissioner for LGBTQI to the Hepburn Health Service.

The month saw a meeting organised by the community health centre on issues of family violence, a breakfast meeting of BATA at which I was told by a number of participants that they would welcome more trees planted in Vincent Street, and many visits to Vic Park to observe progress with the new facilities - now with all its cladding and windows. The Friends of Wombat Hill Botanic Gardens planted 13,000 bluebell bulbs which will be spectacular in Spring.

The All Staff meeting was memorable for a wonderful welcome to country and presentation on the planned work to achieve an RAP with the Dja Dja Wurung, and also a memorable presentation on advances in turf management to achieve lines (like they have on the MCG).

Council's budget deliberations commenced, and have produced a great list of proposals for ongoing and new projects. The pressure is now on to deliver as many of these as can be afforded given the constraints on funding.

Councillor Don Henderson, Creswick Ward

I was lucky enough to attend the Anglican Church of Australia in Creswick to hear and be part of the recording of the history of the Fincham organ that has recently been installed in the church. Mr Fincham himself was there to tell of his long family history of building organs and working on organs throughout the world. I was happy to contribute on behalf of the shire.

An update of the first stage of streetscape works was given recently and it would seem that some progress can be expected in the coming years. The splash park complete with Creswick's signature pink pig and alligator are there for all to see. This project will hopefully be completed before next summer. A project which cost \$127k is a huge undertaking in Creswick and it will be appreciated when it is completed. It is good to see priority projects in other areas are progressing well with some ahead of schedule.

New signage has been erected on the Le Gerche walk due to some good work by the Ballarat Field Naturalists and Business and Tourism Creswick. Once again I represented the shire at this important event.

Glenlyon hosted what could only be described as a very enjoyable and successful Food Fair at the recreation reserve. I went over to support my colleague Cr McClenaghan and the local community. Member for Macedon Mary-Anne Thomas

announced much needed funding for the local hall and the community are to be congratulated for their hard work and persistence.

The public art piece has attracted a great deal of discussion with just one lone figure thinking it may be alright. I think it is a shame that such a great opportunity for Council to build trust with the Creswick community has been lost. Many have pointed out that our Council Plan is underpinned with an internationally recognised public consultation process and this should filter down to the way we do all things in public space.

International Women's day saw a large crowd once again maybe not up on the balcony as was one year but a consistent turnout.

I attended a meeting of Business and Tourism Creswick to share information and gain knowledge of their aspirations for businesses and tourism into the future.

Councillor Pierre Niclas, Birch Ward

None provided.

RECOMMENDATION

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

MOTION

8.1. *That Council receives and notes the Councillors' reports.*

Moved: Councillor Kate Redwood

Seconded: Councillor Bill McClenaghan

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 Chief Executive Officer 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 Chief Executive Officer 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

Ms Judy Henderson submitted a question, but was not present to ask the question. A written response will be provided to Ms Henderson.

Question 1 - Ms Liz Burns

I live next to a 16 ac block of land of which 10 ac has not been grazed nor slashed for the past 30 yrs. Despite years of complaints to Council, no effort has been made to clean up this fire, weed & vermin hazard.

Can Council please explain why they are not able to enforce their legal capacity to either compel the absent owners to clean up or for Council works dept do the clean up and charge the owners?

Answered by the Chair Councillor Don Henderson

Council derives its powers to assess and serve a fire prevention notice under section 41 of the Country Fire Authority Act 1958.

Officers inspected properties in your area including neighboring properties as part of our fire hazard inspection program. Where fire prevention notices are issued, the

property owner must take steps to comply with the notice and mitigate the identified risk in accordance with the works specified on the notice.

Where property owners do not complete the requirements of the fire prevention notice, Council does undertake enforcement works and these costs are charged to the property owner in addition to an infringement notice valued at \$1,517.00

It is also acknowledged that Councils Works Coordinator and Fire Prevention Officer met with you on site on 15 December last year to discuss the assessment of surrounding properties and did not identify any fire hazard that placed life or property at direct risk.

9.3. REQUESTS TO ADDRESS COUNCIL

Nil

10. STATUTORY PLANNING REPORTS

10.1. PLANNING APPLICATION PA 1005, USE AND DEVELOPMENT FOR CONSTRUCTION OF A DWELLING, AT 789 BLAMPIED – MOLLONGHIP ROAD ROCKLYN

CHIEF EXECUTIVE OFFICER

In providing this advice to Council as the Statutory Planning Officer, I Carolyn Harriott have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to determine the application for Use and development of the land to construct a dwelling at 789 Blampied Mollonghip Road, Rocklyn.

BACKGROUND

The land is zoned Farming Zone (FZ) – Schedule Area 1 and is subject to an Environmental Significance Overlay - Schedule 1.

The land is currently for sale with the prospective buyer the applicant.

The subject site consists of four parcels of land with a total area of approximately 9.4 hectares. The irregular shaped parcel of land has a frontage of 222.1 metres western boundary which abuts Blampied Mollonghip Road. The land is currently owned by a landowner to the south with a total holding of approx 41 hectares.

After a preliminary assessment of the application Council advised in writing that the proposal was not in accordance with the purpose or intent of the zone and other State and Local Policy. A further information request was sent to the applicant to address zone and policies, in particular:

- Clause 14.01 – Agriculture – to ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land.
- Clause 21.08 - Rural Land Use & Agriculture – to protect areas of high – very high quality agricultural land from non-complementary uses. (The subject site is designated as ‘high quality’ agricultural land).
- Clause 22.04 – Rural Land – To prevent the unsustainable use of agricultural land which limits the realisation of its full productive potential.
- Clause 35.07 – Farming Zone – An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone. The proposal has not adequately addressed the decision guidelines at Clause 35.07-6 and does not appear to meet the purpose of the zone.

A Land Management Plan was provided by the applicant on the 04 November 2015. The site had previously been used to grow roses and the applicant was proposing to undertake this activity again as part of his application.

The application was advertised to four adjoining neighbours, two objections were received.

The application was referred under Section 55 referral requirements to Goulburn Murray Water (G-MW) and Central Highlands Water (CHW). Both have given conditional consent.

The application was referred to Councils Engineering and Environmental Health Officer who gave conditional consent to the proposal.

ISSUE/DISCUSSION

State and Local Policy

State and Local Planning Policy seeks to protect productive farmland which is of strategic significance in the local or regional context, protection of high quality agricultural land from encroachment of urban land uses, to ensure rural amenity is not adversely affected by use or development in the rural areas and to ensure that the use and development of land does not conflict with adjoining and nearby agricultural uses.

- Clause 14.01 – Agriculture – to ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land.
- Clause 21.08 - Rural Land Use & Agriculture – to protect areas of high – very high quality agricultural land from non-complementary uses. (The subject site is designated as ‘high quality’ agricultural land).
- Clause 22.04 – Rural Land – To prevent the unsustainable use of agricultural land which limits the realisation of its full productive potential.

Zoning and Overlay Provisions

The Farming Zone (FZ) at Clause 35.07 seeks to protect agricultural activities on adjacent land when considering the use of the land for a dwelling and whether the use is compatible with adjoining and nearby land uses.

The decision guidelines of the Farming Zone which planning must consider are:

- The State Planning Policy framework and the Local Planning Policy framework, including the Municipal Statement and local planning policies.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- Whether the use or development will support and enhance agricultural production.

- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- Any integrated land management plan prepared for the site.
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The surrounding land is clearly used for agriculture. The proposed dwelling has the potential to detrimentally affect those uses.

The proposed agricultural use submitted for flower (crop) raising has been undertaken on this site in the past from an adjoining larger property. The agricultural use proposed, does not justify the development of a dwelling on the subject site to undertake crop raising.

There is also potential for the surrounding existing farm uses, due to noise, dust and traffic generated from trucks on a 7 day – 24 hour operation, to cause detriment to a new dwelling.

A dwelling in this location is not considered to be compatible with adjoining uses.

Clause 42.01 – ESO 1 -The proposal will meet the objectives of the Environmental Significance Overlay – Schedule One as demonstrated by the Land Capability Assessment.

The subject site is not serviced by reticulated water and sewer. Power and telecommunications are available.

Objections

The application has been advertised pursuant to Section 52 of the Planning and Environment Act, 1987, a notice on the site and by sending letters to adjoining and adjacent owners and occupiers.

As a result, two objections have been received which can be summarised below. Each point is addressed by Council Officer in italics:

- The adjoining property undertakes various agricultural activities which generate ongoing noise and amenity conflicts. There is a 24 hour, 7 day a week weighbridge for heavy vehicles (semis and b doubles) approx. 200mts north west of the subject site.
- A saw mill with log trucks coming and going.
- Agricultural activities which involve irrigation pumps required to be operational 24/7 as well as fertilizers etc.

The purpose of the Farming Zone as stated above under local policy encourages the protection of existing agricultural activities on adjacent land when considering the use of the land for a dwelling, whether the use is compatible with adjoining and nearby land uses and whether there is potential for amenity detriment to the proposed new use of the land for a dwelling to conflict with the surrounding existing uses. The potential for the use to limit the operation and expansion of adjoining agricultural uses has been stated as a concern by the objector.

- Granting of the permit would cause a precedent in the Farming Zone.

The proposal to undertake an agricultural use for crop raising – propagation or cultivation of flowers does not require a permit for the use. However the use of the land to develop a dwelling must respond to the decision guidelines for the zone. The proposal has not demonstrated the dwelling would support and enhance the proposed agricultural activity. The proposal potentially could lead to a concentration of dwellings in the area and impact on the use of the land for agriculture.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

This application meets Council's obligations as Responsible Authority under the *Planning and Environment Act 1987*.

FINANCIAL IMPLICATIONS

Any application determined by Council or under delegation of Council and which is subject to appeal rights, may incur costs.

RISK IMPLICATIONS

Not Applicable

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Not Applicable

COMMUNITY AND STAKEHOLDER ENGAGEMENT

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

CONCLUSION

The proposed use and development of the land for a dwelling does not support the objectives and outcomes as stated in the State and Local policies and Zone objectives of the Hepburn Planning Scheme.

The application seems to be speculative in nature and should not be supported.

OFFICER'S RECOMMENDATION

That Council:

- 10.1.1. Having caused notice of planning application PA 1005 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to refuse a permit in respect of the land known as and described as 789 BLAMPIED – MOLLONGGHIP ROAD ROCKLYN for the following reasons:
- 10.1.2. The application is speculative and will not support and enhance agricultural production
- 10.1.3. The proposed dwelling may limit the operation and expansion of adjoining and nearby agricultural uses
- 10.1.4. The dwelling will result in a loss and fragmentation of productive agricultural land.
- 10.1.5. The proposed dwelling will permanently remove high quality agricultural land from an agricultural use.
- 10.1.6. The dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- 10.1.7. The application is not in accordance with the purpose and objectives of Clauses 14.01 - Agriculture, 21.08 - Rural Land Use and Agriculture, 22.04 - Rural Land and 35.07 - Farming Zone of the Hepburn Planning Scheme.

MOTION

That Council having caused notice of planning application PA 1005 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to issue a **Notice of Decision to Grant a Permit** under the provisions of the Hepburn Planning Scheme in respect of the land known and described as 789 Blampied-Mollonghip Road, Rocklyn, for the Use/Development of a Dwelling subject to the following conditions:

ENDORSED PLANS

- 10.1.1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

COUNCILS - ENVIRONMENT HEALTH OFFICER

- 10.1.2. An application to install a septic tank system must be submitted prior to any works commencing.
- 10.1.3. An EPA approved Septic Tank System must be installed in accordance with the Code of Practice: Onsite Wastewater Management
- 10.1.4. The effluent disposal field must be located in an area that is able to satisfy minimum setbacks from dams and waterways. A 60m setback must be satisfied from any proposed or existing dams and 100m from declared waterways.

