

# Hepburn

SHIRE COUNCIL

HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
PUBLIC MINUTES

TUESDAY 15 AUGUST 2017  
SENIOR CITIZENS ROOM  
76 VINCENT STREET  
DAYLESFORD

6:00PM

Confirmed at the Ordinary Meeting of Council  
held on Tuesday 19 September 2017



Chair, Mayor Cr Sebastian Klein

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# MINUTES

TUESDAY 15 AUGUST 2017

Senior Citizens Room

76 Vincent Street, Daylesford

Commencing 6:00PM

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AARON VAN EGMOND  
CHIEF EXECUTIVE OFFICER  
15 AUGUST 2017

## 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

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## 2. OPENING OF MEETING

**PRESENT:** Mayor Sebastian Klein, Cr Greg May, Cr Fiona Robson, Cr Don Henderson, Cr Neil Newitt, Cr Kate Redwood AM

**IN ATTENDANCE:** Aaron Van Egmond Chief Executive Officer, Grant Schuster General Manager Corporate Services, Bruce Lucas General Manager Infrastructure, Kathleen Brannigan General Manager Community Services, Katherine Toom Coordinator Governance and Information, Melissa Phillips Acting Manager Planning, Alan Todd Statutory Planner

### 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”

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3. APOLOGIES

Cr John Cottrell

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4. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

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5. CONFIRMATION OF MINUTES

**RECOMMENDATION**

- 5.1 That the Minutes of the Ordinary Meeting of Council held on 18 July 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

**MOTION**

5.1 *That the Minutes of the Ordinary Meeting of Council held on 18 July 2017 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Greg May

**Carried**

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6. NOTICES OF MOTION

Nil

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7. ITEMS OF URGENT BUSINESS

Nil

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## 8. PRESENTATION OF COUNCILLOR REPORTS

### MAYOR'S REPORT

#### Councillor Sebastian Klein, Coliban Ward

I know I talk rubbish regularly, but it seems as though it is catchy. I'm clearly not the only one who was shocked by the practices outlined by the Four Corners Special two weeks ago.

I'm sure I'm not the only one who has wondered why I bother when I separate my recycling from my waste destined for landfill. The core promise and expectation of recycling is that when we use our time and labour to separate the stuff, that it will be productively used to actually make new products.

Clearly the system is broken and needs significant effort to fix it... and certainly as we look at the media enquiries and public interest at large, now is potentially a once in a lifetime opportunity to do something about it in Australia.

The Four Corners revelations of course were made a few weeks after the Minister for Environment, Climate Change, Energy and Resources, Lily D'Ambrosio visited the Daylesford Transfer Station to announce \$650,000 from the New Energy Jobs Fund to support our Waste to Energy project.

This project will take food waste from our municipal waste stream and process it into a high-value fuel which will produce methane to feed into a turbine generator. It will also produce as many as five jobs, divert 1,500 tonnes of organic waste from the waste stream (this is the stuff that creates dangerous methane and leachate), Reduce landfill and transport costs by \$280,000 annually, generate base load energy, reduce greenhouse emissions by over 200,000t over 20 years from avoided fossil fuel and methane emissions.

This project is the result of 6 years of hard work and investment on Our Council's part and numerous feasibility studies. It's a testament to what can be achieved when we design things properly, set our sights and pursue innovative outcomes. It remains to be seen how far this state government will be willing to alter the foundations on which the waste system is based. But it is clear that they are willing to invest and I hope that they will take the opportunity of a waste resource policy refresh to really address the underlying dynamics of the waste system that have led to some of these failures.

It is clear that the community is demanding greater transparency into the supply chains that carry our waste to its various destinations. It is a matter which I hope we can return to as a council and answer some of these questions as time goes on.

Public transport – two meetings – one with the PT ombudsman and the other with the manager of regional PT – Clunes trains, Ballan connection and of course an additional bus service for the Woodend connection. Great to see a government interested in PT in these rural areas and I look forward to exploring further PT fora with our communities.

Ward meeting, roads, rates, rubbish, walking trails and landcare.

Slow Flowers, I met with a couple of proponents of the growing local “slow-flower” industry. Like the “Slow-Food” movement, slow flowers represents an enterprising statement against the resource hungry, chemical-intensive global flower industry, in favor of locally grown, seasonally-specific flower species which require a minimum of fossil fuel and chemical inputs, providing another local and economically beneficial industry. I look forward to further developments as the proponents work towards growing the industry and eventually running a conference around the theme.

In a similar vein, I met with my Birch Ward colleagues and local economic success story, Alla Wolf-Tasker regarding the concept for a local Culinary Institute. I look forward to furthering these discussions with Councillors over the coming months.

I had a range of other meetings to be included in my written report itemized below:

- WRRGs CEO Chairs meeting
- Meeting with the Executive Director of Climate Change and WRRGs Chairs and Eos
- Mayors Connect Boardroom Lunch with the Victorian Local Governance Association (VLGA)
- Announcement of \$650k from the NEJF for our Waste to Energy project from Lily D’Ambrosio – minister for Climate Change, Environment, Resources and Energy
- Meeting with the Public Transport Ombudsman
- Meeting with the Consortium Botanicus – slow flower business group and conference proponents
- Meeting with Anthony Schink (RDV) regarding waste resource management excellence
- Farewell celebrations for Linda Bennett at the VLGA
- Met with Phillip Thomson, Chair of the Hepburn Health Service
- Council briefing
- Waste Resource Recovery Group Forum meeting in Ararat
- Meeting with George Fong regarding Waste Resource innovation
- Meeting with Juergen Rhyon regarding renewable energy in Trentham
- Meeting with Taryn Lane and Graham White to discuss Hepburn Wind strategic directions



- Meeting with Cait Jones, Manager of Regional Public Transport and Maree McNeilly, Regional Public Transport Manager to discuss local public transport issues
- A Coliban Ward meeting in Lyonville – Roads Rates and Rubbish, Landcare, climate change and walking trails
- Grampians Central West Waste Resource Recovery Group Board and Audit Committee meetings
- The launch of an application called ProLocal, online platform designed to support small businesses and community
- Meeting with Alla Wolf-Tasker concerning the regional culinary institute

## COUNCILLOR REPORTS

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

During the past month I attended the following events.

The AGM of the Dean Recreation Reserve Committee along with Cr May. The place is always a warm and welcoming place with great, hard working people who are very appreciative of what Council does.

The Clunes Artists group invited me to an art exhibition at Gallery 5 in Service St. A great variety of art and I must say artists with over sixty people attending. Once again, a friendly group and I noted the number of people who had worked to put on the exhibition.

I also conducted the elections for office bearers at the Creswick Museum special committee. Many things are planned as far as exhibitions are concerned and I finally got to find out that the hold up for the kitchen was the fact that Council does not yet have a building permit. Seems I should attend more community meetings so that I can find out what council is doing. An update today tells me that the kitchen will commence on August 28 th 2017.

I attended a performance put on at the Creswick hub as part of Words In Winter This was based on the work of Jane Austen and followed a very cosy meeting presentation by Creative Victoria and some presenters from the Dja Dja Wurrung people. About 15 people attended so the community meeting room at the hub was well and truly overflowing. Seems a bit odd when in other areas people are demanding meeting spaces of 200 plus capacity

Last Friday I joined groups from Creswick Railway Workshops, Hepburn Shire, Creswick /Bald Hills Landcare, Landcare Victoria and RACV head office planted over 750 trees at Park Lake Creswick. RACV Goldfields Resort contributed \$20k to the project.

A new event in Creswick will happen shortly with the launch of the Creswick Photography Prize which has attracted many top-class entries local and shire entries and from far beyond. The patron for the event is Geoff Moorfoot OAM.

Last but not least I attended an announcement at the Daylesford Transfer Station where local member Mary-Anne Thomas and Minister Lily D'Ambrosio announced \$650k of funding for a waste to energy project. It was great to catch up with an old friend and to see the Andrews Labor Government investing in regional projects

**Councillor Greg May, Creswick Ward**

No report was provided

**Councillor Fiona Robson, Birch Ward**

Much of last couple of months I have been looking after myself, spending time with my family & friends & have been away from Hepburn Shire. I appreciate the support of Aaron and my fellow councillors during this time.

I am pleased I was able to return to Daylesford in time for Words in Winter, which has been a wonderful celebration of creativity & expression of people from near & far.

The welcome to country by Rebecca Phillips was heart-felt and thought-provoking. The conversation between Julian Burnside & Arnold Zable was a privilege to witness and a reminder of how little is between my fortunate life and that of people that are displaced. Lola Howard's installation reminded me of the impact of trauma on our lives. The arts panel illustrated the value of creativity and the creative process. Joanne Tsakoumagos's performance, "Salaparise", was a powerful story of her family, their origins in Greece and the influence on her and her life. The film "deFiant Lives" provided an insight into disability rights and was followed by a Q&A with the director. There are many opportunities for Hepburn Shire to be more accessible and inclusive. I am pleased to hear that the Rural Access role will be advertised this weekend but am astounded that there has been no one in this role for 2 years, particularly given the impact of the implementation of the NDIS. The "woman of substances" session organised by Hepburn Health highlighted the risks of alcohol and other drugs. Hepburn Health will be inviting community members to participate in a project to better understand and influence the use of alcohol and other drugs in this shire.

Words in Winter is yet another example of the generosity and talent of our community. Thank you Maia Irell, Kevin Childs and everyone involved.

I was one of the few people that saw "Our Power" at Daylesford Cinema on Sunday. Not only did it look at where our electricity comes from, but also explored questions about work, safety, corporations, collectives and community. This was a preview screening and was followed by a conversation with the directors and people from Latrobe Valley.

Sustainable Hepburn Association (SHARE) is interested in opportunities regarding sustainable communities for Hepburn Shire.

Young people that use the Daylesford Community Park have raised more than \$2k through community barbecues & have received a grant for \$11k. The plan is that this money will be used for some interim improvements to the skate facilities while council pursues the large amount of money needed to create an excellent skate space. I am heartened to see the initiative that our young people are putting into creating the facilities they would like to see (rather than just being upset about why others haven't provided them).

I was excited to hear that the Daylesford & District Christmas Cheer team have received DGR status & that donations will be tax deductible. They will now have the capability to assist people looking for a little extra help all year round. Thank you to Annabelle Geddes who has been instrumental in bringing together groups in the area to provide coordinated and enhanced support for people.

Secure housing is an essential component of health and wellbeing. I am working with Cr Kate Redwood AM to host a second "Housing & Homelessness Forum", on 24 August 2-4pm at the Daylesford Neighbourhood Centre. Everyone is welcome. Please RSVP for catering.

**Councillor Neil Newitt, Cameron Ward**

No written report provided

**Councillor Kate Redwood AM, Birch Ward**

Firstly I would like to thank the Mayor, Cr Klein and the CEO Aaron van Egmond for their efforts in resolving the unfair and unethical evictions of permanent residents from the Daylesford Vic Park Caravan Park. Unfortunately, the unwillingness of the proprietors to contemplate any change in their position at all means that the campaign to support the residents continues and grows. At this stage a major letter writing campaign is underway with over 50 letters sent thus far to the Minister responsible for Crown Land, the Minister responsible for Consumer Affairs and the Minister for Housing. I can also report that there will be a second public forum on Homelessness and Secure Housing held on Thursday 24 August at the Daylesford Neighbourhood House from 2.00 to 4.00 pm.

On other campaign fronts, the Plastic Bag Free Daylesford together with Friends of Cornish Hill held a function on the Sunday morning of 23 July attended by around 100 Daylesford Residents. I think you could say that this is an issue that is very widely

supported, and I look forward to Council's policy restricting the use of plastics coming forward.

The Daylesford Football Netball Club's major event for the season, the Workcover match v Gordon was strongly attended and the new Pavillion received very positive comments from the football and netball celebrities – until the heavens opened and the lack of the promised front verandah left many exposed to the drenching rain.