CENTRAL HIGHLANDS WATER CONDITIONS

- 10.1.5. The dwelling and effluent disposal system shall be located strictly in accordance with the Land Capability Assessment by Provincial Geotechnical Pty Ltd reference G5075 dated 13th of August 2015.
- 10.1.6. The owner shall install a wastewater management system that provides a primary level of treatment of wastewater, in accordance with the recommendations in section 4 of Land Capability Assessment by Provincial Geotechnical Pty Ltd reference G5075 dated 13th of August 2015. The effluent disposal field must be located 100 metres from the nearest waterway.
- 10.1.7. Prior to a Building Permit being issued for a dwelling the owner shall enter into an agreement with Central Highlands Region Water Corporation (CHW)

and the responsible authority under Sections 173 and 174 of the Planning and Environment Act 1987, requiring that:

(a) The owner shall have any wastewater treatment facility and effluent disposal system for the dwelling inspected annually by a qualified environmental health officer ("the EHO") and shall provide annually to both the Shire and to CHW a written report from the EHO on the condition of the wastewater treatment and effluent disposal system.

(b) The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by the EHO and evidence of this desludging shall be provided in the EHO report referred to in Clause (a) herein.

(c) The Owner shall carry out any works considered necessary by the EHO to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.

(d) The owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.

(e) The Owner and the Shire agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.

(f) The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c) and (d) herein and all costs of the Shire in relation to stamping and registration of this Agreement.

(g) The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (e) herein.

10.1.8. The landowners shall meet all costs of preparing and recording this agreement.

GOULBURN MURRAY WATER CONDITIONS

10.1.9. All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval and to the satisfaction of council's Environmental Health Unit.

10.1.10. *The wastewater disposal area must be located:*

- *at least 100 metres from the creek;*
- *at least 40 metres from the nearest drainage line; and*
- *at least 20 metres from the nearest bore.*

10.1.11. *The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.*

10.1.12. *No buildings or works may be erected or carried out within 30 metres of a waterway.*

Planning Note:

Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on 1800 013 357.

COUNCILS INFRASTRUCTURE DEPARTMENT CONDITIONS

STORMWATER DRAINAGE

10.1.13. *Naturally occurring drainage line shall be maintained for the purpose of stormwater drainage. No stormwater shall drain or discharge from the land to adjoining properties.*

ACCESS

10.1.14. *Vehicle access/crossing to the property is to be located, constructed of all weather surface and maintained to the satisfaction of the Responsible Authority.*

10.1.15. *Vehicle access/crossing to the property is to be a culvert constructed using 300 mm class 2 concrete pipe laid to match existing invert levels. Pipe*

bedding shall be laid on solid subgrade and shall be a compacted depth of 75 mm of class 3 crushed rock or equivalent gravel. The vehicle driveway area and pipe backfill shall be class 3 crushed rock or equivalent gravel and the driveway shall have a compacted depth of 150 mm to cater for domestic and normal traffic (not commercial). The culvert shall have endwalls to match the culvert invert preferably low profile precast concrete endwalls. Installation shall be in compliance with Councils Standard Drawing 2003-004.

10.1.16. *Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.*

10.1.17. *All works must complete prior to occupation.*

10.1.18. *All costs incurred in complying with the above conditions shall be borne by the permit holder.*

10.1.19. *Prior to the Use/Development commencing, the Land Management Plan prepared by iPlanning Services PTY LTD - October 2015 must be submitted to and approved to the satisfaction of the Responsible Authority. Once endorsed the plan will form part of this permit. The plan must include:*

- *specific timelines and actions against all of the land management plan and strategies section of the plan.*

END OF CONDITIONS

Note:

This permit will expire if the permitted use/development is not started within two years of the date of this permit, or is not completed within four years of that date.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

Within six months afterwards if the development has not been started.

Within twelve months afterwards if the development started lawfully before

the permit expired.

Moved: Councillor Greg May

No seconder for the motion

Lapsed.

MOTION

That Council:

- 10.1.1. *Having caused notice of planning application PA 1005 to be given under Section 52 of the Planning and Environment Act 1987, and having considered all the matters required under Section 60 of the Act decides to refuse a permit in respect of the land known as and described as 789 BLAMPIED – MOLLONGGHIP ROAD ROCKLYN for the following reasons:*
- 10.1.2. *The application is speculative and will not support and enhance agricultural production*
- 10.1.3. *The proposed dwelling may limit the operation and expansion of adjoining and nearby agricultural uses*
- 10.1.4. *The dwelling will result in a loss and fragmentation of productive agricultural land.*
- 10.1.5. *The proposed dwelling will permanently remove high quality agricultural land from an agricultural use.*
- 10.1.6. *The dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- 10.1.7. *The application is not in accordance with the purpose and objectives of Clauses 14.01 - Agriculture, 21.08 - Rural Land Use and Agriculture, 22.04 - Rural Land and 35.07 - Farming Zone of the Hepburn Planning Scheme.*

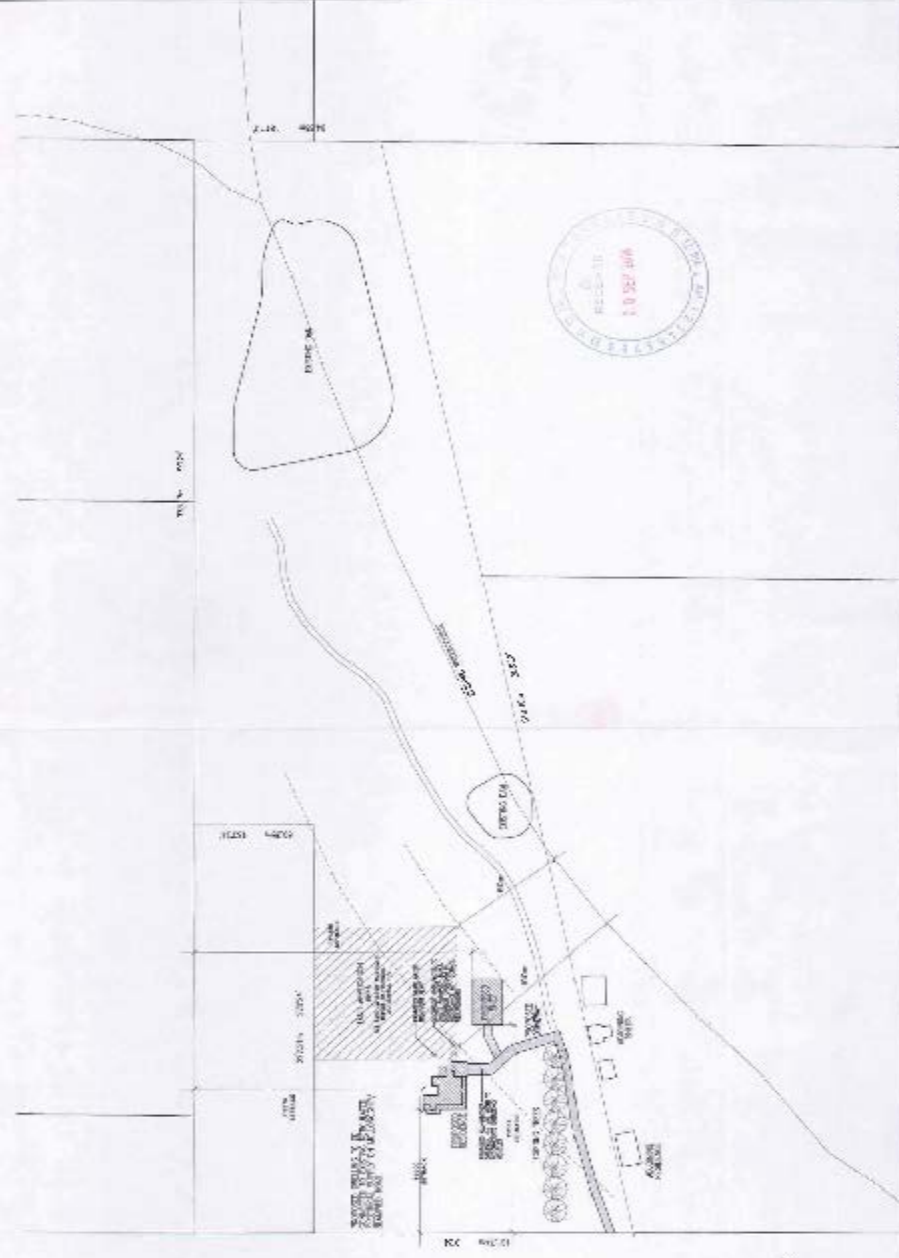
Moved: Councillor Bill McClenaghan

Seconded: Councillor Sebastian Klein

Carried

ATTACHMENT 1 - SITE PLAN

SB - 70
ENVIRONMENTAL
STATE OF MASSACHUSETTS



MOLLOMGRIP / BLAMPED ROAD



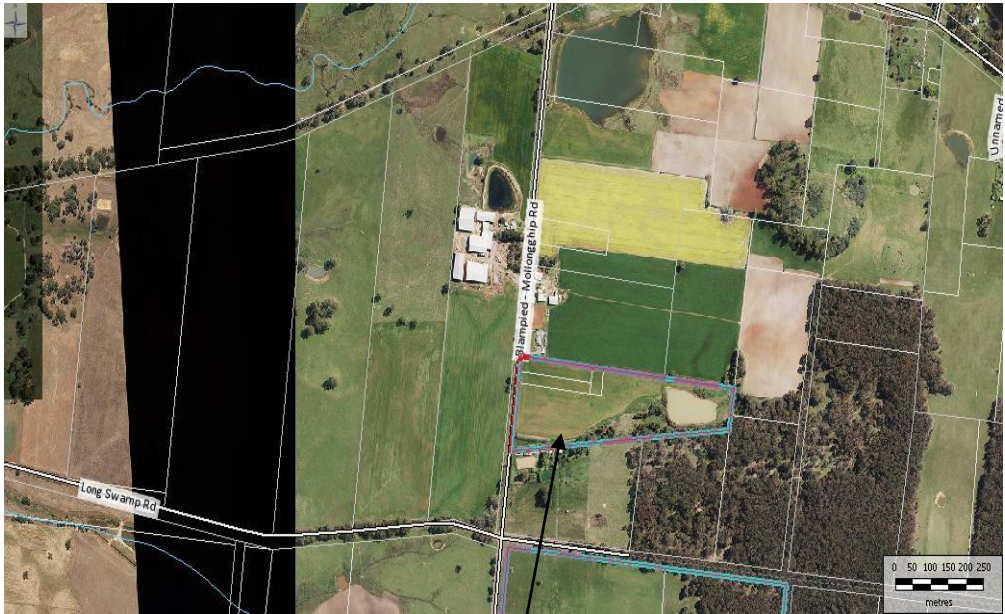
Proposed Residence

for **LARRY AND TERRY BRAGGAS**
 at **755-34-16-2100 .55-250' SOD**
 made by **MASSACHUSETTS ENVIRONMENTAL**
 STATE OF MASSACHUSETTS

Item	Proposed	Approved	Expiry
1.0	1.0	1.0	1.0
2.0	2.0	2.0	2.0
3.0	3.0	3.0	3.0
4.0	4.0	4.0	4.0
5.0	5.0	5.0	5.0
6.0	6.0	6.0	6.0
7.0	7.0	7.0	7.0
8.0	8.0	8.0	8.0
9.0	9.0	9.0	9.0
10.0	10.0	10.0	10.0

MASSACHUSETTS ENVIRONMENTAL STATE OF MASSACHUSETTS
 RECEIVED 10 23 2013
 10 23 2013

ATTACHMENT 2 - AERIAL PHOTO OF SUBJECT SITE



Subject Site

11. OFFICERS' REPORTS

11.1. RATE CAP VARIATION 2016-17

GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is for Council to consider whether it will submit to the Essential Services Commission to request a variation to the rate cap of 2.5% for 2016-17.

BACKGROUND

The Victorian State Government introduced new legislation in late 2015 to limit the independence of local councils state wide. The state government has, with little consultation, made a decision to cap the annual rate increase of local councils to the Consumer Price Index irrespective of the particular circumstances of each council. In late December 2015, the Minister for Local Government announced that the cap for 2016-17 will be 2.5%.

At the ordinary meeting on 19 January 2016, Council resolved to:

7.2.1. Write to the Essential Services Commission stating Council's view that the required 2.5% rate cap for 2016/17 could significantly alter Council's sustainable 10 year financial plan, and therefore advising that Council intends to apply for a higher cap for 2016/17.

7.2.2. Request further information from the officers of the budget implications of the 2.5% rate cap.

ISSUE/DISCUSSION

The impact from a rate cap of 2.5% in 2016-17 will not be felt in the first year. Instead, after a few years, the cumulative impact will result in tough and unavoidable service reductions decisions for the Hepburn community. No longer will the Council effectively be able to democratically work with the community to provide services that are required and sought after.

Hepburn Shire Council engaged extensively in developing its four year Council Plan and 10 year financial plan in 2013 and agreed with the community to cap rate increases at 4.0% per year. Council agrees with the need to provide certainty and the need to cap rates, but the level should not be set by State Government in a one-size fits all approach.

For Hepburn to achieve the cap it has of 4.0% has not been easy. Council has had a significant focus on efficiency in how we work, how we buy things and how we deliver services. Council has made significant savings in utility costs, has steadied the annual increase in employee costs, has found additional income through interest and rent and has streamlined many processes and systems. The results of this focus is evident when comparing our long term financial plan targets for 30 June 2016 set in 2014 to our current forecast:

30 June 2016	LTFP 2014	Forecast 2015/2016
Working Capital	115%	234%
Loan Balance	\$4.1M	\$2.7M
Indebtedness	18%	14%
Annual Renewal Spend	\$4.6M	\$6.2M

We are currently in a position where Hepburn Shire Council is closing the gap on asset renewal investment and service delivery that has been lacking the past. The Victorian State Government is putting that at risk.

Given the late timing of the announcement of the rate cap for 2016-17 and the extremely onerous 'Variation Submission' process, it is effectively impossible for a small local shire such as Hepburn to submit a variation in the first year. The level of consultation is not possible to achieve in the two months provided and the level of detail required would cost us approximately \$30,000 to meet.

It is therefore unfortunate that Council is not reasonably able to submit for a variation to the rate cap in 2016-17. However, due to our good management and Council commitment to a 4.0% rate cap, we are very well positioned to manage the rate cap in 2016-17 through not putting any further money aside to cash for one year.

During 2016-17, Council will seek to work with the community to understand the long term impacts of the rate cap and come to agreement on the preferred annual increase. This will then enable Council to submit to the ESC for a variation in future years.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The Victorian State Government has imposed new legislation to cap local government annual rate increases. Although there is a mechanism in the legislation to submit for a variation, due to the late timing in this first year, it is effectively impossible for small shires to submit for and obtain a variation to the cap.

FINANCIAL IMPLICATIONS

The 10 year impact of a rate cap of 2.5% a year, compared to 4.0% will be \$3,100,000 less to spend on services and infrastructure such as:

- Libraries

- Aged and Disability Services
- Swimming Pools
- Sport and Recreation Playing Fields, Indoor Stadiums, Netball and Tennis Courts
- Walking and Cycling Trails
- Road Network
- Community Halls, Rooms and Function Facilities
- Public Gardens and Reserves

RISK IMPLICATIONS

The risks to future service delivery are significant.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The social and economic implications on the community are significant.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Although Council extensively consulted in developing its long term financial plan and its Council Plan, and has since consulted in implementing these, this consultation is considered insufficient by the State Government to meet the rate cap variation criteria.

CONCLUSION

Council has made many difficult decisions to build a strong financial position and to deliver improved services. This has positioned us to be able to effectively manage a 2.5% rate cap in 2016-17 without impacting services or Council Plan delivery. However, future years will have an increasing detrimental impact on services to our community. This is forecast to lead to \$3,100,000 less per annum to spend on services and infrastructure in 10 years time.

OFFICER'S RECOMMENDATION

That Council:

- 11.1.1. Reluctantly resolves not to submit for a variation to the rate cap in 2016-17 due to it being unfeasible for Hepburn Shire to prepare the level of evidence expected of it in the unreasonably short amount of time provided by the Victorian State Government.
- 11.1.2. Writes an open letter to the Essential Services Commission and to the Minister for Local Government, which is also published in the Council Page of The Advocate, stating the very likely long-term community impacts to come from rate capping that will only be shielded for a couple of years by our current strong financial position.

MOTION

That Council:

- 11.1.1. *Resolves not to submit for a variation to the rate cap in 2016-17 due to it being unfeasible for Hepburn Shire to prepare the level of evidence expected of it in the unreasonably short amount of time provided by the Victorian State Government.*
- 11.1.2. *Writes an open letter to the Essential Services Commission and to the Minister for Local Government, which is also published in the Council Page of The Advocate, stating the very likely long-term community impacts to come from rate capping that will only be shielded for a couple of years by our current strong financial position.*

Moved: Councillor Kate Redwood

Seconded: Councillor Sebastian Klein

AMENDMENT

That Council:

- 11.1.1. *Resolves not to submit for a variation to the rate cap in 2016-17.*
- 11.1.2. *Writes to the Essential Services Commissioner and to the Minister for Local Government, stating the very likely long-term community impacts to come from rate capping that will only be shielded for a couple of years by our current strong financial position.*
- 11.1.3. *Collaborates with other Councils on the issue.*

Moved: Councillor Bill McClenaghan

No seconder for the amendment

Lapsed

MOTION

That Council:

- 11.1.1. *Resolves not to submit for a variation to the rate cap in 2016-17 due to it being unfeasible for Hepburn Shire to prepare the level of evidence expected of it in the unreasonably short amount of time provided by the Victorian State Government.*
- 11.1.2. *Writes an open letter to the Essential Services Commission and to the Minister for Local Government, which is also published in the Council Page of The Advocate, stating the very likely long-term community impacts to come from rate capping that will only be shielded for a couple of years by our current strong financial position.*

Moved: Councillor Kate Redwood

Seconded: Councillor Sebastian Klein

Carried.

11.2. REVIEW OF ELECTION PERIOD CARETAKER POLICY
GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to consider adopting a revised Election Period Caretaker Policy.

BACKGROUND

Hepburn Shire Council developed and implemented an Election Period 2012 Caretaker Policy prior to the last general election. This was prior to it being a legislative requirement.

ISSUE/DISCUSSION

The 2012 policy was effective in managing Council's actions during the caretaker period.

The policy has been revised to prepare Council for the 2016 general election 'caretaker' period which commences on 20 September 2016.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

The *Local Government Amendment (Improved Governance) Act 2015* amended the *Local Government Act 1989* to make it mandatory for Council's to have an election caretaker policy for each general election. It must be adopted by 31 March 2016 and will require update again in September 2019 (a year before the 2020 election).

FINANCIAL IMPLICATIONS

Although there are significant costs associated with the general election, there are no further financial implications resulting from this policy.

RISK IMPLICATIONS

This policy contributes to managing Council's legislative and reputational risks associated with the general election caretaker period.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

None noted.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The draft policy was presented to the Audit and Risk Advisory Committee. The committee recommends that Council considers adopting the revised Election Period 2016 Caretaker Policy 2016.

CONCLUSION

The revised policy will enable Council to be well prepared for managing the election caretaker period.

OFFICER'S RECOMMENDATION

11.2.1. That Council adopts the revised Election Period 2016 Caretaker Policy and makes it available to the public and all election candidates in advance of the caretaker period.

MOTION

11.2.1. *That Council adopts the revised Election Period 2016 Caretaker Policy and makes it available to the public and all election candidates in advance of the caretaker period.*

Moved: Councillor Greg May

Seconded: Councillor Bill McClenaghan

Carried.

ATTACHMENT 3 - DRAFT ELECTION PERIOD 2016 CARETAKER POLICY

► ELECTION PERIOD 2016 CARETAKER POLICY

POLICY NUMBER:	66 (C)
NAME OF POLICY:	ELECTION PERIOD 2016 CARETAKER POLICY
DATE OF NEXT REVIEW:	September 2019
DATE APPROVED:	<Insert date adopted by Council>
RESPONSIBLE OFFICER:	General Manager Corporate Services
REFERENCES:	<i>Local Government Act 1989</i> <i>Local Government Amendment (Improved Governance) Act 2015</i>

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.

▶ ELECTION PERIOD 2016 CARETAKER POLICY

INTRODUCTION

The Hepburn Shire Council is committed to good governance and to fair and democratic elections and therefore adopts and endorses the following caretaker policy to apply during the 2016 election period.

The purpose of Council's caretaker policy is to ensure that the ordinary business of local Government at Hepburn Shire Council continues throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established "caretaker" conventions. The policy sets out how Council will:

- avoid making decisions which would affect voting in the election or could reasonably be made after the election;
- not use resources inappropriately during the election period prior to the election;
- limit public consultation and the scheduling of Council events;
- ensure that access to information held by Council is made equally available and accessible to all candidates during the election.

SCOPE

This policy applies to councillors, 2016 election candidates and staff of Hepburn Shire Council up to and during the election period.

POLICY

1. Election Period

The Local Government Act 1989 ("the Act") Section 3(1) defines the election period to be the period that:

- starts on the last day on which nominations for that election can be received; and
- ends at 6 pm on election day.

For the 2016 general election, the election period will be:

- from the commencement of Tuesday 20 September 2016
- until 6:00pm on Saturday 21 October 2016

2. Decision Making

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making significant decisions that bind an incoming Council. This includes a commitment to comply with the requirements of section 93A of the Act relating to “major policy decisions”, as well as not making decisions which could affect the election or could be made after the election period.

a. Major Policy Decisions

Section 93A of the Act prohibits the Council, a Special Committee or a person acting under delegation from the making of major policy decisions during an election period for a general election.

‘Major Policy Decisions’ are defined in the Act to be decisions:

- 1) relating to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer;
- 2) to terminate the appointment of a Chief Executive Officer under section 94 of the Act;
- 3) to enter into a contract the total value of which exceeds whichever is the greater of:
 - a) \$150,000 for goods and services contracts, \$200,000 for works contracts or such higher amount as may be fixed by Order in Council under section 186(1); or
 - b) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
- 4) to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$150,000 for goods and services contracts, \$200,000 for works contracts or 1% of the Council's revenue from rates and charges in the preceding financial year.

For the purposes of the 2016 election period, 1% of rates and charges revenue is \$180,390, therefore the greater value is \$180,390 for goods and services, and \$200,000 for works.

► ELECTION PERIOD 2016 CARETAKER POLICY

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular major policy decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 93A(2) of the Act.

b. Significant Decisions

In addition to major policy decisions as defined, other decisions may be controversial. The Chief Executive Officer will present advice on these matters in the context of:

- Council obligations under relevant legislation
- Existing Council policies and strategies
- Good professional practice.