The major fundraiser dinner for Christmas Cheer was held at the Farmers Arms and attended by 80 plus from across the community. It was a truly wonderful night. The event raised over \$10,000. Special thanks to the Farmers Arms, to Danny Moynihan and to Michelle Clifford from the Community Op Shop, and a farewell to Annabelle Geddes, Welfare Officer Hepburn Health and thanks for all her work for the community.

The Rotary Changeover Dinner saw Lesley Hewitt formally inducted as President. I congratulate her on taking on this demanding role and look forward to working with her on many shared projects. There would have been around 100 at the dinner held at the Hepburn Golf Club, with a strong sense of the commitment to Rotary values. They could do with more members and I would encourage all to become friends of Rotary – you don't have to go to a weekly meeting.

Hepburn Health Board has seen some change in appointments. Phillip Thompson is the new Chair of the Board, Lesley Hewitt the Deputy Chair. Now that the Hepburn Health finances are back in order I have handed over the Finance Audit and Risk Committee to Craig Mutton and am starting a new committee for fundraising for Hepburn Health Services. Special thanks to Chris White the retiring chair, and to Malcolm Hull who has been a volunteer member of the Board for 15 years.

In my role as chair of the IWD advisory committee I participated in the launch in the Warehouse Clunes of the new exhibition from Her Place, the Women's Museum Victoria. It includes audiovisual presentations of ten Victorian women including Dr Gwen Wisewould and Dja Dja Wurung elder, Auntie Fay Carter. It is great to see the activities associated with the IWD advisory committee spread across the Shire. Incidentally, this exhibition selected two regional outlets – Colac Shire and Hepburn Shire. The contribution of Dallas Kinnear was significant in this.

I attended the opening of Words in Winter, and other events that weekend. This is an annual festival that is demonstrating very strong pull in attendances, and with cutting edge presentations such as the one given by Petrus Spronk, no wonder. David Hall, who instigated Words in Winter some 20 years ago, is still a strong supporter, and must bask in praise for what this festival delivers for the community.

The Mineral Springs advisory committee met on 14 August, and it is so exciting to hear about and see the advances being made at various locations – Lake Daylesford and Hepburn Springs Reserve in particular. It is also great to see the close work between our officers and community volunteers with Parks Victoria, as demonstrated at the reopening of the ‘new’ Argyle Springs, which I attended, and the Sailors Falls staircase, which I missed due to Hepburn Health commitments.

Time does not allow for reports on a range of other matters, but I would like to say how helpful I found the NBN people at the meeting I attended, and I look forward to the benefits of this being provided to many in our Shire.

#### RECOMMENDATION

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

#### MOTION

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

**Moved:** Cr Neil Newitt

**Seconded:** Cr Greg May

**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. QUESTIONS

All questions were answered on the night by Mayor Sebastian Klein.

#### **Question 1 – Mr Gary McIntosh**

Through you Mayor I direct my two questions to Council's General Manager Community Services Kathleen Brannigan.

Three years ago, Council resolved to construct an interpretive display, community noticeboard and picnic shelter on Bullarto Recreation Reserve and allocated \$20,000 to Bullarto Community Facilities project no. 483 as part of the Bullarto Musk Community Plan.

Council spent \$25,000 of ratepayer's money constructing the shelter, the project going 25% over the total project budget. No interpretive display or community noticeboard have been constructed. Picnic furniture that arrived at Council's depot in August 2016 has not been installed. This community facility remains completely non-functional.

**Will you please provide a concise chronological dot-point summary detailing the \$25,000 of outgoings for this community project stating the surveying costs that enabled the shelter to be constructed by the front road boundary in the furthest location from the public hall as local builders state this simple structure should not have cost more than \$10,000?**

#### **Answer**

As of today, Council has spent \$21,285 on the Bullarto facilities, and a further \$2,475 has been committed, that is purchase orders have been raised with suppliers.



The main item of expenditure is for building the shelter - \$16,718 and associated costs including building permit, site survey, stump removal and engineering services - \$4,567.

The commitments of \$2,475 are for the furniture, and the design and printing of the interpretive display board.

### **Question 2 – Mr Gary McIntosh**

Council's January 2017 ordinary meeting minutes record the Mid-Year Budget Review for 2016/17 providing an additional \$5,000 to the Bullarto Community Facilities Project no. 483. Council clarified the \$5,000 was to finally install the interpretive signage and community noticeboard on the picnic shelter and install the picnic furniture that arrived at Council's depot in August 2016.

**Why hasn't this project been completed in the 2016/17 financial year as budgeted and when will it be completed and the positive aspects of this important community project promoted as an integral component of the Bullarto Musk Community Plan as promised by Council?**

#### **Answer**

The furniture and interpretive display has been ordered and it is anticipated that this will be installed in the next month or so.

### **Supplementary Question - Mr Gary McIntosh**

When will this important community project be promoted as an integral component of the Bullarto Musk Community Plan, as promised by Council?

#### **Answer**

Councillors will need to take this question on notice and refer it to our Communications Officer.

### **Question 3 – Mr Bill McClenaghan**

Questions have been asked for several months now about when the development plans for the Hepburn Hub at The Rex will be finalised and available to the public. Yet another month has passed and still there are no plans available despite an undertaking given at the June 2017 Council Meeting that the plans were to be "displayed in the next four to six weeks."

**What are the reasons for the delay in publishing detailed plans of the Hepburn Hub?**

**Answer**

There have been a number of contributors to the delay including Council's Municipal Building Surveyor leaving Council and the need to resolve a range of technical details for the building. Plans will be published online and displayed at The Rex by Tuesday 29 August.

**Question 4 – Mr Bill McClenaghan**

Despite the lack of detailed plans for the Hepburn Hub at The Rex, there must be some indicative plans of what is going where. For example, there is a plan already published to show the location of the new Daylesford Cinema on the upper floor adjacent to the Library and it is generally understood that the staff area will be at the rear end of the lower floor where the cinema is now and that the current public toilets will become staff toilets.

**Where will the new public toilets be located in The Rex building for servicing the new Library and Cinema and the general public?**

**Answer**

New public toilets in The Rex will be located on the ground floor near the front of the building for the general public and library users. In addition, there will be one public toilet on the first floor for the general public, Theatre users and Cinema patrons. The additional part of your question that was not supplied to Council before the meeting regarding number of toilets, will need to be taken on notice.

**9.2. REQUESTS TO ADDRESS COUNCIL**

**Ms Lyn Kinghorn**

Addressed Council on the petition to be tabled at agenda item 9.3, that proposes a statue of mother and child be erected to promote public awareness of the issue of former forced adoption. Her petition gained more than 200 signatures.

**9.3. PETITION**

**To promote public awareness to former forced adoption policies and practices, Independent Regional Mothers of Victoria propose a statue of mother and child.**

The petition was received by Council on 17 July 2017, and contains over 20 valid signatures from community members in accordance with Local Law 1.

The petition draws reference to Recommendation 9 of the Senate report titled "Commonwealth contribution to former forced adoption policies and practices" and proposes a statue of mother and child within the Hepburn Shire to promote public awareness of the issue.

## BACKGROUND

A report, titled "Commonwealth contribution to former forced adoption policies and practices" was tabled in the Australian Parliamentary Senate on February 29, 2012.

### Recommendation 9 of that report states:

10.59 The committee recommends that the Commonwealth fund peer-support groups that assist people affected by former forced adoption policies and practices to deliver services in the areas of:

- promoting public awareness of the issues;
- documenting evidence;
- assisting with information searches; and
- organising memorial events;

And that this funding be provided according to transparent application criteria.

## RECOMMENDATION

That Council:

- 9.3.1. Receives the petition proposing a statue of mother and child to promote awareness of the policies and practice of former forced adoption.
- 9.3.2. Refers the proposal to the General Manager Community Services for continuance and the preparation of a report to Council at the September 2017 meeting.
- 9.3.3. Advises the head petitioner of the above.

**MOTION**

*That Council:*

- 9.3.1. *Receives the petition proposing a statue of mother and child to promote awareness of the policies and practice of former forced adoption.*
- 9.3.2. *Refers the proposal to the General Manager Community Services for continuance and the preparation of a report to Council at the September 2017 meeting.*
- 9.3.3. *Advises the head petitioner of the above.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

## 10. STATUTORY PLANNING REPORTS

### 10.1. USE OF THE LAND FOR EXTENSIVE ANIMAL HUSBANDRY (FREE RANGE LAYING HENS) AT 1936 DAYLESFORD-MALMSBURY ROAD DRUMMOND. CHIEF EXECUTIVE OFFICER

*In providing this advice to Council, I, Alan Todd have no interests to disclose in this report.*

#### PURPOSE

The purpose of this report is for Council to determine on the application for the use of the land for extensive animal husbandry – free range laying hens.

#### BACKGROUND

The land comprises three parcels of 2.95Ha, 2.71Ha and 0.61Ha. The larger parcels are zoned Rural Living Zone, with the small parcel zoned Farming Zone. An Environmental Significance Overlay Schedule1 applies to all the land. The land is identified as of high agricultural quality (Agricultural Land in the Hepburn Shire – Enplan Strategic Assessment 2007).

The application site has a total area of 6.27Ha. The land is currently developed with a dwelling and a number of outbuildings, located at the front of the land close to the Daylesford-Malmsbury Road. The balance of the land is open agricultural land, with pasture cover. There is a seasonal watercourse running across the land towards the rear, two dams, and some native vegetation (trees) along the watercourse.

The application seeks approval to use the land to keep up to 400 laying hens as part of a small scale permaculture enterprise. The hens will be free range, deriving the majority of their nutritional needs from grazing/browsing on the land. An existing shed is to be used for nightly roosting, with the hens released by day to range over 4Ha of the land using rotational grazing techniques utilising existing fencing and movable electric fencing.

Eggs produced will be sold off site, being delivered by van to cafes, markets and other outlets.

The application was advertised by letter to 26 owners and occupiers of land within the vicinity, by placing a sign on the site, and by notice in the Advocate newspaper. Eight individual objections were received, and one "group" objection with ten signatories. Two of the signatories subsequently withdrew their objection.

The original application sought approval for up to 750 hens. Following advertising of the proposal, the applicant sought a reduction to 400 hens. The revised proposal was

not re-advertised as it will have a reduced impact. It was considered unlikely that any objections would have been withdrawn as a result of the changed application.

The application was referred to Coliban Water as a determining referral authority under Clause 66.02-5 (application to use land within a Special Water Supply Catchment). Coliban Water have given conditional consent to the application, subject to conditions requiring fencing and vegetation to protect the watercourse.

### ISSUE/DISCUSSION

The relevant planning considerations in making a determination are set out below.

State Planning Policy (Clause 14.01-2) seeks to encourage sustainable agricultural land use through:

- Ensuring agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Encouraging sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.
- Supporting effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

Local Planning Policy (Clause 22.04 Agricultural Uses and Development) builds on this by:

- Promoting the long-term sustainable use of high and very high quality agricultural land and the maintenance of clusters of agricultural activity in these areas.
- Protecting the natural and physical resources upon which agricultural industries rely.
- Promoting agricultural industries which are ecologically sustainable and incorporate best management practices.

This is combined with the protection of rural amenity, seeking to ensure that rural amenity is not adversely affected by use or development in the rural areas. This policy applies across all land in the Farming, Rural Conservation and Rural Living zones.

Rural Living Zone: The use of the land for extensive animal husbandry is a section 2 use, requiring planning approval.

The purpose of the Zone is:



- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposal to use land of high agricultural quality for a sustainable agricultural enterprise is fundamentally supported by State and Local policy and the relevant purposes of the Zone. This support is subject to the proviso that the use *does not adversely affect the amenity of surrounding land uses*.

Land immediately to the east and north of the application site is also zoned Rural Living, and is used primarily for small scale hobby farm type operations with single dwellings and associated outbuildings. The substantial planning issue that needs to be resolved is whether the rural residential amenity of this surrounding land is adversely affected by the proposed chicken farm.

To determine whether there is an adverse effect on the amenity of an area as a result of a proposed use or development, it is not sufficient to identify that there is merely any effect on amenity. The effect of any use or development needs to be substantial, and considered to be unreasonable in its extent. This also has to be considered in the context of what is reasonable residential amenity in a rural residential environment where existing hobby farms and more substantial farming enterprises are found surrounding the site. Consideration of this is undertaken in the responses to the objections

Environmental Significance Overlay Schedule 1: A permit is not required under this overlay for the use of the land for extensive animal husbandry.

#### KEY ISSUES

Nine objections were received which are summarised below. Many of the objectors raised similar concerns, with the overarching concern relating to rural residential amenity. The matters raised are summarised below, with planning response in italics:

- The potential impacts from noise, smell and dust from the proposed chicken farm are unacceptable. (The Australian Egg Industry separation distance between egg industry facilities and rural residential use is minimum 500m, which was quoted in support by one objector)

*The concerns around noise smell and dust would certainly be supported if the proposed use was an intensive chicken farm – indeed intensive animal husbandry is a prohibited use in the rural living zone. However this is a proposal for a free range, extensive chicken farm, with a low stocking rate. The hens are pastured, with a stocking rate of 100 hens/Ha. This is a mere fraction of the stocking rate for “free range” which ranges from 1,500 (RSPCA recommended) to 20,000 (Australian Standard). There is no current code of practice for free range pastured hens. The separation distance referred to by one objector is as applied to intensive egg production.*

*No roosters are proposed, and any permit would include a condition to ensure they were not present on the land. The impact of pastured chickens on the rural residential amenity of the area, as a result of noise smell or dust, are not considered adverse at such a low stocking rate.*

- Concern over the use of chemicals – disinfectant etc.

*There is no proposal to use non degradable chemicals as part of the operation of the farm. Any incidental chemical use would be subject to the relevant legislation with regard to use and disposal.*

- Concern about impact on water quality due to potential creek pollution.

*The relevant catchment protection authority (Coliban Water) have assessed the proposal. A fenced buffer of vegetation around the creek, with only one crossover point, would be required as a condition of any permit issued.*

- Concern that the farm would attract vermin, specifically rats, mice and foxes.

*Rats and mice are primarily attracted by feed. This is a pastured hen operation, where the majority of feed is obtained by grazing and foraging. Some supplementary feeding is allowed, as in all extensive animal farming. It would be a condition of any permit that all feed would be kept in sealed vermin proof containers.*

*Foxes will be drawn to chicken farms if they are able to actually gain entry and eat hens. It is expected that at night the roosting barn will be closed and foxproof. This could be included as a permit condition.*

- Hens will escape.

*It is always the responsibility of the owner of any livestock to keep them contained within property boundaries. A permit condition could require this to be done by effective fencing. Generally however the self interest of the landowner ensures that this is done.*

- The proposal will lead to the devaluation of adjoining properties

*There is ample planning case law demonstrating that this is not a valid planning consideration.*

#### **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 and may incur costs at VCAT if appealed.

#### **RISK IMPLICATIONS**

NA

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

NA

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

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

#### **CONCLUSION**

The proposal has been considered against the relevant provisions of the Hepburn Planning Scheme, it is recommended that the proposal be supported for the following reasons:

- The proposed use is not considered to result in any unreasonable impacts on the amenity of the area.
- This proposal is supported by both the State and Local planning policy frameworks, and is considered to satisfy the relevant Planning Scheme provisions as demonstrated in this report.

## OFFICER'S RECOMMENDATION

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987:

10.1.1. Resolves to Issue a Notice of Decision to Grant a Permit for the use of the land for extensive animal husbandry – free range laying hens in accordance with the submitted plans dated 13/2/2017 subject to the following conditions:

- Number of Hens Permitted- No more than 400 mature hens are to be allowed on the land at any time without the further written consent of the responsible authority.
- Roosters- No roosters are to be allowed to be kept on the land without the further written consent of the responsible authority.
- Feed Storage- All feed kept on the land is to be contained within sealed vermin proof containers to the satisfaction of the responsible authority.
- Predator control- Shedding used for the purposes of roosting must be fully closed between sunset and sunrise to prevent the intrusion of predators.
- Fencing- It is the responsibility of the permit holder to ensure all hens are contained within the boundaries of the land at all times.
- General Amenity- The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin or otherwise;
- Coliban Water- Prior to the use commencing a Land Management Plan detailing buffer native vegetation and stock fencing must be submitted to and approved by the Responsible Authority and Coliban Water.
  - a) The Land Management Plan should include a planting timeline and schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).
  - b) A single designated waterway crossing point must also be included.
  - c) The buffer native vegetation is to be a minimum average width of 20 metres along the waterway.

- d) The waterway must be fenced on both sides to prevent stock access and the fencing must be shown on the endorsed Land Management Plan.

The Land Management Plan must be endorsed to form part of the permit.

#### END OF CONDITIONS

NOTE: Expiry of permit

This permit will expire if the permitted use is not started within two years, or is discontinued for a period of two years.

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

- Within six months afterwards.

Applicant, Ms Alison Breach addressed the Council in support of her application

Objector, Mr Dean Durrant addressed the Council on his concerns regarding the proposal

Objector, Ms Wynne McGrath addressed the Council on her concerns regarding the proposal

#### MOTION

*10.1.1. That Council defer the item until a later date to allow further information to be considered*

**Moved:** Cr Neil Newitt

**Seconded:** Cr Don Henderson

**Lost**

## MOTION

*That Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987:*

10.1.2. *Resolves to Issue a Notice of Decision to Grant a Permit for the use of the land for extensive animal husbandry – free range laying hens in accordance with the submitted plans dated 13/2/2017 subject to the following conditions:*

- ***Number of Hens Permitted-*** No more than 400 mature hens are to be allowed on the land at any time without the further written consent of the responsible authority.
- ***Roosters-*** No roosters are to be allowed to be kept on the land without the further written consent of the responsible authority.
- ***Feed Storage-*** All feed kept on the land is to be contained within sealed vermin proof containers to the satisfaction of the responsible authority.
- ***Predator control-*** Shedding used for the purposes of roosting must be fully closed between sunset and sunrise to prevent the intrusion of predators.
- ***Fencing-*** It is the responsibility of the permit holder to ensure all hens are contained within the boundaries of the land at all times.
- ***General Amenity-*** The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) *Transport of materials, goods or commodities to or from the land;*
  - b) *Appearance of any building, works or materials;*
  - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - d) *Presence of vermin or otherwise;*
- ***Coliban Water-*** Prior to the use commencing a Land Management Plan detailing buffer native vegetation and stock fencing must be submitted to and approved by the Responsible Authority and Coliban Water.
  - a) *The Land Management Plan should include a planting timeline and schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).*
  - b) *A single designated waterway crossing point must also be included.*



- c) *The buffer native vegetation is to be a minimum average width of 20 metres along the waterway.*
- d) *The waterway must be fenced on both sides to prevent stock access and the fencing must be shown on the endorsed Land Management Plan.*

*The Land Management Plan must be endorsed to form part of the permit.*

***END OF CONDITIONS***

***NOTE: Expiry of permit***

*This permit will expire if the permitted use is not started within two years, or is discontinued for a period of two years.*

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

- *Within six months afterwards.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

**A division was called by Cr Don Henderson**

**Councillors that voted in favour of the motion:** Cr Kate Redwood AM, Cr Fiona Robson and Mayor Sebastian Klein

**Councillors that voted against the motion:** Cr Don Henderson, Cr Neil Newitt, Cr Greg May

**Chair's casting vote:** Mayor Sebastian Klein voted in favour of the motion

**Carried**

ATTACHMENT 1 - AERIAL VIEW APPLICATION SITE AND SURROUNDS



## 11. OFFICERS' REPORTS

### 11.1. TOWARDS ZERO EMISSIONS ROADMAP- COUNCIL OPERATIONS CHIEF EXECUTIVE OFFICER

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

#### PURPOSE

The purpose of this report is for Council to adopt the Towards Zero Emissions Roadmap in relation to Council's Operations.

#### BACKGROUND

Hepburn Shire Council has significantly reduced greenhouse emissions in the 2013 – 2017 period. Through a range of initiatives Council has reduced its greenhouse gas emissions by 21% since 2012/13. Some of these include the installation of 118Kw of Solar on 8 Council buildings, the replacement of all Council's streetlights to energy efficient lamps and draft proofing of Councils buildings. The Hepburn Shire Council Plan 2017-2021 supports the continued focus by the Hepburn Shire Council in achieving the target of Zero Carbon Emissions over the next 4 years. A key action is to reduce emissions and become a carbon neutral organisation. There are several ways in which this can be achieved, each of which is detailed within the Towards Zero Emissions Roadmap.

The Toward Zero Emissions Roadmap outlines a recommended course of action to enable Council to achieve this aim. The projects and initiatives can be categorised into one of the following action types:

#### **Reduce - Generate – Offset**

There a number of different ways that Council can reach our target of zero emissions. The option presented in this roadmap is a balanced approach that reduces Council's emissions while simultaneously investing in our local economy and reducing the cost of business operations.

#### ISSUE/DISCUSSION

There are a variety of ways that Council can achieve its target of being a carbon neutral organisation within the next four years. A number of these options are considered in the roadmap, however ultimately there is no one correct way. The most appropriate path forward will need to be one that considers a range of factors.

Within the report a priority has been placed on reducing our energy consumption within our operations. In parallel it is proposed to invest in generating energy through various projects and finally to invest in annual offsets to achieve our target of zero emissions. Where possible opportunities will be taken to minimise the amount of offsets required.

A significant investment over a four year period will lead to a zero emissions organisation and over a longer period see significant savings and revenue generated from this up front investment.

The roadmap proposes an investment of \$1,305,000 over a four year period and will generate savings/revenue of \$1,273,723 over a twelve year period. It is worth noting that that a more significant saving/revenue is realised when modelling based on the life of the installed equipment.

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

Council Plan 2017:2021:

Strategic Objective – Sustainable Environment

Key Strategic Activity:

8. Respond to Climate Change through the reduction of energy use, emissions and other resource use, and helping the community to adapt to the impacts of increased floods and fires. Undertake fire and flood risk reduction works across Council managed facilities and roads, in collaboration with other agencies and landowners to reduce fire risk to our communities.

Action:

8.1 Implement Towards Zero Emissions Roadmap Action Plan including renewable energy generation and reducing Council's consumption.

#### **FINANCIAL IMPLICATIONS**

An investment of \$1,305,000 is proposed over a four year period. This will be offset by savings/revenue of \$1,273,722 over a twelve year period.

#### **RISK IMPLICATIONS**

There are some risks associated with the implementation of the Zero Emissions Roadmap, however these have been minimised by conservative modelling. As a number of the assumptions within the roadmap rely on up to date market figures, it is proposed that prior to the implementation of individual elements are re-evaluated at the time of implementation.

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

There is a significant Environmental benefit resulting from the implementation of this roadmap with a reduction in Greenhouse Gas Emissions of 1,670 tonnes per annum.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council has recently undertaken consultation as part of its Council Plan 2017/21 of which this project is supported.

### **CONCLUSION**

Council has an exciting opportunity to deliver on one of its Council Plan commitments by investing in the implementation of the Zero Emissions Roadmap. Although a significant commitment is required by Council through the investment of \$1,305,000 over four years while generating savings/revenue of \$1,273,722 over twelve years.

### **OFFICER'S RECOMMENDATION**

That Council:

- 11.1.1. Adopts the Hepburn Shire Council Zero Emissions Roadmap and authorises its implementation
- 11.1.2. Sends a copy of the Hepburn Shire Council Zero Emissions Roadmap to the Minister for Energy, Environment and Climate Change, The honourable Lily D'Ambrosio and pledges Council's commitment to the State Governments Take 2 initiative.