The Council will however avoid making decisions during an election period that are of a significant nature and which would unnecessarily bind an incoming Council, unless the matter under consideration is urgent and cannot be deferred without having a negative impact on the Council, the municipality or the local community. Council will not make decisions that may affect the outcome of the election and could be deferred until after the election.

3. Electoral Matter

The Council will ensure that it complies with section 55D of the Act which requires that a Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during an election period unless it only contains information about the election process.

4. Council Publications

Section 55D of the Act imposes limitations on Council publications during the election period. This is to ensure that the Council does not publish material with public funds that may influence, or be seen to influence people's voting decisions. Refer to table 1 for a list of publications effected and how Council will deal with each type of publication, including certification requirements.

5. Certification Process

Relevant Council publications (newsletters, pamphlets, advertisements/advertorials, website and media releases) must be certified by the CEO before they may be printed, published or distributed during the election period, whether by the Council or by anyone acting for the Council.

To achieve this objective during an election period, all publications including newsletters, pamphlets, advertisements/advertorials, website and media releases will be reviewed and scrutinised to ensure they do not contain electoral material. Any publications which the Chief Executive Officer considers contain electoral material, will be modified, suspended, or withdrawn from display and/or distribution during the election period.

The Council website will be checked at the commencement of the caretaker period to ensure that information displayed could not be regarded as electoral material. This check will be undertaken by the Communications Officer and offending material removed.

The CEO must not certify a publication that contains electoral matter, unless that material is only about the election process. It is an offence for the CEO to intentionally or recklessly contravene this requirement.

The CEO's certification must be in writing and cannot be delegated to anyone else.

The following words will be used over the CEO's signature:

"Certified by the Chief Executive Officer in accordance with section 55D of the Local Government Act 1989"

Note that the certification does not need to be printed on published copies of a document. Copies of all certifications and certified documents must be retained in Council's Records System (TRIM and in hard copy).

6. Councillors

The Election Period Caretaker Policy does not restrict the ability of Councillors to issue media releases or make media comment in their own name and using their own resources.

There are however a number of prohibitions in relation to how a candidate conducts himself/herself during an election campaign and penalties apply. The majority of these are covered in sections 52 to 62B of the Act.

7. Council Resources

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except in regard to supporting the actual election process. The Council therefore commits to the principle that it will ensure that Council resources are not used inappropriately during an election period. See table 1 for a list of resources effected and how Council treat each of them.

Any staff member who considers that a particular use of Council resources may influence voting in the election must obtain approval as outlined in this policy before authorising, using or allocating the resource.

a. Events, Activities and Support Services

In applying this principle, the following will be normal practice during an election period for a general election:

- Public events will only be organised and run by the Council Administration if they are part of the normal services or operation of the Council and the scheduling of the event during the election period is deemed to be appropriate.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.
- Media services, including media releases, will not be provided for individual Councillors by the Council Administration during the election period.

▶ ELECTION PERIOD 2016 CARETAKER POLICY

- Individual Councillor Newsletters will not be resourced by the Council in any way during the election period.
- Council Management will ensure that action on requests for service will continue to be based on established methods of setting priorities and from existing budget allocations with no bias with respect to requests from Councillors or election candidates.

These practices will be modified as appropriate for the election period.

b. Equipment, Stationery and Facilities

In accordance with current Council policy and practice, Council resources, including office and hospitality facilities, support staff, equipment/services, merchandise and stationery are provided or made available to Councillors for normal Council business and are therefore not to be used in connection with any electoral activities.

Council logos or letterheads, Hepburn Shire Council branding or Council provided photographs will not be used by Councillors in any way that relates to an election. Similarly, Council funded telephone (mobile or landline) numbers and email addresses are not to be used by Councillors as contact points in their election campaign material.

Council supplied computers, iPads and internet connections will not be used for campaign related purposes.

Mobile phone costs associated with electioneering will not be paid for by Council. Councillors will be required to use another mobile phone for electioneering.

Reimbursement of Councillors' out-of-pocket expenses during an election period will only apply to costs that have been incurred in the performance of official council duties and not for expenses that could be perceived as supporting or connected with a candidate's election campaign.

c. Council Business

As Councillors must continue to perform their elected role during an election period, they will, as a matter of course, receive all necessary information for them to fulfill that role. Information to be provided to Councillors will include:

- Information that is publicly and freely available – Council Plans, Annual Reports, strategies, policies and the like.
- Information and advice provided by Council's Management, as part of Council Meeting agendas. This information is, of course, publicly and freely available.
- Briefing Papers in relation to matters to be decided upon at forthcoming Council Meetings. It is likely that the briefing information provided to Councillors during an election period will be of a more routine nature than normal, given the approach to decision making during the election period.

d. Requests for Information

All requests received by Council staff for information about Council projects, programs or services, will be responded to in a 'business as normal' manner. This means up to date responses will be provided about progress on Council projects or services equally to Councillors, candidates and citizens.

Council staff will be particularly careful and conscious of the need to provide accurate and complete information. However a 'business as normal' approach does not include extensive research or analysis involving significant Council resources or providing a level of information which would not normally be available.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the Chief Executive Officer or his/her delegate for consideration.

All election related enquiries from candidates or prospective candidates will be referred to the Returning Officer appointed to conduct the election.

Applications for information under Freedom of Information legislation will be dealt with in the normal manner.

► ELECTION PERIOD 2016 CARETAKER POLICY

DEFINITIONS

The following terms are referred to in the policy.

Term	Definition
Council	Hepburn Shire Council
Council Staff	Includes permanent and temporary full-time and part-time council employees, and contractors and consultants while engaged by Council.
Electoral advertisement, handbill, pamphlet or notice	As per Section 3(1) of the Act means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.
Electoral matter	<p>As per Section 3(1A) of the Act means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of 'electoral matter', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ul style="list-style-type: none">(a) the election; or(b) a candidate in the election; or(c) an issue submitted to, or otherwise before, the voters in connection with the election.

► ELECTION PERIOD 2016 CARETAKER POLICY

Term	Definition
Publish	As per Section 3(1) of the Act means publish by any means including by publication on the Internet.
The Act	Local Government Act 1989

FURTHER INFORMATION

Any enquiries about the Election Period 2016 Caretaker Policy should be directed to Council's General Manager Corporate Services.

IMPLEMENTATION

In accordance with section 93B (4) of the Act, a copy of this policy will:

- a) be given to each Councillor as soon as practicable after it is adopted; and
- b) be available for inspection by the public at Council's customer service centres in Daylesford, Creswick and Clunes; and
- c) be published on the Council's Internet website maintained under section 82A.

The policy and the related certification processes will be communicated to all staff in the lead up to the election period.

REVIEW

The Election Period Caretaker Policy will be formally reviewed and updated at least one year prior to each Hepburn Shire general election in accordance with section 93B (2) of the Act, or as required by legislative changes.

The officer responsible for the review of this policy is the General Manager Corporate Services.

TABLE 1
COUNCIL PUBLICATIONS AND RESOURCES

	Publications	Resources
	<i>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</i>	<i>Councils should ensure that council resources, including staff, are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</i>
Annual report	<p>The annual report is required by law and would not normally be considered an “advertisement, handbill, pamphlet or notice”. It does <u>not require certification</u>.</p> <p>However, the annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.</p> <p>In addition, if a Council will be printing or distributing a greater number of copies of the annual report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.</p>	<p>Section 131(6) of the Act requires the Council to normally submit its annual report to the Minister no later than 30 September each year.</p> <p>This is a proper use of Council resources.</p>
Annual report summary	<p>Any publication of an extract or summary of the annual report is regarded as a pamphlet and must be <u>subject to the certification process</u>.</p>	<p>Council resources should not be used to produce or distribute any summary of an annual report during the election that would be regarded as electoral material.</p>

► ELECTION PERIOD 2016 CARETAKER POLICY

<p>Council meetings</p>	<p>Agenda papers and minutes of meetings are not considered advertisements, handbills, pamphlets or notices and <u>do not require certification</u>.</p> <p>However, if Council meeting papers are printed or published for a wider distribution than normal, they will be treated as pamphlets and be subject to the certification process.</p>	<p>The conduct of Council meetings, as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.</p>
<p>Advertisements & notices</p>	<p>All Council advertisements and notices must be <u>subject to the certification</u> process during an election period. This includes job advertisements and various notices, such as, Council meetings and road closures.</p> <p>Newspaper notices giving dates, times and locations of meetings are not regarded as electoral matter under section 3(1) of the Act and <u>do not require certification</u>.</p>	<p>-</p>
<p>Web site – new material</p>	<p>Any new material published on the Council’s web site during the election period that may be considered an advertisement, handbill, pamphlet or notice <u>must be subject to the certification process</u>.</p> <p>As noted above, Council agendas, minutes of meetings and full annual reports do not require certification if published in the usual way.</p>	<p>Councils web sites will not be used to convey information that could be regarded as electoral material unless it is only about the election process.</p>

► ELECTION PERIOD 2016 CARETAKER POLICY

<p>Web site – existing material</p>	<p>It is not necessary to certify material that was published on the Council’s web site well before the election period.</p> <p>The Council web sites will be checked at the start of the election period by the Communications Coordinator (see : Section 5 certification process)</p> <ul style="list-style-type: none"> • Profiles of Councillors who are candidates will be removed from the web site, but not contact details. • Information prominently displayed on the web site that might be regarded as likely to influence how people vote will be removed. 	<p>Council's web sites should not be used to convey information that could be regarded as electoral material unless it is only about the election process.</p>
<p>Social media</p>	<p>Any publication on social media sites like facebook or twitter, which are auspiced by the Council, <u>will require certification by the CEO.</u></p> <p>Similar requirements apply to Council blog sites.</p>	<p>Council auspiced social media must not be used for election campaigning.</p> <p>Council will limit access to its social media sites during the election period and undertake constant monitoring to ensure no electoral matter is posted.</p>
<p>Email</p>	<p>Emails that are part of the normal conduct of Council business will not require certification.</p> <p>However, any emails with multiple addressees, used for broad communication with the community, will be subject to the certification process.</p>	<p>Council email services must not be used for electioneering purposes.</p> <p>If necessary, Councillors and other candidates should be referred to one or more of the free email providers for private email addresses.</p>
<p>Correspondence</p>	<p>Mass mail outs or identical letters send to a large number of people by or on behalf of Council will be <u>subject to the certification process.</u></p>	<p>Council staff will not prepare Councillors’ private mail or electoral correspondence and such material must not be printed on Council stationery or using Council equipment.</p>

▶ ELECTION PERIOD 2016 CARETAKER POLICY

<p>Mobile phones</p>	<p>-</p>	<p>Mobile phone costs associated with electioneering will not be paid for by the Council.</p> <p>Councillors will be required to use another mobile phone for electioneering.</p>
<p>Council offices and libraries</p>	<p>Existing documents available to the public at Council offices and libraries do not normally require CEO certification.</p> <p>However, any increase in the availability of a publication should be subject to certification.</p> <p>Staff will check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed.</p>	<p>Electoral material, including pamphlets, posters and notices should not be visible or available at any Council premises during an election.</p> <p>The only exception to this is material issued by the returning officer for the purpose of conducting the election.</p>
<p>Media releases</p>	<p>Media releases are documents that <u>require certification by the CEO.</u></p>	<p>Council staff must not prepare, or assist in the preparation of, media releases that contain electoral material.</p> <p>Councillors should be advised that media releases dealing with their election campaign should only be issued privately.</p>

► ELECTION PERIOD 2016 CARETAKER POLICY

<p>Events</p>	<p>Material printed or disseminated during the election period to publicise a function or event must be <u>subject to the certification process</u>.</p>	<p>Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.</p> <p>Normal Council events are not prohibited in the election period. These will be kept to a minimum.</p> <p>Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering.</p>
<p>Speeches</p>	<p>Any publication or distribution of Councillors' speeches by the Council must be <u>subject to the certification process</u>.</p>	<p>Council staff and resources will not be used to prepare or publish speeches that contain electoral matter.</p>
<p>Title of "Councillor"</p>	<p>-</p>	<p>Councillors may use the title "Councillor" in their election material, as they continue to hold their positions in the period.</p> <p>To avoid confusion, Councillors must ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council or its views.</p>
<p>Returning officer</p>	<p>The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC returning officer do not need certification.</p> <p>However, if the returning officer is a member of Council staff, section 55D(4)</p>	<p>-</p>

▶ ELECTION PERIOD 2016 CARETAKER POLICY

	may apply and the Council should seek advice.	
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While this document provides general guidance, the definitive statement of legal obligations is the law itself – particularly the relevant provisions of the *Local Government Act 1989*.

**11.3. MEMORANDUM OF UNDERSTANDING - GREAT TRENTHAM SPUDFEST
GENERAL MANAGER COMMUNITY SERVICES**

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

PURPOSE

The purpose of this report is to recommend that Council enter into a three year Memorandum of Understanding (MOU) between Hepburn Shire Council and the Great Trentham Spudfest Committee.

BACKGROUND

The Great Trentham Spudfest celebrates Trentham's rich history as a renowned potato-growing region and celebrates all things potato. Now in its ninth year, along with a wide variety of activities and events including cooking displays, music, great food and games, it gives growers a chance to show off their produce. The event is Trentham's largest one-day event and successfully brings together the local community and visitors to acknowledge the humble spud and engages people of all ages.

The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a positive working relationship between the Hepburn Shire Council (Council) and the Great Trentham Spudfest Committee, to ensure the future sustainability and growth of the event in the Hepburn Shire. It seeks to ensure that a transparent and accountable agreement is in place between the Hepburn Shire Council and the Great Trentham Spudfest Committee.

ISSUE/DISCUSSION

The Great Trentham Spudfest Committee requested that Council increase financial support for their future events from \$5,000 annually to \$10,000 annually. They also requested increased support with cleaning and servicing of the public toilet block located on Quarry Street Reserve.

When assessed against the funding and support framework in Council's Events Policy and Strategy, the Great Trentham Spudfest meets the criteria to be eligible for Council support and funding for a 'Regional Event' and events within this category can be funded between \$5,000 and \$10,000. However compared to the other events, for example Swiss Italian Festa and Clunes Booktown, that currently fall within this category and receive \$10,000, Spudfest's attendance figures are much lower and it is a single day event rather than a two day or multi-day festival, which limits the impact the event has on overnight visitation.

In line with Council's Events Policy and Strategy it is proposed that Council re-enter into a three year MOU with the Great Trentham Spudfest Committee. This MOU

would provide the Great Trentham Spudfest event with \$5,000 funding annually and increased operational event support to include upgraded cleaning services for the Quarry Street Reserve toilet block.

It is recommended that Council introduce a set of Key Performance Indicators (KPIs) for the Great Trentham Spudfest that ensure the event is continuing to grow, is attracting overnight visitors, is enhancing its economic impact and is attracting national media coverage to encourage inter and intra state visitation. The KPI's include:

- a) The Committee must strengthen partnerships with Daylesford Macedon Ranges Regional Tourism Board, Visit Victoria and other tourism marketing bodies to enhance their support and investment to the event with a goal of securing further funding for the event.
- b) Attract state and national media coverage to encourage inter and intra state visitation.
- c) Increase the number of overnight visitors who attend the Great Trentham Spudfest by 10%
- d) Continue significant engagement of local community groups and businesses and provide evidence of local community groups and business involvement.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013-2017:

Strategic Objective - Sustainable Environment and a Vibrant Economy

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

The implementation of a three year MOU with this event will see a funding allocation of \$5,000 annually go towards the Great Trentham Spudfest. This amount is currently within the 2015/16 budget. Operational support to the value of \$2000 per year has been provided and it is proposed that this is increased based on actual costs which will need to be reflected in the 2016/17 and 2017/18 budgets.

RISK IMPLICATIONS

As part of the MOU agreement, the Great Trentham Spudfest Committee is required to provide Council with an event business plan, annual risk management plan and emergency management plan. Additionally, the Great Trentham Spudfest Committee is required to provide to Council copies of its public liability insurance prior to the event.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

The Great Trentham Spudfest attracts approximately 4,000 people to the event. Based on the latest research figures provided by Tourism Research Australia, average spend per visitor per night in Hepburn Shire is \$203, while a day tripper spends on average \$74. The growth of this event will have a significant positive impact on the Shires economy.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Councils Events Coordinator has engaged in numerous conversations with a representative of the Great Trentham Spudfest throughout the development of this MOU.

CONCLUSION

The Great Trentham Spudfest is a significant event for the Shire and the proposed MOU helps to secure the financial sustainability of this event and ensures that the event continues to grow over the length of the MOU by providing annual KPIs for the committee to meet.

OFFICER'S RECOMMENDATION

That Council:

- 11.3.1. That Council authorises the Chief Executive Officer to sign the 2016-2018 Memorandum of Understanding between the great Trentham Spudfest Committee and Hepburn Shire Council

MOTION

That Council:

- 11.3.1. *That Council authorises the Chief Executive Officer to sign the 2016-2018 Memorandum of Understanding between the great Trentham Spudfest Committee and Hepburn Shire Council*

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

Carried.

ATTACHMENT 4 - DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN
COUNCIL AND THE GREAT TRENTAM SPUDFEST

**Memorandum of Understanding
Between
Hepburn Shire Council and the Great Trentham Spudfest Committee**

Purpose: The Memorandum of Understanding is intended to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and the Great Trentham Spudfest Committee to ensure the future sustainability and growth of the Great Trentham Spudfest in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between the Hepburn Shire Council and the Great Trentham Spudfest Committee.

Term: This MOU is for a 3 year period to be reviewed on an annual basis.

Parties: Committee - refers to Great Trentham Spudfest Committee
Council – refers to Hepburn Shire Council

1. Hepburn Shire Sponsorship Support

The Council will provide an annual sponsorship sum of \$5,000 subject to the requirements and provisions of this Memorandum of Understanding (MOU).

The Great Trentham Spudfest celebrates Trentham's rich history as a renowned potato-growing region and celebrates all things potato. Now in its ninth year, along with a wide variety of activities and events including cooking displays, music, games and great food, it gives growers a chance to show off their produce.

The event is Trentham's largest one-day event and successfully brings together the local community and visitors to acknowledge the humble spud and engages people of all ages.

The funding will be provided by the Council for the Committee to assist with conducting a safe, accessible and professionally run event.

Subject to the receipt of a tax invoice from the Committee, Council will make the sponsorship payments for the event as follows:

Payment – of \$5000 (100%) (Plus GST) to be paid upon receipt of invoice from the Committee at least 12 weeks before the event.

2. In-kind Support provided by Council

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

- Council Marquees (x3)
- Witches hats and bollards
- Signage associated with road closure

2.1 Waste Management

- a. The Committee will develop a Waste Management Plan in conjunction with Council, outlining the type and amount of wastes generated, waste management strategies and responsibilities.
- b. Council will provide up to 30 bins (combination of both waste and recycling) for the event. The bins will be delivered on the Friday prior to the event and collected on the Monday following the event. The bins will be delivered to a site negotiated between Hepburn Shire Council and the Committee.
- c. The Committee agrees to work with Council to conduct a Waste Wise event.
- d. Council will fund and supply one 3m³ rubbish skip for use during the event if required. The Committee must ensure waste from the smaller bins is emptied into the skips throughout the event.
- e. The Committee is responsible to ensure event locations are left in a clean and tidy condition as per the Waste Management Plan.
- f. A review of the Waste Management Plan will be conducted annually within 8 weeks of the conclusion of the Festival.

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

- a. The Committee is responsible for developing a Traffic Management Plan (TMP) incorporating parking, pedestrian management and the road closures required for the event.
- b. The Committee must participate in event planning meetings with Council and relevant emergency authorities to assist in reviewing and developing the plan. Planning must commence in December to ensure timely and sufficient notice of traffic management requirements, the Traffic Management Plan is to be completed at least 8 weeks prior to the event.
- c. Road closure signs and equipment for the road closures will be provided by Council, including their installation, delivery and collection in accordance with the time schedule as outlined in the TMP.

- d. Suitably qualified and experienced personnel (including Traffic Controllers where indicated in the TMP) to assist in implementing and maintaining the TMP throughout the event must be provided by the Committee. All event marshals and traffic controllers must be familiar with the TMP and implement it in accordance with the Plan and instructions from relevant authorities (including Victoria Police).
- e. The Committee must develop a Parking and Pedestrian Plan for the event weekend. It is the Committees responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to the Committee in the development of the Plans.
- f. Council will provide and deliver agreed signage (portable parking signs including disabled parking) for the event. Directional and other signs required for the Parking Plan will be provided by the Committee (or Council where available and negotiated in advance).

2.3 Venue and Venue Infrastructure

- a. The Committee will provide adequate toilet and wash room facilities (including accessible toilets) in accordance with the requirements of the relevant section of Council (Environmental Health and/or Building). The following toilet facilities are already available and maintained by Council (cleaned and restocked with toilet paper) throughout the event:
 - Public toilets, Quarry Street Reserve
 - Public toilets, Market Street

2.4 Marketing and Communications

- a. Council will provide promotion of the Great Trentham Spudfest at the Daylesford Regional Visitor Information Centre, including the window display space, Trentham Visitor Information Centre, Creswick Visitor Information Centre and The Warehouse - Clunes, and on www.visitdaylesford.com.au . This will be on-going as assessed by the Visitor Services Team Leader.
- b. Council will allocate the Committee the events signage frames at key entry points to Trentham four weeks prior to the Great Trentham Spudfest event. The Committee will supply, install and remove the signs during the approved period.
- c. Council will provide links to the Great Trentham Spudfest website on Councils website and will include the festival in event calendar listings. The Committee is required to submit all information required for these listings.
- d. Where possible, Council will support the marketing activities of the Committee.
- e. The Committee agrees to provide recognition to Council via the following mechanism:
 - Recognition of the Hepburn Shire Council as a Major and/or Government Partner (or equivalent) in all information relating to the Great Trentham Spudfest including its website, marketing material, media releases and communications.

The usage of Council's logo must be in accordance with the directions provided by the Hepburn Shire.

- Provide Councillors and Council Officer's invitations to official Great Trentham Spudfest functions, events and launches.
- Provision of a stall throughout festival weekend. Council must inform the Committee before March 1st with confirmation of the need for a stall.
- Logo placement on program & advertisements.

3. Occupational Health and Safety, Risk and Compliance

- a. The Committee must comply with all of Council's and other authority's requirements in relation to occupational health and safety, local laws, legislation, regulations, standards and codes, and the conditions of use as outlined in facility booking forms.
- b. The Committee must obtain and pay all fees associated with all the necessary permits, permissions and licenses required to conduct the event from Council and other authorities. These include, but are not limited to liquor licensing, temporary food premises permits, traffic related permits/permissions, fire safety requirements, plant and equipment use and temporary building permits.
- c. The Committee must participate in Councils Event Management Planning process including risk and safety planning meetings with Council and other authorities, and provide a detailed Risk, Safety and Emergency Management Plan to Council in accordance with Council guidelines and pro-forma plans where available, at least 8 weeks prior to the event. Plans must be updated continuously as the event date nears, and must be reviewed as soon as practical following the event.
- d. The Committee must notify the Council in writing of any incident or accident occurring on Council land or property including any road, reserve or building as soon as possible after the incident or accident has occurred.