**MOTION**

*That Council:*

- 11.1.1. *Adopts the Hepburn Shire Council Zero Emissions Roadmap and authorises its implementation*
- 11.1.2. *Sends a copy of the Hepburn Shire Council Zero Emissions Roadmap to the Minister for Energy, Environment and Climate Change, the honourable Lily D'Ambrosio and pledges Council's commitment to the State Governments Take 2 initiative.*
- 11.1.3. *Council promotes its efforts through membership of the City Powers Partnership Network.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

ATTACHMENT 2 - TOWARD ZERO EMISSIONS ROAD MAP HEPBURN SHIRE  
2017-21 (ISSUED UNDER SEPARATE COVER)



11.2. CHILLOUT FESTIVAL - MEMORANDUM OF UNDERSTANDING  
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 enters into a new three year Memorandum of Understanding (MOU) with ChillOut Daylesford Inc for the ChillOut Festival.

**BACKGROUND**

ChillOut was first staged in 1997 and has become the largest LGBTI festival held in regional Australia. It attracts approximately 25,000 people and consists of Carnival Day, a street parade and a wide range of umbrella events taking place within the Daylesford region.

Since 2010 Council has had a Memorandum of Understanding (MOU) in place with the ChillOut Festival. This MOU has clarified the support, including funding, Council will provide to the event and the requirements ChillOut must meet. The last three year MOU adopted by Council in October 2014 has expired.

ChillOut's evaluation report for the 2017 event showed that this year's event was a great success (A copy of the report is at Attachment 2). The event met each of the KPI's set-out in Council's MOU. Some of the key successes included:

- The event used 24 different venues throughout the Shire (including events held in Creswick, Clunes and Glenlyon)
- Accommodation in Daylesford and Hepburn Springs area was at capacity
- Strong marketing partnership with MCV (Melbourne Community Voice)
- Worthy Cause raised \$10,000 for VAC Country (Victorian Aids Council - Bendigo)
- Largest ever street parade with 41 entries, 430 participants and a crowd of over 4,000 watching
- 20 year celebration - exhibition at Daylesford Historical Society
- Introduction of a youth event - Freeza Fantasy Youth Ball
- Increased Social Media presence
- Increased support from Daylesford Macedon Ranges Tourism resulting in funding announcements State Government (Visit Victoria and Premiers Office)
- Introduction of options for local community group involvement
- Independent surveying and crowd counting conducted

## ISSUE/DISCUSSION

With funding assistance from the State Government, ChillOut have drafted a 3 year strategic plan, that is focusing on continuing to grow the event in various ways. The event will for the first time next year run for 10 days in March, will include 4-5 other key events held throughout the rest of the calendar year and will expand to other towns within the Shire.

Utilising the assessment criteria in the Events Strategy, the ChillOut Festival is categorised as a major event.

A major event is eligible for the following support:

- Funding up to \$20,000
- 3 Year Funding Agreement
- Maximum operational Council contribution of \$10,000

The MOU clearly identifies the role of Council in supporting the ChillOut committee as well as identifying the role of the Chillout committee in conducting a safe, accessible and professional event.

Changes to this MOU from the previous agreement include:

- The requirement for qualified/accredited traffic controllers (Council staff or contractor) to implement the Traffic Management Plan for the Parade.
- The provision for use of The Pavilion at Victoria Park on Carnival Day.
- An undertaking that Council will assist with parking preparation.

A set of KPIs will again be included in the MOU (Attachment 3) focusing on continued growth, attracting additional overnight visitors, enhancing its economic impact, attracting national media coverage and significant local community engagement.

After each annual event ChillOut will be required to submit an evaluation report to Council, and the MOU will be reviewed on an annual basis by Council Officers.

## 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

During the term of the previous MOU and consistent with Council's Event Strategy Council funding to ChillOut was reduced in increments of \$2,500 from \$30,000 in year one to \$25,000 in Year three ( 2017).

For the term of this MOU the following funding arrangements are proposed:

2018 event: \$22,500 funding and up to \$10,000 operational support

2019 event: \$20,000 funding and up \$10,000 operational support

2020 event: \$20,000 funding and up to -\$10,000 operational support

Council officers will work with Chillout to help source other potential funding avenues for expanded events as well.

Parking at this years event was an issue, and Infrastructure have investigated alternatives and advise that making some simple physical changes at Victoria Park would enable more parking, however this would require an extra financial contribution from Council. This would benefit a number of events, not just ChillOut.

### RISK IMPLICATIONS

As part of the MOU agreement, ChillOut Daylesford Inc is required to provide Council a three year event business/strategic plan, annual risk management plan and emergency management plan. Additionally, ChillOut Daylesford Inc is required to provide to Council copies of its public liability insurance prior to the event.

### ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

Anecdotal evidence suggests that ChillOut's overall attendance numbers sit at 25,000 annually, bringing over \$5million to the local economy.

Results from independent surveying conducted at the 2017 Carnival Day showed that over 85% of attendees came specifically to Daylesford to attend ChillOut and well over 60% came from outside of the region.

ChillOut Festival also has many social benefits, providing a safe place for the LGBTI community to celebrate while advocating for equality and acceptance and also thanking and acknowledging the local community for the part they play in this.

### COMMUNITY AND STAKEHOLDER ENGAGEMENT

ChillOut Daylesford Inc has been involved in the development of this MOU, through a series of meetings with Council officers where feedback was sought.

## CONCLUSION

The ChillOut Festival is a celebration that is unique to the Hepburn Shire and the State. The economic benefit of this festival, to the region is in excess of \$5 million annually. 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 event to meet.

## OFFICER'S RECOMMENDATION

11.2.1. *That Council authorises the Chief Executive Officer to sign the 2018 - 2020 Memorandum of Understanding between ChillOut Daylesford Inc and Hepburn Shire Council.*

## MOTION

11.2.1. *That Council authorises the Chief Executive Officer to sign the 2018 - 2020 Memorandum of Understanding between ChillOut Daylesford Inc and Hepburn Shire Council.*

11.2.2. *That Council approves the display of the rainbow flag on the flagpole on the corner of Vincent Street and Central Springs Road during the period leading up to the vote on the marriage equality survey as a goodwill gesture to our very strong LGBTI community.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Fiona Robson

**Carried**

ATTACHMENT 3 - CHILLOUT EVALUATION REPORT (ISSUED UNDER  
SEPARATE COVER)

ATTACHMENT 4 - CHILLOUT DRAFT MEMORANDUM OF UNDERSTANDING

## Memorandum of Understanding

between

Hepburn Shire Council and ChillOut Daylesford Inc

**Purpose:** The Memorandum of Understanding (MOU) is intended to clarify the roles and responsibilities and to create a working relationship between the Hepburn Shire Council (Council) and ChillOut, to ensure the future sustainability and growth of the ChillOut Festival in the Hepburn Shire.

It seeks to ensure that a transparent and accountable agreement is in place between the Hepburn Shire and ChillOut Daylesford Inc.

**Term:** This MOU is for a 3 year period (2018, 2019 and 2020 Festivals) to be reviewed on an annual basis.

**Parties:** ChillOut – refers to ChillOut Daylesford Inc  
Council – refers to Hepburn Shire Council

### 1. Hepburn Shire Sponsorship Support

The Council will provide sponsorship to the amount of \$22,500 (funding) and a further operational contribution of up to \$10,000 for the first year, and \$20,000 funding and up to \$10,000 operational support for the remaining two years, subject to the requirements and provisions of this Memorandum of Understanding (MOU).

ChillOut is an annual festival conducted in Daylesford. It was first staged in 1997 and has become the largest LGBTI festival in regional Australia. It attracts approximately 25,000 people and consists of Carnival Day, a street parade and a wide range of umbrella events taking place within Daylesford and the Hepburn Springs region.

The funding will be provided by the Council for ChillOut to contract or employ professional management expertise in the areas of event management and administration. The process to appoint the professional event management expertise



must be in accordance with good governance standards, including transparent and professional recruitment and contract procedures. A proportion of the funding may also be used for marketing purposes, particularly to attract additional visitation to the event from visitors outside of the region.

Subject to the receipt of a tax invoice from ChillOut at least 14 days prior to the due date, Council will make the sponsorship payments for the 2018 event as follows:

- 1.1 Payment 1 – of \$18,000 (80%) (Plus GST) to be paid within 2 weeks of the signing of this MOU (for 2015 event), and within 14 days of receipt of invoice from Chill Out within the 2015/2016, 2016/2017 financial years.
- 1.2 Payment 2 – of \$2,250 (10%) (Plus GST) to be paid upon approval by Council of traffic, risk and other pre-event plans required within this MOU.
- 1.3 Payment 3 – of \$2,250 (10%) (Plus GST) to be paid when ChillOut has fulfilled all obligations contained in this MOU, including the provision of a post event report.

## **2. Organisational Support provided by Council**

The Hepburn Shire Council will provide the following organisational 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.

### **2.1 Waste Management**

ChillOut will develop a Waste Management Plan in conjunction with Council, outlining the type and amount of wastes generated, waste management strategies and responsibilities.

- a. Council will provide up to 50 bins (combination or rubbish and recycling) for Carnival Day. The bins will be delivered to Victoria Park, Daylesford on the Friday prior to the Carnival Day and collected on the Monday following the event by Council. Up to 20 bins will be provided at the Town Hall (final number to be determined in Waste Management Plan).
- b. ChillOut agrees to work with Council to conduct of a Waste Wise event at Victoria Park.

- c. Council will fund and supply eight rubbish skips for use during Carnival Day and two skips for Town Hall events. ChillOut must ensure waste from the smaller bins is emptied into the skips throughout the event.
- d. ChillOut is responsible to ensure Victoria Park Daylesford and other event locations are left in a clean and tidy condition as per the Waste Management Plan. At Victoria Park all bins are to be located in agreed location for collection.
- e. A review of the Waste Management Plan will be conducted annually within 6 weeks of the conclusion of the Festival.

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

- a. ChillOut is responsible for developing a Traffic Management Plan (TMP) incorporating parking, pedestrian management and road closures required for the Street Parade conducted on the Sunday of the Festival.
- b. ChillOut must participate in event planning meetings with Council and relevant emergency authorities to assist in reviewing and developing the plan. Planning must commence by the second week of November, with the Traffic Management Plan to be completed at least 6 weeks prior to the event.
- c. ChillOut must submit a traffic management plan to VicRoads. Council (or contractor engaged by Council) will implement the TMP and provide signage and personnel as per TMP.
- d. Additional marshals to assist in TMP implementation will be provided by ChillOut to ensure direction and flow of parade, and crowd safety is maintained. 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. ChillOut must develop a Parking and Pedestrian Plan for Carnival Day and the Street Parade. It is ChillOut's responsibility to provide suitably qualified and experienced personnel to implement the Parking and Pedestrian Plans. Council will provide advice to ChillOut in the development of the Plans.
- f. Parade Marshals for the Street Parade must be provided by ChillOut and will be responsible for ensuring the appropriate management of pedestrians and vehicles on the Parade route (in conjunction with Victoria Police).

- g. Council will provide and deliver agreed signage (portable parking signs including disabled parking) for the Carnival Day Parking at Victoria Park. Directional and other signs required for the Parking Plan will be provided by ChillOut (or Council where available and negotiated in advance).
- h. Council will work with ChillOut to find a suitable parking space for Carnival Day, providing barrier fencing where required. ChillOut will be responsible for ensuring the parking area is fully supervised with competent personnel.
- i. ChillOut will operate a shuttle bus service and is responsible to market, schedule and provide bus/buses and driver/drivers for this service. Bus routes and bus stop locations will be determined by ChillOut in consultation with Council as part of the TMP.

### 2.3 Venue and Venue Infrastructure

- a. Council will provide Victoria Park including The Pavilion, Daylesford to ChillOut for the March Labour Day weekend (event weekend) for the purposes of conducting Carnival Day. Council will provide the ChillOut President with one set of keys for all access gates to Victoria Park before the event. Access to Victoria Park must take into consideration the needs of other users at all times, and where necessary ChillOut must communicate with other users. ChillOut must ensure all opened gates are locked when departing the Park or when it is likely that other people may enter the Park.
- b. Council will provide a booking and a key for the Daylesford Town Hall and Senior Citizen's Centre for the Friday, Saturday and Sunday (and cleanup on Monday) of the event weekend at a time to be negotiated each year. ChillOut must still confirm this booking annually with Council's Customer Service department. Out of Hours access to the Hall will be detailed in the Hall Hire Agreement. The booking will be subject to a security deposit, the Terms and Conditions of Council's standard Hall Hire Agreement and the following conditions for the dance party event as previously agreed to by both parties:
  - Event admittance via pre sold tickets only
  - ChillOut to provide adequate security by supplying crowd controllers at the hall entrance, at the back of the building and inside the venue
  - ChillOut will liaise with local restaurants to offer coffee/light refreshments throughout the evening for departing patrons
  - Patrons will not be admitted to the premises after 1.00 am
  - External refrigeration to be shut down by 2.00 am

- The event will finish at 2.00 am or earlier
  - ChillOut will engage a cleaning service to clean up after the event
  - No hay/straw bales to be used either inside or outside the hall.
- c. Council consents to ChillOut installing façade rainbow lighting on Daylesford Town Hall for the event weekend. Installation of the lighting will be provided by ChillOut and be undertaken by suitably qualified and experienced personnel at its cost.
- d. Council will work with ChillOut to ensure Victoria Park is presented in the best possible manner which is suitable for use during Carnival Day. Note: Watering will depend on water restrictions and the weather conditions. If Council deem a watering exemption is needed Council will make the appropriate application to allow adequate time for grounds watering (Council is unable to commit that the exemption will be granted). Implementation of the watering plan is ChillOut's responsibility.
- e. Council will not impose a charge on ChillOut for the use of the power supplies at Victoria Park over the event weekend. Chill Out must ensure the power supply is used safely and in accordance with electrical safety regulations and standards.
- f. Council will provide ChillOut with the use of the storage shed at Victoria Park for secure, dry storage of ChillOut-owned chattels.
- g. ChillOut 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).

## 2.4 Marketing and Communications

- a. Council will provide promotion of ChillOut at the Daylesford Regional Visitor Information Centre and on [www.visitdaylesford.com](http://www.visitdaylesford.com) including free display space. This will be on-going as assessed by the Visitor Services Officers.
- b. ChillOut can direct all visitor enquiries from ChillOut visitors to the Daylesford Regional Visitor Information Centre. ChillOut will provide volunteer staff to work in the visitor centre on the weekend of the event, or as agreed to by the Visitor Services Officers.
- c. Council will allocate ChillOut the events signage frames at key entry points to Daylesford (4 signs) from the first Monday of February each year, until the end of ChillOut. ChillOut will supply, install and remove the signs during the approved period.

- d. Council will provide links to ChillOut's website on Council's website and will include ChillOut in event calendar listings.
- e. Where possible, Council will support the marketing activities of ChillOut.
- f. ChillOut 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 ChillOut 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 Council.
  - Provide Councillors and Council officer's invitations to official ChillOut functions, events and launches. Council will receive up to 10 tickets free of charge to the ChillOut carnival day event on Sunday at Victoria Park, Daylesford. Tickets to be used for Councillors and Council officers involved in the implementation of ChillOut only. Tickets must be provided at least one month prior to the event.
  - Provision of a market stall at ChillOut Carnival (Council to pay cost of equipment hire only).
  - Half page advertisement in the Festival Guide, if a guide is produced (art work to be supplied by Council at its expense according to production deadlines and graphical standards).

### 3. Occupational Health and Safety, Risk and Compliance

- a. ChillOut must comply with all of Council 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. ChillOut 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. ChillOut must participate in Council's 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 4 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. ChillOut 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. ChillOut 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 ChillOut.
- b. ChillOut must maintain up to date insurances applicable to the event, including Public Liability Insurance for a minimum of \$20 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.
- c. ChillOut agrees that if there is any loss or damage to Council land or property as a result of the event, ChillOut will immediately notify Council by making contact with the Events Officer (or other Council officer if Events Officer is not available) and cover restoration, replacement or repair costs of the loss or damage.
- d. ChillOut agrees to maintain a legal status during the term of this MOU as an Association registered under the Incorporations Act 1981 or another suitably status.

#### **5. Strategic and Business Planning**

- a. ChillOut 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.
- b. The parties agree that ChillOut will pursue a model less financially dependent upon Council.

## 6. Key Performance Indicators

ChillOut must aim to meet the following KPI's, which have a focus on developing tourism and economic impacts within Hepburn Shire:

- Strengthen partnerships with Daylesford Macedon Ranges Regional Tourism Board and Visit Victoria to enhance their support and investment in the event
- Attract state and national media coverage to encourage visitation from inter and intra state visitors to ensure 60% of visitors are from outside the region;
- Increase the percentage of overnight visitors attending the event and length of stay
- Continue significant engagement of local community groups and business

## 7. Review and Evaluation

- a. Council will assess the achievements against the outcomes within this MOU including the KPI's, and the key objectives contained in ChillOut's Business Plan with input from ChillOut.
- b. ChillOut will attend a post event evaluation meeting with Council and other authorities following the conduct of the event.
- c. ChillOut will provide a report to Council within 8 weeks of the conclusion of the event, using a template provided by Council, detailing the following information:
  - i. Attendance numbers for ChillOut Carnival Day and other events within the Festival program.
  - ii. Details of the origin and estimated length of stay of visitors to ChillOut.
  - iii. Estimates of the economic and tourism impact of the festival applying a jointly agreed methodology used to produce 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.

## 8. 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 ChillOut to comply with Council's local laws, and other regulations and legislation relating to the conduct of the event.

## 9 Termination of MOU

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

Memorandum of Understanding between Hepburn Shire Council and ChillOut

Signed for and on behalf of the Hepburn Shire Council:

\_\_\_\_\_  
Signature of CEO                      Print Name                      Date

\_\_\_\_\_  
Witness signature                      Witness Name                      Date

Signed for and on behalf of ChillOut

\_\_\_\_\_  
Signature of President                      Print Name                      Date

\_\_\_\_\_  
Witness Signature                      Witness Name                      Date

Appendix A:

Estimate of Hepburn Shire Council's Organisational Support

Support provided	Details	Estimated Cost to Council
Waste Management	Hire and transportation of 8 skips Supply, delivery, collection of rubbish bins - Victoria Park and Town Hall	\$2,200
Road Closures	Provision of qualified traffic management	\$4,000
Victoria Park – Site establishment	Ground preparation, provision of bunting for pedestrian plan, disabled access and signage	\$1,500
Town Hall	Use of Town Hall and Senior Citizen's Centre	\$796 (\$500 bond) \$288 (Senior Citizens)
Visitor Services	Provision of Visitor Information Centre Cube display	\$300
	<b>Total estimated in-kind support value</b>	<b>\$9,084</b>

11.3. **DAYLESFORD & MACEDON RANGES REGIONAL TOURISM BOARD - SERVICE AND PARTNERSHIP AGREEMENT  
GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the Library and Visitor Services Coordinator, I Ellie Beer have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to enter into a three year Service and Partnership Agreement with Daylesford & Macedon Ranges Tourism (DMR Tourism) with the financial contribution to be reviewed annually.

**BACKGROUND**

In July 2014, Council resolved to enter into a three year MOU with DMR Tourism which expired on 30 June 2017. DMR Tourism is the peak Regional Tourism Board for the Daylesford and Macedon Ranges region. The core role of DMR Tourism is to facilitate tourism development, marketing and destination management within the region, and to advocate for priority strategies and initiatives to grow the region's visitor economy. To successfully achieve this, DMR Tourism relies on a series of partnerships and the ability to influence and lead industry.

The Victorian Visitor Economy Strategy (July 2016) commits the Victorian Government to grow the Visitor Economy over the next 10 years by \$13.4 billion and sees this being driven by regional Victoria. The Strategy highlights partnerships as an area that is working well with local government playing an important role in managing local development and supporting the visitor economy sector in their areas. Regional Tourism Boards play a valuable role in coordinating and developing strategic, region specific objectives and liaising with Regional Development Victoria (RDV) to leverage Regional Tourism Infrastructure fund (RTIF) and Regional Events Fund (REF) funding in our Shire.

**ISSUE/DISCUSSION**

In Hepburn Shire, the tourism sector plays a significant role in supporting the local economy. The economic contribution of the visitor economy to the DMR region was \$423m (30 September 2016) an increase of 17.5% on the previous year, and was responsible for nearly 26% of all jobs in the region.

The Victorian Visitor Economy Strategy is not just focused on tourism and events, but the broader visitor economy. The Government established a single body, Visit Victoria, to lead tourism, major events and conventions in the state. State government's position is that the Regional Tourism Board model is the best and most efficient way for Visit Victoria to deliver the best results for the regional tourism industry.

DMR Tourism is committed to co-ordinating region-wide Destination Management as a key priority. The ongoing process that underpins Destination Management is based on collaboration and co-operation with all stakeholders with the shared aims of increasing visitation, visitor expenditure and length of stay, and improving the quality of the visitor experience.

DMR Tourism's Destination Management Plan includes the following elements:

a) Product Development Plan

This Plan identifies and prioritises regional opportunities, specific investment initiatives, infrastructure and service initiatives and other initiatives that will enhance the region's tourism products and visitor experiences. A number of Hepburn priority infrastructure projects are included in this Plan.

b) Tourism Action Plan

This Plan establishes a framework for the co-ordination of all key tourism stakeholders in the region to achieve best practice destination management.

c) Regional Marketing Plan

This element will be drawn from DMR RTB's annual Marketing Plans, and any relevant plans developed by the region's other key tourism bodies.

RTB's have an important role around Visit Victoria's Regional Events Fund (REF) which assess the strength of the event, its alignment to regional brand strengths and capacity to drive visitation, length of stay and visitor yield. An RTB's endorsement is the only way events can be considered for funding. Both the Chillout Festival and Clunes Booktown have successfully worked with DRM Tourism to secure REF funding.

The DMR Tourism Board recently resolved to exclude Moorabool Shire Council and City of Melton from the Region and work more closely with Mount Alexander Shire. Under the Regional Tourism Board model tourism and hospitality businesses are expected to contribute towards the cost of collateral through the purchase of advertising. These businesses can choose which RTB to advertise with.

In 2016/17 DMR Tourism produced and distributed 80,000 Visitor Guides, 80,000 copies of the new Regional Touring Map, as well as the second edition of the Conference Planners Guide.

It also created a series of three publications that were distributed throughout Melbourne in 250,000 copies of the Weekly Review Magazine, one of which featured Hepburn Shire as the destination of choice. DMR Tourism also has over 40,000 subscribers to their electronic marketing database.

In order for Hepburn Shire Council to achieve similar outputs as DMR Tourism we would need to employ a full time tourism marketing professional with a substantial budget for advertising. Estimated cost to Council over \$200,000, based on salary plus cost to produce, print and distribute visitor guides of around \$120,000.

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

Council Plan 2017:2021:

Strategic Objective – Vibrant Economy

Key Strategic Activity:

10. Contribute to the strength of the economy through the ongoing development of key regional attractions and events that enable marketing of our region, attraction of visitors, business opportunities and underpin a strong community.

### **FINANCIAL IMPLICATIONS**

The cost of entering into the Partnership and Service Agreement has a cost of \$83,000 which is included in the 2017-18 operating budget.

### **RISK IMPLICATIONS**

The risks of not entering into the agreement with DMR Tourism are not being able to engage with State Government for funding opportunities through RTIF or REF, a reduced marketing reach and exclusion from regional marketing collateral.

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

The economic impact of the Service and Partnership agreement with DMRT is increased growth in visitation and the visitor economy and increased private and government investment which will lead to increased employment in the industry and region.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

DMR Tourism engages with its local government stakeholders through Local Government Forums ( four/year) and industry stakeholders through Industry Forums (for/year). In addition it holds an annual conference.

### **CONCLUSION**

The Victorian Government through the Victorian Visitor Economy Strategy has endorsed the Regional Tourism Board model as the best method of supporting regional tourism.

DMRT performed well over the three years of our last MOU, 2014-17, have grown their marketing offering resulting in increased visitors and spend. They have developed the Daylesford and Macedon Ranges Destination Management Plan and have supported regional business and events across the Shire to gain government funding.

#### OFFICER'S RECOMMENDATION

11.3.1. That Council enters into a three year Service and Partnership Agreement committing to funding of \$83,000 in 2017-18.