4. Indemnity and Insurance

- a. The Committee must indemnify and keep indemnified and hold harmless the Hepburn Shire Council, its servants and agents from and against all actions, costs, damages, loss or claims from any activities or decisions arising from the conduct of the Committee.
- b. The Committee and/or its auspice must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$10 million. The insurance policy must be maintained for the duration of the event (including the planning stages) and a copy of the certificate of compliance must be provided at least one month in advance of the event date. Stallholders and contractors involved with the event should

also have Public Liability Insurance. Note: Spudfest is under the Auspice of the Trentham Neighbourhood Centre.

- c. The Committee agrees that if there is any loss or damage to Council land or property as a result of the event, the Committee will immediately notify Council by making contact with the Events Coordinator (or other Council officer if Events Coordinator is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. The Committee agrees to remain auspiced throughout the term of this MOU and/or maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981.

5. Strategic and Business Planning

- a. The Committee agrees to develop a Business Plan and an operational Event Management Plan to be reviewed and updated annually. The Business Plan will include the key objectives for the Festival and specific performance indicators. It must be provided to Council at least four months prior to the event date.

6. Key Performance Indicators

The Committee must meet the following annual KPI's, which have a focus on developing tourism and economic impacts within Hepburn Shire:

- a. The Committee must strengthen partnerships with Daylesford Macedon Ranges Regional Tourism Board, Visit Victoria and other tourism marketing bodies to enhance their support and investment to the event with a goal of securing further funding for the event.
- b. Attract state and national media coverage to encourage inter and intra state visitation.
- c. Increase the number of overnight visitors who attend the Great Trentham Spudfest by 10%.
- d. Continue significant engagement of local community groups and businesses and provide evidence of local community groups and business involvement.

7. Review and Evaluation

- a. Council will assess the achievements against the outcomes within this MOU, and the key objectives contained in the Great Trentham Spudfest Business Plan with input from the Committee.
- b. The Committee will attend a post event evaluation meeting with Council and other authorities following the conclusion of the event.
- c. The Committee will provide a preliminary report to Council within 8 weeks of the conclusion of the event providing estimates of the information below. Within 16 weeks the Committee will provide Council with a complete report containing detailed findings of the items below:

- i. Attendance numbers for the Great Trentham Spudfest.
- ii. Details of the origin and estimated length of stay of visitors to the Great Trentham Spudfest
- iii. Estimates of the economic and tourism impact of the festival applying a Council approved methodology used to produce these results.
- iv. Impact assessment on the Hepburn community (positive and negative impacts).
- v. Media and marketing obtained for the Hepburn Shire region as a result of the event.
- vi. Detailed event budget, including estimates of direct spend and fundraising contribution to the local community.
- vii. Details of specific event operational and other issues associated with the event including recommendations for improvements in future years.

7. Dispute resolution

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

8. Termination of MOU

- a. If the Committee is unable to deliver the outcomes specified in this MOU, Council may review the level of sponsorship and in-kind support provided to the event.

- b. If Council or the Committee is in breach of the terms of this MOU this MOU may be terminated in writing by the Chief Executive Officer of Council.

MOU between Hepburn Shire Council and the Great Trentham Spudfest Committee

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

Signature of authorised officer

Title of authorised officer

Date

Witness signature

Witness name

Date

Signed for and on behalf of Great Trentham Spudfest Committee:

Signature of authorised officer

Title of authorised officer

Date

Witness signature

Witness name

Date

Appendix A: Estimate of Hepburn Shire Council's In-Kind Support

Support provided	Details	Estimated Cost to Council
Waste Management	Supply, delivery, collection of rubbish and recycling bins– locations to be in waste management plan	\$600
Road Closures	Provision of equipment, signage, delivery and installation for road closures	\$300
Visitor Services	Provision of Visitor Information Centre display	\$300
Equipment	Witches hats and/or bollards	\$300
Cleaning	Additional cleaning & servicing of Quarry Street Reserve toilets	\$500
	Total estimated in-kind support value	\$2,000

Additional in-kind support provided by Council's Events Coordinator and other officers (details below). The value of this support has not been costed.

- Advice on development of event Memorandum of Understanding
- Advice on development of Traffic Management Plan for Road Closures
- Advice on development of Risk Management Plan for Event
- Advice on development of an Emergency Management Plan
- Inspection (if required) of event by an Environmental Health Officer to ensure all temporary food premises have relevant permits.

11.4. REQUESTS FOR APPROVAL TO OPERATE HIGHER MASS LIMIT VEHICLES ON LOCAL COUNCIL ROADS

GENERAL MANAGER INFRASTRUCTURE

In providing this advice to Council as the Project Engineer, I Inoka Sanjeevanie have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to consider new requests and renewals of existing permits to use Higher Mass Limit [HML] vehicles on local roads.

BACKGROUND

The following requests for new and renewal of existing permits have been received from the National Heavy Vehicle Regulator (NHVR).

Ref	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
New Requests						
61831	a) Ballarat Dimensional Stone Pty Ltd	PBS - 3-Axle Truck and 4-Axle Dog Trailer	Reed Street, Bald Hills Road, Victoria Street, Luttet Street and Ascot-Creswick Road in Creswick	Quarry product	09/02/2016 – 06/07/2016	Approx 3 trips per week
62939		PBS - 3-Axle Truck and 3-Axle Dog Trailer			15/02/2016 – 18/11/2017	
63765		3 Axle Truck and 3- Axle Dog Trailer			24/02/2016 – 05/05/2016	
Renewal/Amendment Requests						
62840 62883	b) Shannon Trial Pty Ltd	PBS - 3-Axle Truck and 4-Axle Dog Trailer	East Street in Daylesford	Quarry product	15/02/2016 – 01/02/2019	1 trip per week
62248	c) Mentone Premix pl	PBS - 3-Axle Truck and 4-Axle Dog Trailer	Wrigley Road and Creswick-Lawrence Road in Creswick North	Quarry product	09/02/2016 – 08/02/2019	3 trips per month

ISSUE/DISCUSSION

Council officers have assessed the applications considering the following:

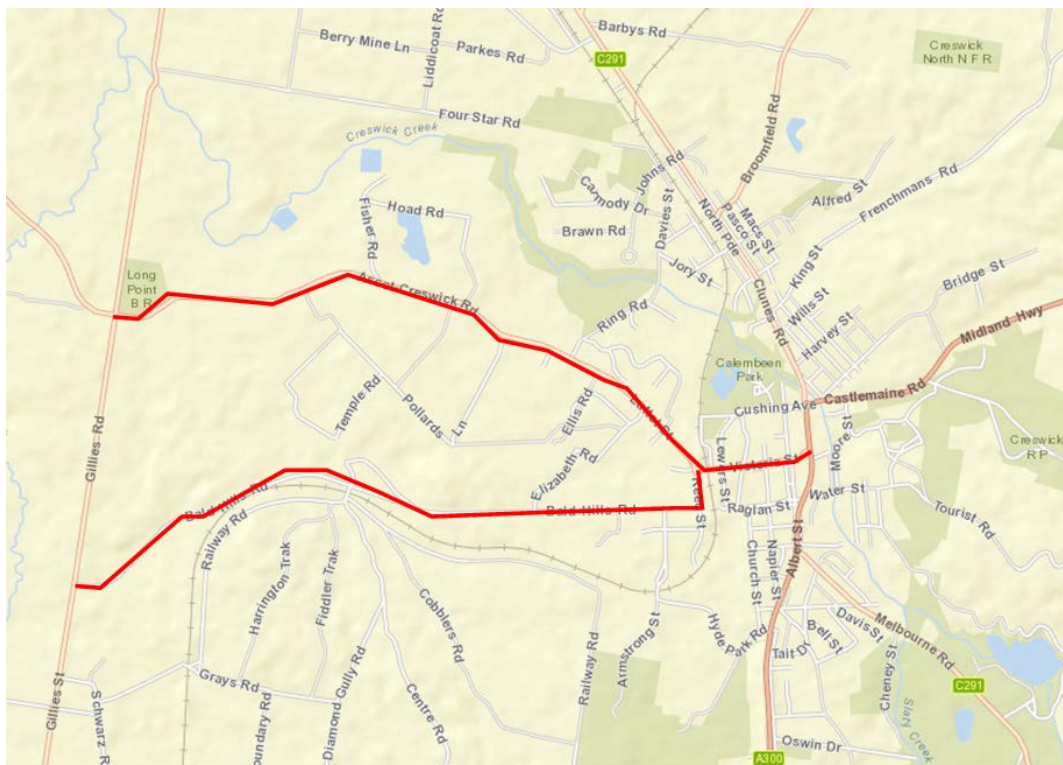
- Community Safety
- Local Amenity
- Physical Limitations of the network
- Economic benefits
- Alternative access
- Cost implications to Council.

The results of the assessment are provided below along with any recommended conditions to be applied to any consent granted by Council.

NEW REQUESTS

a) Ballarat Dimensional Stone Pty Ltd (Road Manager Request Number 61831, 62939 & 63765)

Ballarat Dimensional Stone Pty Ltd requests that Council grants a permit to use 3-Axle Truck and 4-Axle Dog Trailer combinations and 3-Axle Truck and 3-Axle Dog Trailer combinations at HML (54.0 tonnes) on Reed Street, Bald Hills Road, Victoria Street, Luttet Street and Ascot-Creswick Road in Creswick as marked in the map below, for the periods listed in the table in the Background section.



Subject roads have been assessed as suitable for use by trucks and trailers at HML.

It is recommended that Council approves Ballarat Dimensional Stone Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations and 3-Axle Truck and 3-Axle Dog Trailer combinations at HML on Reed Street (between Victoria Street and Bald Hills Road), Bald Hills Road (from Reed Street to Gillies Road), Victoria Street (from Albert Street to Reed Street), Luttet Street (from Victoria Street to Ascot-Creswick Road) and Ascot-Creswick Road (from Luttet Street to Gillies Road) Road in Creswick subject to the following conditions:

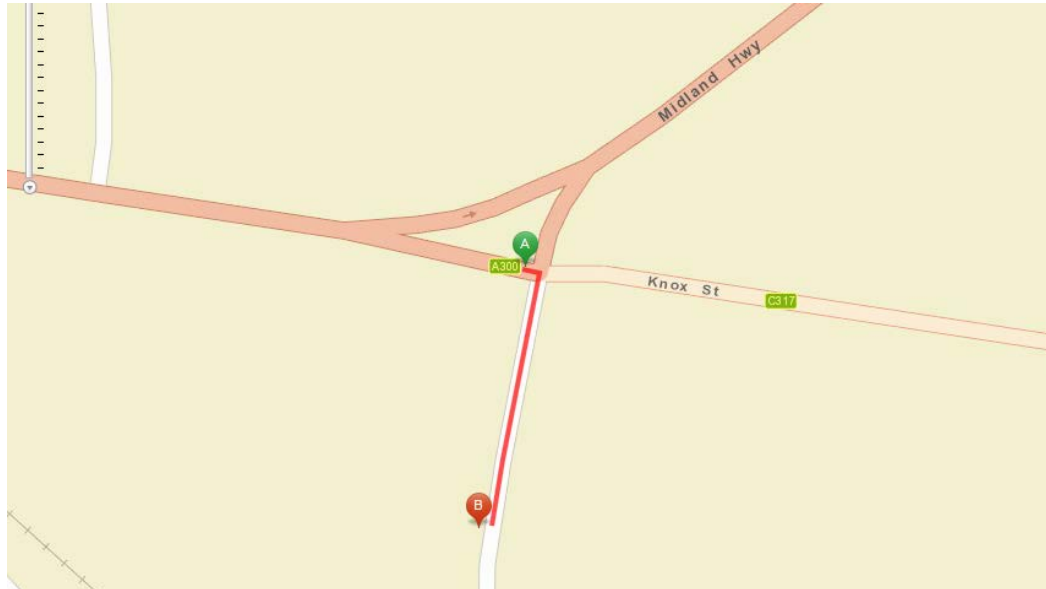
- It is the responsibility of the permit holder to pay attention to:
 - Overhead cables
 - Overhanging trees
 - Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- The use of compression brakes is to be avoided.
- Hours of Operation shall be 7:00am to 6:00pm.

RENEWAL/AMENDMENT REQUESTS

b) Shannon Trial Pty Ltd (Road Manager Request Numbers 62840 & 62883)

Shannon Trial Pty Ltd requests that Council considers the amendment of its existing permit to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML (57.5 tonnes) on East Street (from Midland Highway/Raglan Street to the Boral Concrete Plant on East Street) in Daylesford for the periods listed in the table in the Background section.

The section of East Street under consideration is marked in red in the map below.



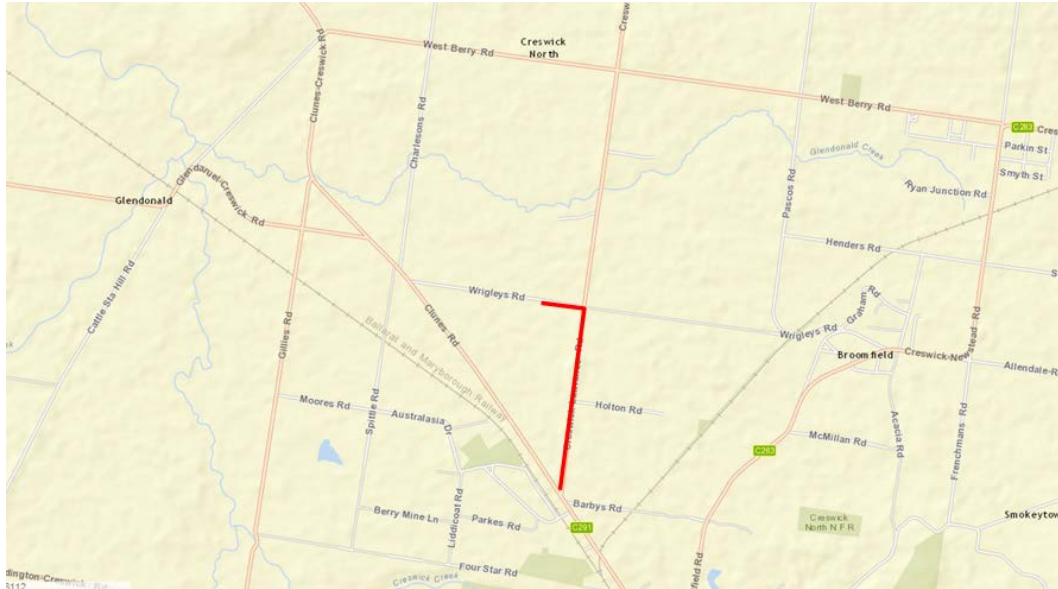
Subject road has been assessed as suitable for use by trucks and trailers at HML.

It is recommended that Council approves Shannon Trial Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on East Street (from Midland Highway/Raglan Street to the Boral Concrete Plant on East Street) in Daylesford subject to the following conditions:

- It is the responsibility of the permit holder to pay attention to:
 - Overhead cables
 - Overhanging trees
 - Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- The use of compression brakes is to be avoided.
- Hours of Operation shall be 7:00am to 6:00pm.

c) Mentone Premix Pty Ltd (Road Manager Request Number 62248)

Mentone Premix Pty Ltd requests that Council considers the extension of its existing permit to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on Wrigleys Road and Creswick–Lawrence Road in Creswick North, as marked in the plan below, for a period of three years.



Subject road has been assessed as suitable for use by trucks and trailers at HML.

It is recommended that Council approves Mentone Premix Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on Wrigley Road (between 94 Wrigley Road and Creswick-Lawrence Road) and Creswick-Lawrence Road (between Wrigley Road and Clunes Road) subject to the following conditions:

- It is the responsibility of the permit holder to pay attention to:
 - Overhead cables
 - Overhanging trees
 - Steep inclines/declines, tight corners and narrow roads.
- Must not trim or remove any trees without all approvals being obtained.
- Hours of Operation shall be 7:00am to 6:00pm.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Council Plan 2013:2017:

Strategic Objective – *Sustainable Environment and a Vibrant Economy*

Key Strategic Activity:

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

FINANCIAL IMPLICATIONS

There are no expected financial implications of granting approval to the above operators to use heavy vehicles on subject Council maintained roads.

RISK IMPLICATIONS

There are no expected specific risk implications of granting approval to the above operators to use heavy vehicles on subject Council maintained roads.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

There are expected to be economic benefits for local business and economic development through granting of consents for access.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

No external engagement was undertaken in relation to this request. Relevant internal road staff has been involved in assessing these requests.

CONCLUSION

Council has received requests from the National Heavy Vehicle Regulator for consent to the issue renewals of existing permits to operate Higher Mass Limit vehicles on local roads.

Following a review of the requests, conditional consent is recommended for the operators as detailed.

OFFICER'S RECOMMENDATION

That Council:

- 11.4.1. approves Ballarat Dimensional Stone Pty Ltd to use:
- 3-Axle Truck and 4-Axle Dog Trailer combinations at HML for a period of five months commencing 22 March 2016 and expiring 21 August 2016
 - 3-Axle Truck and 3-Axle Dog Trailer combinations at HML for a period of twenty months commencing 22 March 2016 and expiring 21 December 2017
 - 3-Axle Truck and 3-Axle Dog Trailer combinations at HML for a period of three months commencing 22 March 2016 and expiring 21 June 2016

on Reed Street (between Victoria Street and Bald Hills Road), Bald Hills Road (from Reed Street to Gillies Road), Victoria Street (from Albert Street to Reed Street), Luttet Street (from Victoria Street to Ascot-Creswick Road) and Ascot-Creswick Road (from Luttet Street to Gillies Road) in Creswick, subject to following conditions:

- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - The use of compression brakes is to be avoided.
 - Hours of Operation shall be 7:00am to 6:00pm.
- 11.4.2. approves Shannon Trial Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on East Street (from Midland Highway/Raglan Street to Boral Concrete Plant on East Street) in Daylesford for a period of three years commencing 22 March 2016 and expiring on 21 February 2019, subject to the following conditions:
- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - The use of compression brakes is to be avoided.
 - Hours of Operation shall be 7:00am to 6:00pm.
- 11.4.3. approves Mentone Premix Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on Wrigley Road (between 94 Wrigley Road and Creswick-Lawrence Road) and Creswick-Lawrence Road (between Wrigley Road and Clunes Road) for a period of three years commencing 22 March 2016 and expiring on 21 February 2019, subject to the following conditions:
- It is the responsibility of the permit holder to pay attention to:
 - o Overhead cables
 - o Overhanging trees
 - o Steep inclines/declines, tight corners and narrow roads.
 - Must not trim or remove any trees without all approvals being obtained.
 - Hours of Operation shall be 7:00am to 6:00pm.

MOTION

That Council:

11.4.1. *approves Ballarat Dimensional Stone Pty Ltd to use:*

- *3-Axle Truck and 4-Axle Dog Trailer combinations at HML for a period of five months commencing 22 March 2016 and expiring 21 August 2016*
- *3-Axle Truck and 3-Axle Dog Trailer combinations at HML for a period of twenty months commencing 22 March 2016 and expiring 21 December 2017*
- *3-Axle Truck and 3-Axle Dog Trailer combinations at HML for a period of three months commencing 22 March 2016 and expiring 21 June 2016*

on Reed Street (between Victoria Street and Bald Hills Road), Bald Hills Road (from Reed Street to Gillies Road), Victoria Street (from Albert Street to Reed Street), Luttet Street (from Victoria Street to Ascot-Creswick Road) and Ascot-Creswick Road (from Luttet Street to Gillies Road) in Creswick, subject to following conditions:

- *It is the responsibility of the permit holder to pay attention to:*
 - *Overhead cables*
 - *Overhanging trees*
 - *Steep inclines/declines, tight corners and narrow roads.*
- *Must not trim or remove any trees without all approvals being obtained.*
- *The use of compression brakes is to be avoided.*
- *Hours of Operation shall be 7:00am to 6:00pm.*

11.4.2. *approves Shannon Trial Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on East Street (from Midland Highway/Raglan Street to Boral Concrete Plant on East Street) in Daylesford for a period of three years commencing 22 March 2016 and expiring on 21 February 2019, subject to the following conditions:*

- *It is the responsibility of the permit holder to pay attention to:*
 - *Overhead cables*
 - *Overhanging trees*

- o *Steep inclines/declines, tight corners and narrow roads.*
 - *Must not trim or remove any trees without all approvals being obtained.*
 - *The use of compression brakes is to be avoided.*
 - *Hours of Operation shall be 7:00am to 6:00pm.*
- 11.4.3. *approves Mentone Premix Pty Ltd to use 3-Axle Truck and 4-Axle Dog Trailer combinations at HML on Wrigley Road (between 94 Wrigley Road and Creswick-Lawrence Road) and Creswick-Lawrence Road (between Wrigley Road and Clunes Road) for a period of three years commencing 22 March 2016 and expiring on 21 February 2019, subject to the following conditions:*
- *It is the responsibility of the permit holder to pay attention to:*
 - o *Overhead cables*
 - o *Overhanging trees*
 - o *Steep inclines/declines, tight corners and narrow roads.*
 - *Must not trim or remove any trees without all approvals being obtained.*
 - *Hours of Operation shall be 7:00am to 6:00pm.*

Moved: Councillor Greg May

Seconded: Councillor Bill McClenaghan

Carried.

11.5. RECORD OF ASSEMBLIES OF COUNCILLORS
GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Administration Support Officer, I Tracye Sutton have no interests to disclose in this report.

PURPOSE

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

BACKGROUND

The Local Government Act 1989 defines Assembly of Councillors as

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

-

- (a) the subject of a decision of the Council; or*
- (b) subject to the exercise of a function, duty or 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, an audit committee established under Section 139, a club, association, peak body, political party or other organisation.

ISSUE / DISCUSSION

The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be:

1. reported at an Ordinary Meeting of the Council; and
2. incorporated in the minutes of that Council Meeting.

For this purpose, the following records of Assemblies of Councillors are reported:

Assemblies of Councillors		
Date	Location	Committee Name
2-02-2016	Council Chamber	Councillor Briefing
16-02-2016	Doug Lindsay Recreation Reserve, Creswick	Pre Council Meeting Briefing
16-02-2016	Doug Lindsay Recreation Reserve, Creswick	Councillor/CEO 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

That Council

- 11.5.1. Receives and notes the Records of Assemblies of Councillors for the 02-02-2016 and 16-02-2016.

MOTION

That Council

11.5.1. *Receives and notes the Records of Assemblies of Councillors for the 02-02-2016 and 16-02-2016.*

Moved: Councillor Greg May

Seconded: Councillor Kate Redwood

Carried.