#### MOTION

11.3.1. *That Council enters into a three year Service and Partnership Agreement committing to funding of \$80,000 in 2017-18.*

11.3.2. *That \$3,000 be allocated to support Council's engagement with the Goldfields World Heritage initiative.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**



ATTACHMENT 5 - DRAFT SERVICE AND PARTNERSHIP AGREEMENT

## DAYLESFORD & MACEDON RANGES TOURISM Hepburn Shire Council – Draft 2017/18 Service and Partnership Agreement

### Purpose:

The purpose of the Service and Partnership Agreement is to set out the services that Daylesford and Macedon Ranges Tourism will provide to Hepburn Shire Council to facilitate tourism development, marketing and destination management within the region.

The Victorian Government's position is that the Regional Tourism Board (RTB) model is the best and most efficient way for Visit Victoria to deliver the best results for the regional tourism industry.

RTBs are crucial to the success of regional Victoria and are the key agencies with whom Visit Victoria and other State Government agencies communicate/engage. The increasing importance of RTBs as lead tourism agencies in regional Victoria was reinforced in 2016 with announcement of two ongoing funding programs. These are the Regional Tourism Infrastructure fund (RTIF) and Regional Events Fund (REF). RTBs are the key agencies with whom Regional Development Victoria (RDV) engages in relation to RTIF tourism and REF projects.

Hepburn Shire Council will work with DMRT to promote the region and our events through Board Membership and an ongoing relationship between DMR Staff and Council Officers.

### Key Deliverables:

Service/Asset	Description	Proposed HSC Service Level	Fee
Regional Visitor Guide	The DMR Region's highly acclaimed Visitor Guide is the region's flagship tourism publication. A minimum of 80,000 copies of the 2018 Guide will produced for distribution throughout the State. The Guide will be a minimum of 132 pages and feature imagery, editorial and business advertising.	16 pages of editorial and imagery featuring Hepburn Shire locations. 4 pages of Hepburn Shire editorial locations in Product/Experience sections.	\$30,000
Regional Touring Map	Complementing the region's Visitor Guide, this detailed travel map provides information on the region and its destinations. Sized 800mm x 420mm, folded to DL size, it will be distributed throughout the region and State with a print run of 80,000.	Hepburn Shire locations featured on Map. Tourism businesses in these locations given the opportunity to buy-in to a limited number of business listings available on the Map, as part of the DMR Partner Program.	\$5,000

Visit Victoria website	The <i>visitvictoria.com</i> website, is the primary consumer portal for the region. DMRT works in close partnership with Visit Victoria to manage the region's content (editorial and imagery). Regional content focuses both on destinations within the region, and product sectors.	Five villages will be featured as regional destinations: Daylesford, Hepburn Springs, Trentham, Clunes and Creswick. Hepburn Shire content will be included in all 10 <i>Things To Do</i> categories. Businesses in the Shire will also be invited to provide Special Offers to be featured on the website.	\$6,000
Quarterly eDM's	DMR Tourism produces four eDM's each year, which are distributed to the growing DMR region database (owned by Visit Victoria). The database is currently 42,000 and growing. Each eDM is designed around a competition, designed to optimise engagement between viewers and the region.	Hepburn Shire editorial, imagery and competition prizes will be featured in 2 of the 4 eDM's distributed in 2017/18.	\$6,000
Social Media Program	DMR Tourism's social media program has built solid channels for communicating, building conversation and engagement with social media audiences, primarily through Facebook, Instagram and Twitter.	Across the DMR Region channels, 50 posts related to Hepburn Shire topics will be achieved.	\$10,000
Visitor Statistical Reports	Produced by Datainsights, these quarterly tracking reports for the DMR region cover specific LGAs, and provide statistical information on derived visitor expenditure, total visitors (daytrips and overnight) and number of nights.	Hepburn Shire Council will receive quarterly reports, with information on both the Hepburn Shire and the broader region.	\$3,000
PR Program	DMR Tourism's annual PR program aims to achieve quality travel features and articles in print, broadcast and online media creating exposure that would be cost-prohibitive to purchase as paid advertising.	DMRT will allocate 50 days of PR program activity (@ \$400/day) to Hepburn in 2017/18. Activity will include: research and source stories relating to HS locations/businesses; pitching HS stories to media; and managing media famils to HS locations.	\$20,000
DMR Region App	The innovative DMR Region App provides visitor information on mobile devices. Free to download, and able to work off-line, this App enables visitors to plan their trip in the region and share their experiences via smart social media integration.	App will feature editorial and imagery on Hepburn Shire locations and places of interest. Number of HS Places of Interest (premium) listings: 150 listings @\$200/ listing	\$3,000
<b>TOTAL FEE</b>			<b>\$83,000</b>

ATTACHMENT 6 - VICTORIAN VISITOR ECONOMY STRATEGY (ISSUED  
UNDER SEPARATE COVER)

11.4. **APPOINTMENT OF MEMBERS TO SPECIAL COMMITTEES**  
**GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the Coordinator of Governance and Information, I Katherine Toom have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is to provide Council with recommendations for the appointment of members to four Special Committees (Section 86) and to update the membership provisions with the Instruments of Delegation for those Committees for whom insufficient nominations have been received.

**BACKGROUND**

The terms of multiple committee members are due to expire at the end of August 2017. Council Officers wrote to each expiring committee member in early July, thanking them for their service and contribution to the community and inviting them to reapply should they wish to do so. Advertisements were also placed in local print media throughout July as well as online, calling for applications from interested members of the public.

This report presents the proposed nominations based on applications received.

**ISSUE/DISCUSSION**

No applications were received from new individuals. All applications are from returning Committee members.

The following nominations were received by the closing date of 28 July 2017:

**Creswick Museum Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 3

Number of members already sitting on the Committee: 4

- Ms Evelyn Wright – Returning Member
- Mr Geoffrey Newmarch – Returning Member
- Ms Diane Sewell – Returning Member

As there are no identified concerns, it is proposed to appoint all applicants. This brings the number of appointed Committee members to seven.

**Dean Recreational Reserve Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 0

Number of members already sitting on the Committee: 8

- Ms Michelle McCann – Returning Member

As there are no identified concerns, it is proposed to appoint this applicant. This brings the number of appointed Committee members to nine.

### **Glenlyon Recreation Reserve Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 3

Number of members already sitting on the Committee: 2

- Ms Marion Christine Clare – Returning Member
- Mr John Cable – Returning Member

This brings the number of appointed Committee members to four.

As the current Instrument of Delegation for the Glenlyon Recreation Reserve Committee requires a minimum of five members, it is proposed that Council officers write to the user groups of the facility that do not currently have representation on the Committee and request that they put forward a nomination each. In addition to this measure, the current Instrument of Delegation to the Committee shall have the minimum number of members reduced from five to three, and the requirement of the Ward Councillor to be a member of the Committee be removed.

### **Lyonville Hall Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 2

Number of members already sitting on the Committee: 3

- Ms Vicki Jackson – Returning Member
- Mr George Bremner – Returning Member (application received after closing date)

This brings the number of appointed Committee members to five.

The current Instrument of Delegation to the Committee shall have the minimum number of members reduced from five, to three. This measure was proposed before the late arrival of the application of George Bremner, but in proceeding with this update to the Instrument, it ensures that the minimum number of members can be easily maintained for the term of that Instrument should any of the members with terms due to expire in 2018 choose not to reapply at that time.

### **Lee Medlyn Home of Bottles Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 0

Number of members already sitting on the Committee: 7

Committee membership was advertised but no new applications from members of the public were received by the closing date. There are currently enough members on the Committee to achieve a quorum.

### **Drummond Hall Special Committee**

Number of new or returning members needed to meet the minimum Committee number as specified within the Instrument of Delegation: 0

Number of members already sitting on the Committee: 7

Committee membership was advertised but no new applications from members of the public were received by the closing date. There are currently enough members on the Committee to achieve a quorum.

The application forms have been circulated to Councillors out of session under separate cover.

## **COUNCIL PLAN/LEGISLATIVE COMPLIANCE**

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

## **FINANCIAL IMPLICATIONS**

None identified

## **RISK IMPLICATIONS**

All volunteers are covered by Council's Public Liability insurance.

Guidelines are provided by Council to assist the Special Committees to effectively manage the facilities and to meet legislative requirements.

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

Special Committees comprising community members, encourage positive community involvement and engagement in managing Council owned facilities.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The call for nominations to the above Special Committees was advertised in the local newspapers and on Council's website and Facebook page.



## CONCLUSION

Appointment of these returning committee members will enable Council's Special Committees to continue to operate in accordance with their Instruments of Delegation.

The hard work of committee members and volunteers has been, and will continue to be, of considerable value to our local communities and the broader Hepburn Shire.

## OFFICER'S RECOMMENDATION

That Council:

11.4.1. Resolves to appoint the following persons as members of the Creswick Museum Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:

- Ms Evelyn Wright
- Mr Geoffrey Newmarch
- Ms Diane Sewell

11.4.2. Resolves to appoint the following persons as members of the Dean Recreational Reserve Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:

- Ms Michelle McCann

11.4.3. Resolves to appoint the following persons as members of the Glenlyon Recreation Reserve Special Committee for a period of two years commencing 30 September 2016 until 30 September 2018:

- Ms Marion Christine Clare
- Mr John Cable

11.4.4. Resolves to appoint the following persons as members of the Lyonville Hall Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:

- Ms Vicki Jackson
- Mr George Bremner

11.4.5. Notes the actions being undertaken by officers to attempt to gain enough new or returning Committee members on the Glenlyon Recreation Reserve Committee so it meets the minimum number of members as specified within the Instrument of Delegation.

- 11.4.6. Adopts the amended Instruments of Delegation to the Glenlyon Recreation Reserve and Lyonville Hall Special Committees, noting the reduction to the minimum number of Committee members and removal of the Ward Councillor as a member of the Committees.
- 11.4.7. That members of each Committee are, pursuant to section 81(2A) of the Act, exempted from being required to submit a primary and ordinary return.

#### MOTION

*That Council:*

11.4.1. *Resolves to appoint the following persons as members of the Creswick Museum Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:*

- *Ms Evelyn Wright*
- *Mr Geoffrey Newmarch*
- *Ms Diane Sewell*

11.4.2. *Resolves to appoint the following persons as members of the Dean Recreational Reserve Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:*

- *Ms Michelle McCann*

11.4.3. *Resolves to appoint the following persons as members of the Glenlyon Recreation Reserve Special Committee for a period of two years commencing 30 September 2016 until 30 September 2018:*

- *Ms Marion Christine Clare*
- *Mr John Cable*

11.4.4. *Resolves to appoint the following persons as members of the Lyonville Hall Special Committee for a period of two years commencing 1 September 2017 until 31 August 2019:*

- *Ms Vicki Jackson*

- *Mr George Bremner*

11.4.5. *Notes the actions being undertaken by officers to attempt to gain enough new or returning Committee members on the Glenlyon Recreation Reserve Committee so it meets the minimum number of members as specified within the Instrument of Delegation.*

11.4.6. *Adopts the amended Instruments of Delegation to the Glenlyon Recreation Reserve and Lyonville Hall Special Committees, noting the reduction to the minimum number of Committee members and removal of the Ward Councillor as a member of the Committees.*

11.4.7. *That members of each Committee are, pursuant to section 81(2A) of the Act, exempted from being required to submit a primary and ordinary return.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Greg May

**Carried**

ATTACHMENT 7 - DRAFT INSTRUMENT OF DELEGATION – GLENLYON  
RECREATION RESERVE SPECIAL COMMITTEE



Hepburn Shire Council  
Instrument of Delegation  
Glenlyon Recreation Reserve Special Committee

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on **15 August 2017** and known as the "Glenlyon Recreation Reserve Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on **15 August 2017**;
- 2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2021; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
- 3. all members of the Committee will have voting rights on the Committee.

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

..... : Mayor  
Cr Sebastian Klein

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

This xxxth day of August 2017.