ATTACHMENT 5 - RECORDS OF ASSEMBLIES OF COUNCILLORS

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 2 February 2016
 Time: 11:15 am - 5:00 pm

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

Councillors present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Cr Don Henderson | <input checked="" type="checkbox"/> Cr Greg May |
| <input checked="" type="checkbox"/> Cr Kate Redwood AM | <input checked="" type="checkbox"/> Cr Neil Newitt |
| <input checked="" type="checkbox"/> Cr Sebastian Klein - Left at 1:15pm. | <input checked="" type="checkbox"/> Cr Pierre Niclas |
| <input checked="" type="checkbox"/> Cr Bill McClenaghan | |

Members of Council Staff present:

- | | |
|--|--|
| <input checked="" type="checkbox"/> CEO Aaron van Egmond | <input checked="" type="checkbox"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | Manager Community & Economic |
| <input checked="" type="checkbox"/> GM Community Services Kathleen Brannigan | Development, Mark Travers; Community and |
| <input checked="" type="checkbox"/> GM Infrastructure Bruce Lucas | Economic Coordinator, Michael Hynes; |
| | Manager Planning, Justin Fiddes; Strategic |
| | Planner, Joan Copland; Property Officer, Karen |
| | Ratcliffe; Community & Cultural Development |
| | Officer, Kate Gerritsen; Manager Aged & |
| | Disability Services, Melanie Perks |

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
N.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"/> Other, please specify: |
| <input checked="" type="checkbox"/> GM Corporate Services Grant Schuster | |
| <input type="checkbox"/> GM Community Services Kathleen Brannigan | |
| <input type="checkbox"/> GM Infrastructure Bruce Lucas | |

Signature: 

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

CONFIDENTIAL

► COUNCILLOR BRIEFING AGENDA
TUESDAY 2 FEBRUARY 2016

Hepburn
SHIRE COUNCIL

Tuesday 2 February 2016
Council Chamber, Daylesford Town Hall
11:15am – 5:00pm

PRESENT:

Councillors	Neil Newitt, Kate Redwood AM, Don Henderson, Sebastian Klein, Greg May, Bill McClenaghan, Pierre Niclas
Officers	Chief Executive Officer, General Manager Corporate Services, General Manager Community Services, General Manager Infrastructure and other officers as required

CHAIR: Mayor Cr Neil Newitt

APOLOGIES:

No	Time	Agenda Item		Presenter	No
1.	11:15am	External Presentation	Recreation and Open Space Strategy	Manager Community & Economic Development	Page 4
	12:00pm	Lunch Break Lunch will be provided			
2.	12:30pm	Report	Shire Boundary and Township Signage	General Manager Infrastructure	Page 5
3.	1:00pm	Report	Public Art Panel – Short Listed Artists for the Creswick Public Art Commission Attachment 1 – Expression of Interest – Creswick Public Art Project	Community and Cultural Development Officer	Page 6

CONFIDENTIAL

► COUNCILLOR BRIEFING AGENDA
TUESDAY 2 FEBRUARY 2016

No	Time	Agenda Item	Presenter	No
4.	1:30pm	Report Naming Requests Update	General Manager Corporate Services	Page 22
5.	1:45 pm	Report Status of Funding Applications – Regional Development Victoria	General Manager Community Services	Page 23
6.	2:00pm	Presentation Home and Community Care Transition Update	Manager Aged & Disability Services	Page 25
7.	2:15 pm	Report Council Reporting System – Quarterly Update Attachment 2- Summary of Performance Reporting System	General Manager Corporate Services	Page 26
	2:45 pm	Break		
8.	3:00 pm	Report Hepburn Mineral Springs Reserve – Former Caretakers Cottage	General Manager Infrastructure	Page 46
9.	3:45 pm	Report Request for Outside Camping Licence	Property Officer	Page 48
10.	4:00 pm	Report First Right of Refusal to purchase former Smeaton Primary School at 7 Queen Street, Smeaton	Property Officer	Page 50

CONFIDENTIAL

▶ COUNCILLOR BRIEFING AGENDA
TUESDAY 2 FEBRUARY 2016

No	Time		Agenda Item	Presenter	No
11.	4:15 pm	Report	Rezoning of Land – Daylesford Lawn Tennis Club & Hepburn Attachment 3– Proposed Amendment C63	Strategic Planner	Page 53
12.	4:30 pm		Planning Update Attachment 4 – VCAT Hearing List	Manager Planning	Page 61
13.		For Noting	Agenda Items – Next Council Meeting		Page 64
14.	5:00 pm		CLOSE OF MEETING		Page 65

RECORD OF ASSEMBLY OF COUNCILLORS

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

Title of Meeting: Pre Council Meeting Briefing

Date: Tuesday 16 February 2016

Time: 3:30 pm - 5:10 pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – Doug Lindsay Recreation Reserve, Creswick

Councillors present:

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

Members of Council Staff present:

- CEO Aaron van Egmond
- GM Corporate Services Grant Schuster
- GM Community Services Kathleen Brannigan
- GM Infrastructure Bruce Lucas

Other, please specify:
 Manager Planning, Justin Fiddes
 Manager Finance & IT, Trafford Thompson
 Manager Strategic Assets, Steve Millard

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Nil	

Matters Considered:

Council Meeting Agenda – Tuesday 16 February 2016

Agenda Attached

Name and title of Officer responsible for this written record:

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

Signature: 

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

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 16 February 2016
Time: 2:00 pm

Venue: Council Chamber Daylesford
 Senior Citizens Centre Daylesford
 Other (specify) – Doug Lindsay Recreation Reserve, Creswick

Councillors present:

Cr Don Henderson
 Cr Kate Redwood AM
 Cr Sebastian Klein
 Cr Bill McClenaghan
 Cr Greg May
 Cr Neil Newitt
 Cr Pierre Niclas

Members of Council Staff present:

CEO Aaron van Egmond
 GM Corporate Services Grant Schuster
 GM Community Services Kathleen Brannigan
 GM Infrastructure Bruce Lucas
 Other, please specify:

Conflict of Interest Disclosures:

Councillor Name	Time Left and Returned
Cr Bill McClenaghan	2.15pm - 2.20pm

Matters Considered:

Agenda Attached

Name and title of Officer responsible for this written record:

CEO Aaron van Egmond
 GM Corporate Services Grant Schuster
 GM Community Services Kathleen Brannigan
 GM Infrastructure Bruce Lucas
 Other, please specify:

Signature: _____



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

COUNCILLOR & CEO MEETING

Tuesday 16 February 2016

Doug Lindsay Recreational Reserve, Creswick

2:00PM

PRESENT: Councillors Neil Newitt, Pierre Niclas, Kate Redwood AM, Greg May, Bill McClenaghan, Sebastian Klein, Don Henderson, CEO Aaron van Egmond

CHAIR: Councillor Neil Newitt

APOLOGIES:

No.	Time	Agenda Item	Presenter
1.	2:00PM	East Street Bridge project	Cr Kate Redwood AM
2.		2016 MAV Strategy Plan discussion	Cr Pierre Niclas
3.		Australia Day Committee	Cr Bill McClenaghan
4.		Trentham Hub consultation	Cr Bill McClenaghan
5.		Rating Strategy Review consultation	Cr Bill McClenaghan
6.		Transfer Station operations	Cr Bill McClenaghan
7.		Creswick Bowling Club	Mr Aaron van Egmond

DISCLOSURE OF CONFLICT OF INTEREST

I, Councillor BILL McCLENNAGHAN hereby disclose
a conflict of interest in the following matter FUNDING FOR EAST ST
RAILWAY BRIDGE PROJECT TO LOWER
THE ROAD

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 16 FEB 2016

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:

I AM A DIRECTOR OF THE CENTRAL
HIGHLANDS TOURIST RAILWAY THAT
LEASES AND USES THE EAST ST RAILWAY
BRIDGE.

Print Name: BILL McCLENNAGHAN

Signed: [Signature]

Date: 16 FEB 16

12. COUNCIL SPECIAL COMMITTEES (SECTION 86)

12.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Administration Support Officer, I Tracye Sutton 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 Committees (Section 86).

BACKGROUND

Special Committees are established by Council under section 86 of the *Local Government Act 1989* and their function and responsibilities outlined in an Instrument of Delegation. Under the Instruments 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 the Creswick Museum Special Committee – 7-12-2015
- Minutes from the Creswick Museum Special Committee – 1-02-2016
- *Minutes from the Lee Medlyn Home of Bottles Special Committee - 10-02-2016*
- Minutes from the Lyonville Hall Special Committee – 16-02-2016
- *Minutes from the Drummond Hall Special Committee - 26-02-2016*

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

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes and reports have been provided for noting.

OFFICER'S RECOMMENDATION

That Council:

- 12.1.1. Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:
- Minutes from the Creswick Museum Special Committee – 7-12-2015
 - Minutes from the Creswick Museum Special Committee – 1-02-2016
 - Minutes from the Lee Medlyn Home of Bottles Special Committee - 10-02-2016
 - Minutes from the Lyonville Hall Special Committee – 16-02-2016
 - Minutes from the Drummond Hall Special Committee - 26-02-2016

MOTION

That Council:

12.1.1. *Receives and notes the following minutes of Special Committees (Section 86) which have been distributed under separate cover:*

- Minutes from the Creswick Museum Special Committee – 7-12-2015
- Minutes from the Creswick Museum Special Committee – 1-02-2016
- *Minutes from the Lee Medlyn Home of Bottles Special Committee - 10-02-2016*
- Minutes from the Lyonville Hall Special Committee – 16-02-2016
- *Minutes from the Drummond Hall Special Committee - 26-02-2016*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Sebastian Klein

Carried.

13. COUNCIL ADVISORY COMMITTEES

13.1. MINUTES OF ADVISORY COMMITTEES GENERAL MANAGER CORPORATE SERVICES

In providing this advice to Council as the Administration Support Officer, I Tracey Sutton 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

- Minutes Mineral Springs Reserve Advisory Committee – 8-2-2016

These minutes have been provided to Councillors under separate cover.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Nil

FINANCIAL IMPLICATIONS

Nil

RISK IMPLICATIONS

Nil

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

Nil

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Members of the community are represented on these committees.

CONCLUSION

Minutes have been provided for noting.

OFFICER'S RECOMMENDATION

13.1.1. That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:

- Minutes Mineral Springs Reserve Advisory Committee – 08-02-2016

MOTION

13.1.1. *That Council receives and notes minutes of the following Advisory Committees which have been distributed under separate cover:*

- *Minutes Mineral Springs Reserve Advisory Committee – 08-02-2016*

Moved: Councillor Greg May

Seconded: Councillor Kate Redwood

Carried.

14. CONFIDENTIAL ITEMS

14.1. CLOSURE OF THE MEETING TO 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

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:

14.1.1. 89(2) (d) Contractual Matters

Supply of Banking Services Contract H645-2015

Plant Replacement 2016 - Motor Grader Contract H644-2015

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

MOTION

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:

14.1.1. 89(2) (d) Contractual Matters

Supply of Banking Services Contract H645-2015

Plant Replacement 2016 - Motor Grader Contract H644-2015

14.1.2. 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Kate Redwood

Carried.

The meeting was closed to the public at 7:55pm.

15. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

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

MOTION

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

Moved: Councillor Sebastian Klein

Seconded: Councillor Kate Redwood

Carried.

The meeting was reopened to the public at 8:06pm

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

14.3.1 *Awards the tender for Contract – 1906/0625 – Retail Electricity, Natural Gas & Associated Services to AGL Sales Pty Ltd for the period of 1 January 2016 to 30 June 2018.*

15.2. *Awards the tender for Contract H645-2015 - Supply of Banking Services to Commonwealth Bank of Australia for the period 18 April 2016 to 18 April 2019.*

15.3. *Awards Contract H644-2015 – for the Supply and Delivery of One Motor Grader and Sale of One Secondhand Motor Grader to William Adams.*

16. CLOSE OF MEETING

The meeting closed at 8:07pm.