## SCHEDULE

### Powers and functions

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

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

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

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

### Membership of the Committee

1. The Committee shall be comprised of at least three voting members, comprising:
  - 1.1 one representative of each of the following user groups (provided a nomination is received and endorsed at a Council meeting):
    - (a) Daylesford Field and Game Association;
    - (b) Glenlyon and District Riding Club Inc (Adult Riding Club);
    - (c) Glenlyon and District Pony Club Inc; and
    - (d) Glenlyon Sports Club (Sports Day);
  - 1.2 Additional members of the committee will be made up by members of the public
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

### Indemnity

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

## **Rescinded Delegations**

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

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

## **Winding Up**

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

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

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

### **Council's Responsibilities**

Council shall:

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



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

### **Office Bearers**

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

- President, Chairperson of the Committee
- Secretary
- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

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

### **Duties of Secretary**

The Secretary shall:

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

## Duties of Treasurer

The Treasurer shall:

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

## Meetings

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

## Conflicts of Interest

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

## Finance

The Committee shall:

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

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

Signed \_\_\_\_\_

Committee member #1

Signed \_\_\_\_\_

Committee member #2

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

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

## Maintenance and Other Outgoings

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Water
  - Cleaning
  - Security
  - Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)
  - Annual electrical equipment testing
  - Annual audit fees

3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Strategic Asset Management by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

**END SCHEDULE**

ATTACHMENT 8 - DRAFT INSTRUMENT OF DELEGATION – LYONVILLE HALL  
SPECIAL COMMITTEE



**Hepburn Shire Council  
Instrument of Delegation  
Lyonville Hall Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on **15 August 2017** and known as the "Lyonville Hall Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on **15 August 2017**;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 July 2021; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

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

..... : Mayor Sebastian Klein

..... : Chief Executive Officer

This xxth day of August 2017.

## SCHEDULE

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the Lyonville Hall, Crown Allotments 1 and 2 of section 10 in the parish Bullarto - consisting of a timber hall, outside toilets and reserve land (**the Stated Property**), and for those purposes:

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

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

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

### **Membership of the Committee**

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

### **Indemnity**

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

### **Rescinded Delegations**

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

1. Lyonville Hall Committee of Management
2. Lyonville Hall Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets



will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

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

### **Council's Responsibilities**

Council shall:

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

## **Office Bearers**

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

- President, Chairperson of the Committee
- Secretary
- Treasurer

## **Duties of Chairperson**

The Chairperson shall:

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

## **Duties of Secretary**

The Secretary shall:

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

## **Duties of Treasurer**

The Treasurer shall:

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

## Meetings

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

## Conflicts of Interest

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

## Finance

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.

6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contract/agreement/licence/lease is executed by the Lyonville Hall Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

Committee member #1

Signed \_\_\_\_\_

Committee member #2

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

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

### **Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Cleaning
  - Minor Maintenance
  - Grounds maintenance beyond Council's contribution
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)
  - Electrical equipment testing
  - Annual audit fees
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Strategic Asset Management by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

**END SCHEDULE**

## 11.5. PROCUREMENT POLICY REVIEW

### GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the Manager Finance and Information Technology, I Trafford Thompson have no interests to disclose in this report.*

#### PURPOSE

The purpose of this report is for Council to review Council's Policy 46 (C) – Procurement Policy.

#### BACKGROUND

Section 186A of the Local Government Act, 1989 (the Act) requires Council to prepare and approve a procurement policy. This section of the Act defines procurement policy to mean the principles, processes and procedures that will apply to all purchases of goods, services and works by Council. The policy was last reviewed by Council in August 2016.

#### ISSUE/DISCUSSION

Council's procurement policy has been developed with reference to the 2013 Local Government Best Practice Procurement Guidelines. In addition to this policy, a suite of documents is available to staff, providing them with procedural guidelines which step through the necessary and optional requirements for procurement at Hepburn Shire Council.

Changes that have been made to the policy during this review are identified below:

- Removal of the word "preferred" suppliers when referring to panelled supplier agreements, previously "preferred/panelled suppliers" to reduce the perception of giving some suppliers *preferential* treatment over others.
- New process for purchase orders of large works to panelled suppliers, requiring individual purchase orders for each new discrete and clearly defined scope of works to be raised and approved in accordance with delegation and the purchase order communicated to the supplier.
- Reference made within the conflict of interest section of the requirement for annual Related Party Declarations by Key Management Personnel.
- The requirement for the environmental sustainability questionnaire to be included in Council's procurement activities has been removed but an increased focus on including the environmental outcomes Council is seeking to achieve in evaluation criteria.
- Adding examples of prohibited order splitting within the quick reference guide.
- Update of record reference numbers and minor wording changes where required.

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

Under Section 186A of the *Local Government Act, 1989* Councils are required to prepare and approve a procurement policy. Subsection 186A (7) requires Council, at least once in each financial year, to review the current procurement policy and may, in accordance with this section, amend the procurement policy.

### **FINANCIAL IMPLICATIONS**

The Procurement Policy provides guidance to staff to support Council's objective to obtain value for money in purchasing activities.

### **RISK IMPLICATIONS**

The Procurement Policy annual review is a key control in managing purchasing risks for Council.

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

The Procurement Policy provides a mechanism for considering environmental implications by using relevant selection criteria to determine the content of recycled materials in a product or the recyclability of the product at the end of its life. Social purchasing implications can be addressed when relevant with the use of a questionnaire template when evaluating expressions of interest, tenders or quotations. Economic implications are addressed by providing suppliers a fair opportunity to compete for work with Council.

In addition Council's Economic Development Strategy includes the Wining Council Business initiative which aims to increase local provider's capacity to gain business from Council through all procurement processes.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

No external engagement was undertaken in relation to this review. Council officer input was sought to identify areas considered as requiring review. The policy is available to the public via Council's website and available for inspection in Council offices.

### **CONCLUSION**

The Procurement Policy has been reviewed in accordance with the Act and continues Council's focus on obtaining Best Value for rate-payers in all purchasing decisions and supports Council in purchasing goods, services and works in a fair and transparent manner

**OFFICER'S RECOMMENDATION**

11.5.1. That Council adopts Policy 46 (C) – Procurement Policy and makes it available for public inspection on Council's website and at Council's offices.

**MOTION**

*11.5.1. That Council adopts Policy 46 (C) – Procurement Policy and makes it available for public inspection on Council's website and at Council's offices.*

**Moved:** Cr Fiona Robson

**Seconded:** Cr Neil Newitt

**Carried**



ATTACHMENT 9 - POLICY 46 (C) – PROCUREMENT POLICY (ISSUED UNDER  
SEPARATE COVER)

**11.6. REQUEST FOR APPROVAL TO OPERATE HIGHER MASS LIMIT AND B-DOUBLE VEHICLES ON LOCAL COUNCIL ROADS  
 GENERAL MANAGER INFRASTRUCTURE**

*In providing this advice to Council as the Property & Assets Coordinator , I Mahmud Kaiser have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider new and renewal requests to use Higher Mass Limit (HML) and B-Double 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	Permit Type	Organisation	Vehicles	Roads	Load Type	Time Frame as per Application	No of Trips (approx)
a) 111805	Renew	E P V Specialty Service Centre Pty Ltd	Pole Borer/Auger /Crane	All Local Authority controlled roads	Wooden or Concrete Power Poles	18/08/2017-17/08/2018	When required to perform maintenance /emergency works on power lines (Powercor Permit Pole Jinker).
b) 112367	Renew	Zinfra Pty Ltd	Pole Borer/Auger /Crane	All Local Authority controlled roads	Wooden or Concrete Power Poles	18/08/2017-17/08/2018	When required to perform maintenance /emergency works on power lines (Powercor Permit Pole Jinker).
c) 70828	New	Healey Infrastructure Pty Ltd	Pole Borer/Auger /Crane	All Local Authority controlled roads	Wooden or Concrete Power Poles	20/08/2017-20/08/2020	When required to perform maintenance /emergency works on power lines (Powercor Permit Pole Jinker).

In addition to considering the above referrals it is also timely for Council to review the current practice that requires each application to be assessed and referred to Council for determination. This will improve efficiency and enable Council to meet the response times required by the NHVR.

### ISSUE/DISCUSSION

Officers have assessed the referral 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 assessments are provided below along with any recommended conditions to be applied to any consent granted by Council.

In considering the overall process efficiencies, it is proposed that officers continue assessment of each referral received by Council against the standard criteria.

Referrals for urban / residential roads within the township 80kph speed zone are proposed to be referred to Council for determination acknowledging Councils continued concern for urban and residential amenity.

For referrals that relate to roads outside the 80kph township speed zone or roads previously authorised by Council, it is proposed that officers be delegated authority to respond directly to the NHVR in accordance with authorised officer delegations approved by Council each year. This process would be subject to a team member peer review of the assessment and General Manager authorisation.

The following urban roads are subject to regular referrals from the NHVR and have previously been assessed as appropriate for heavy vehicle access and approved by Council. Consideration should be given to granting ongoing consent for these council controlled urban roads listed below:

- 1) East St, Daylesford (between Raglan Street and no. 6 East Street – Boral Concrete plant) – Local Access;
- 2) Ascot Rd, Creswick – Collector;
- 3) Luttet St, Creswick – Collector;
- 4) Victoria St, Creswick – Link;

Maps for the above listed roads have been included in the Consent Requests section.

## CONSENT REQUESTS

**a) E P V Specialty Service Centre Pty Ltd (Road Manager Request Number 111805):**

E P V Specialty Service Centre Pty Ltd requests that Council grant consent for all Council controlled roads. The company requires access to carry wooden or concrete power poles as a contractor to Powercor Australia Ltd for maintenance or emergency works on the power network as required. Access would be subject to the Standard Conditions.

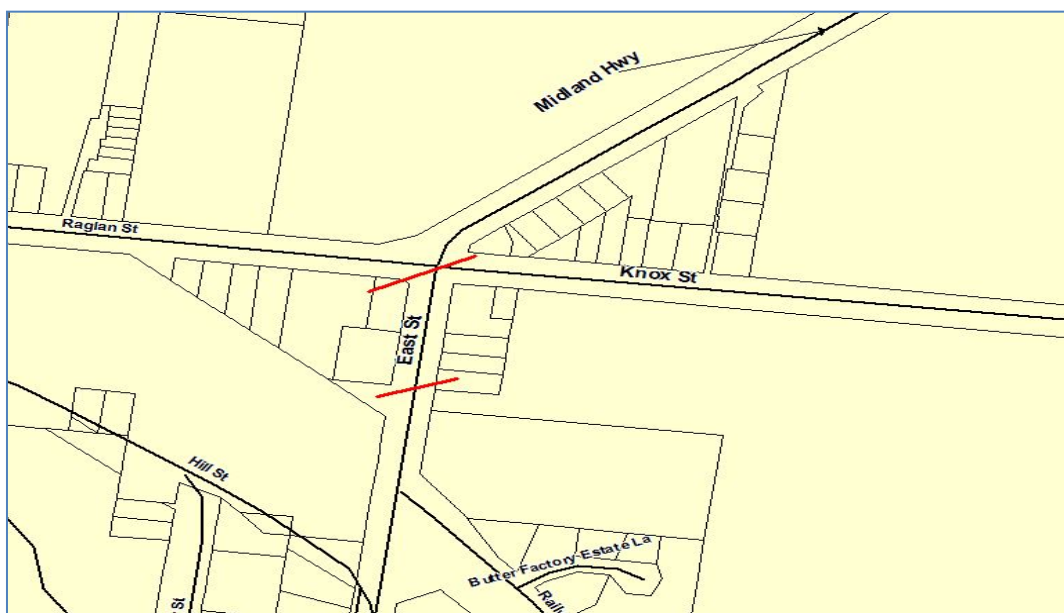
**b) Zinfra Pty Ltd (Road Manager Request Number 112367):**

Zinfra Pty Ltd requests that Council grant consent for all Council controlled roads. The company requires access to carry wooden or concrete power poles as a contractor to Powercor Australia Ltd for maintenance or emergency works on the power network as required. Access would be subject to the Standard Conditions.

**c) Healey Infrastructure Pty Ltd (Road Manager Request Number 70828):**

Healey Infrastructure Pty Ltd requests that Council grant consent for all Council controlled roads. The company requires access to carry wooden or concrete power poles as a contractor to Powercor Australia Ltd for maintenance or emergency works on the power network as required. Access would be subject to the Standard Conditions.

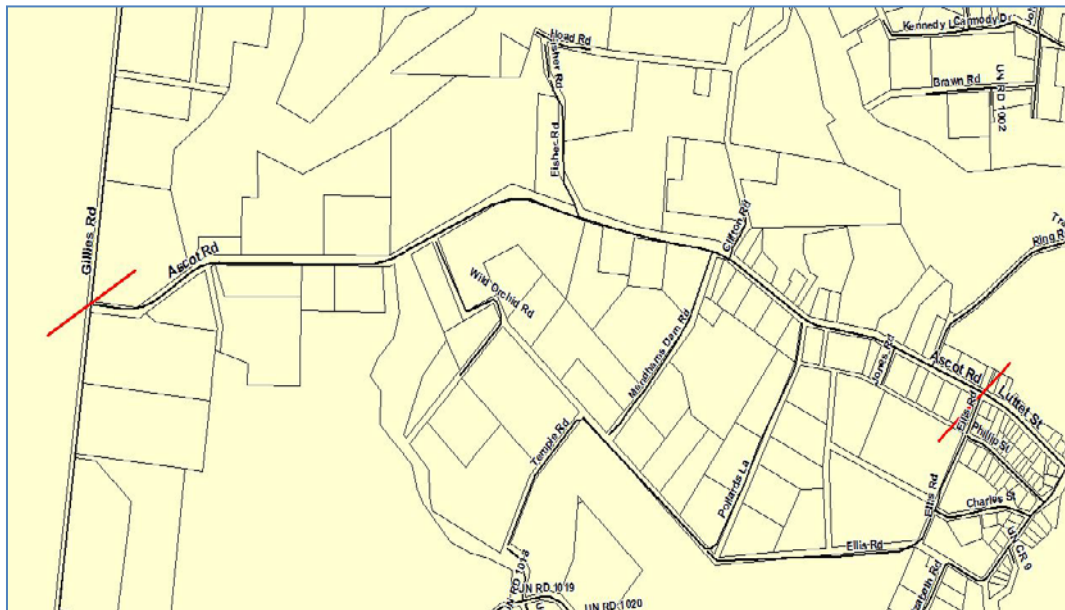
**d) Pre-consent for Road Number 1:**



Map 1

The requested road (between the red lines) has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

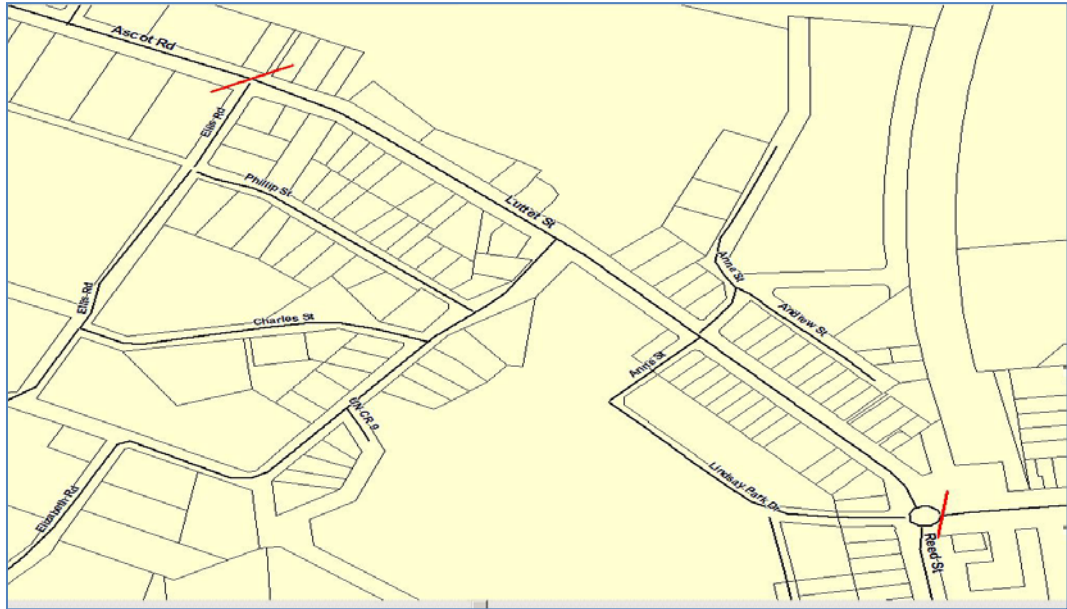
e) Pre-consent for Road Number 2:



Map 2

The requested road (between the red lines) has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

f) Pre-consent for Road Number 3:



Map 3

The requested road (between the red lines) has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

g) Pre-consent for Road Number 4:



Map 4



The requested road (between the Red Lines) has been assessed as being suitable for using Heavy Vehicles subject to the Standard Conditions.

#### STANDARD CONDITIONS

*It is the responsibility of the above 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 in residential areas
- Hours of Operation shall be 7:00am to 6:00pm
- Obey the Load Limit Signs for roads and bridges when appropriate

#### COUNCIL PLAN/LEGISLATIVE COMPLIANCE

*Council Plan 2017:2021:*

Strategic Objective – *Vibrant Economy*

#### 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 these requests. Relevant internal maintenance staff has been involved in assessing these requests.

## CONCLUSION

Council has received requests from the National Heavy Vehicle Regulator for consent to the issue of permits to operate HML vehicles on local roads. Following a review of the requests, conditional consent is recommended for the operators as detailed.

In addition, it is recommended that Council authorise officers to assess referrals and in certain circumstances respond directly to the NHVR.

## OFFICER'S RECOMMENDATION

That Council:

- 11.6.1. Approves E P V Specialty Service Centre Pty Ltd to use Pole Borer/Auger/Crane for the period of 12 months commencing 18th of August, 2017 and expiring 17th of August, 2018 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4.
- 11.6.2. Approves Zinfra Pty Ltd to use Pole Borer/Auger/Crane for the period of 12 months commencing 18th of August, 2017 and expiring 17th of August, 2018 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4.
- 11.6.3. Approves Healey Infrastructure Pty Ltd to use Pole Borer/Auger/Crane for the period of 3 years commencing 20th of August, 2017 and expiring 20th of August, 2020 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4
- 11.6.4. Endorses the conditions applicable to the consents set out in Recommendations 11.7.1-11.7.3 inclusive as follows:

It is the responsibility of all the above permit holders 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 in residential areas.
  - Hours of Operation shall be 7:00am to 6:00pm.
  - Obey the Load Limit Sign for roads and bridges when appropriate.



- 11.6.5. Authorises officers to assess and respond directly to the NHVR for referrals related to roads outside township 80kph speed zones or previously approved township roads.
- 11.6.6. Authorises the following urban roads for pre approval subject to officer assessment of individual referrals from the NHVR
- 1) East St, Daylesford (between Raglan Street and no. 6 East Street – Boral Concrete plant) – Local Access;
  - 2) Ascot Rd, Creswick – Collector;
  - 3) Luttet St, Creswick – Collector;
  - 4) Victoria St, Creswick – Link;

## MOTION

*That Council:*

11.6.1. *Approves E P V Specialty Service Centre Pty Ltd to use Pole Borer/Auger/Crane for the period of 12 months commencing 18<sup>th</sup> of August, 2017 and expiring 17<sup>th</sup> of August, 2018 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4.*

11.6.2. *Approves Zinfra Pty Ltd to use Pole Borer/Auger/Crane for the period of 12 months commencing 18<sup>th</sup> of August, 2017 and expiring 17<sup>th</sup> of August, 2018 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4.*

11.6.3. *Approves Healey Infrastructure Pty Ltd to use Pole Borer/Auger/Crane for the period of 3 years commencing 20<sup>th</sup> of August, 2017 and expiring 20<sup>th</sup> of August, 2020 on all Council controlled roads, subject to the conditions set out in Recommendation 11.7.4*

11.6.4. *Endorses the conditions applicable to the consents set out in Recommendations 11.7.1-11.7.3 inclusive as follows:*

*It is the responsibility of all the above permit holders 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 in residential areas.*
- *Hours of Operation shall be 7:00am to 6:00pm.*
- *Obey the Load Limit Sign for roads and bridges when appropriate.*

11.6.5. *Authorises officers to assess and respond directly to the NHVR for referrals related to roads outside township 80kph speed zones or previously approved township roads.*

11.6.6. *Authorises the following urban roads for pre approval subject to officer assessment of individual referrals from the NHVR*

- 1) *East St, Daylesford (between Raglan Street and no. 6 East Street – Boral Concrete plant) – Local Access;*
- 2) *Ascot Rd, Creswick – Collector;*
- 3) *Luttet St, Creswick – Collector;*
- 4) *Victoria St, Creswick – Link;*

**Moved:** Cr Greg May

**Seconded:** Cr Don Henderson

**Carried**

**Cr Kate Redwood called for a division**

**Councillors that voted in favour of the motion:** Cr Kate Redwood AM, Cr Fiona Robson, Cr Neil Newitt, Cr Greg May, Cr Don Henderson and Mayor Sebastian Klein

**Councillors that voted against the motion:** Nil

**Carried**

11.7. RECORD OF ASSEMBLIES OF COUNCILLORS  
GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the Governance Officer, I Tenique Hell have no interests to disclose in this report.*

**PURPOSE**

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

**BACKGROUND**

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

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

- *the subject of a decision of the Council; or*
- *subject to the exercise of a function, duty 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:

- e) Reported at an Ordinary Meeting of the Council; and
- f) incorporated in the minutes of that Council Meeting.

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

Date	Location	Committee Name
05-06-2017	Duke Street Offices	Mineral Springs Advisory
05-06-2017	Bus to Tour Sites	Mineral Springs Advisory
20-06-2017	Clunes Warehouse	Councilor and CEO Meeting
04-07-2017	The Chambers	Council Briefing

**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

11.12.1. That Council receives and notes the Records of Assemblies of Councillors for the months of June and July 2017.

#### MOTION

11.12.1.	<i>That Council receives and notes the Records of Assemblies of Councillors for the months of June and July 2017.</i>
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**Moved:** Cr Don Henderson

**Seconded:** Cr Neil Newitt

**Carried**

ATTACHMENT 10 - RECORDS OF ASSEMBLIES OF COUNCILLORS  
(ISSUED UNDER SEPARATE COVER)

## 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 Governance Officer I Tenique Hell 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:

- Dean Recreation Reserve and Tennis Courts
- Lee Medlyn Home of Bottles

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

12.1.1. That Council receives and notes the minutes of the Special Committees (Section 86) which have been distributed under separate cover:

- Dean Recreation Reserve and Tennis Courts
- Lee Medlyn Home of Bottles

## MOTION

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

- *Dean Recreation Reserve and Tennis Courts*
- *Lee Medlyn Home of Bottles*

Moved: Cr Greg May

Seconded: Cr Don Henderson

Carried



13. COUNCIL ADVISORY COMMITTEES

Nil

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## 14. CONFIDENTIAL ITEMS

### 14.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

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

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

#### RECOMMENDATION

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;
  - Contract – Creswick Landfill Cap Remedial Works
- 14.1.2. 89(2)(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
  - Audit and Risk Advisory Committee – Appointment of external independent members
  - Chief Executive Officers Performance Appraisal

**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;*

- *Contract – Creswick Landfill Cap Remedial Works*

14.1.2. *89(2)(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;*

- *Audit and Risk Advisory Committee – Appointment of external independent members*
- *Chief Executive Officers Performance Appraisal*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

**The meeting closed to the public at 7:44 pm**

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15. RE-OPENING OF MEETING TO PUBLIC

RECOMMENDATION

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

MOTION

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

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

**The meeting was re-opened to the public at 8:00 pm**

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16. CLOSE OF MEETING

The meeting closed at 8:00 pm

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