



HEPBURN SHIRE COUNCIL

***STATUTORY
MEETING OF COUNCIL
MINUTES***

***TUESDAY 12 NOVEMBER 2013
DAYLESFORD TOWN HALL
76 VINCENT STREET, DAYLESFORD***

6:00PM

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Hepburn Shire Council
Statutory Meeting



MINUTES

TUESDAY 12 NOVEMBER 2013

Daylesford Town Hall
76 Vincent Street, Daylesford
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
12 NOVEMBER 2013

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2. OPENING OF MEETING: WELCOME BY CHIEF EXECUTIVE OFFICER, MR AARON VAN EGMOND

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

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

The Statutory Meeting of Council has been called to conduct the business associated with the terms of office for the Mayor and the Deputy Mayor, the election of the Hepburn Shire Council Mayor and the Deputy Mayor for 2013-2014.

The Ordinary Meeting of Council for the month of November will be held on **Tuesday 19 November 2013**. Any normal Council business and public question time will be conducted at that time.

3. STATEMENT OF COMMITMENT

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.”

4. APOLOGIES

Nil

5. DECLARATIONS OF CONFLICTS OF INTEREST

Under Section 79C of the *Local Government Act 1989*, a Councillor does not have a Conflict of Interest if the matter relates to the election of the Mayor.

Nil

6. ACKNOWLEDGEMENT OF OUTGOING MAYOR FOR 2012-2013

6.1. OUTGOING MAYOR'S REPORT 2012-2013

Councillor Bill McClenaghan

I am very pleased to advise Council and my Councillor colleagues that it has been a pleasure and a privilege have served on the Hepburn Shire Council as a Councillor and as your Mayor for the last year.

We have achieved what I don't think the Hepburn Shire Council has achieved before in that, together – and it has been a team effort, we have achieved a sense of cohesion, purpose and resolution with a minimum of fuss and a great absence of discord. It has been wonderful to serve with you all. I thank you for your confidence in me one year ago and I look forward to continuing to serve on the Hepburn Shire Council with a new Mayor and with all of you.

I am pleased to say that having stepped down as Mayor; I will be able to spend more time serving the constituents in Holcombe Ward who must have found me very busy this year because I've been to quite a lot of engagements. It's been very good to work with the people of Holcombe Ward in the various small rural communities from Clydesdale in the north-west to Denver, Drummond, and Malmsbury in the north-east and with the town of Glenlyon on the way. Also the areas around Mt Franklin, Coomoora and Wheatsheaf that make up other small communities within my ward. We don't have a major town like Daylesford, Trentham, Creswick and Clunes or Hepburn Springs. It's really a very different ball game working with small country communities. Nonetheless, a pleasure when you see how much these small country communities have achieved. I hope that as Mayor I have put the Council on a good footing to march ahead into the future. We face many challenges, of course, in the future. Local government faces many challenges.

It's been my pleasure as Mayor throughout the year to offer my assistance in many areas to various community groups and individuals. Unfortunately not all individuals have been able to meet their aspirations. Some, however, have.

I am pleased to see members of the Daylesford Community Band here tonight. It's been my pleasure to assist them in their quest for a new instrument being a new trombone. Do you have it here? Is "Flight of the Bumble Bee" out of the question? It is an intricate instrument which has been needed by the Band and it's been my pleasure to provide one to the Daylesford Community Band which in many cases creates civic pride in the community at its various performances like on ANZAC Day and at other

events. Please accept it with my compliments; use it for many years to come. I hope it meets all of your expectations. Thank you for your service to the Hepburn Shire community.

The instrument was accepted by the Daylesford Community Band with thanks. The Band embarked on replacement of instruments about five years ago and has now replaced about 95% of instruments. The trombone will be used by a junior member of our Band who is certainly an up and coming musician. It provides such an incentive for young musicians and the Band in general to pay a new instrument as it improves our sound.

I am sure everyone will say thank you, except maybe the parents and neighbours of that young man.

Mr CEO, this year has been a memorable year for the Hepburn Shire. There are not many communities in Victoria that are 175 years old. Victoria was founded when the first permanent settlements occurred at Portland in 1834 when the Henty brothers landed from Van Diemens Land as it was then known. A year later in 1835 John Pascoe Fawkner and John Batman landed in Melbourne and John Batman declared that this would be the place for a village. Well look what happened to the village. On 15th November 1851 Victoria was proclaimed a separate state, no longer part of the colony of New South Wales and the “Port Phillip district” no more. But prior to separation and statehood, inland Victoria had also been settled. There were no towns in inland Victoria until a small town appeared in an area that is now in Hepburn Shire amidst the dreaming hills of Mt Kooroocheang and Mt Moorookyle. The Smeaton area was settled on 15th April, 1838 by Captain John Hepburn who came here from Scotland. He settled at the Smeaton Hill Run and later in the same year he established the town of Smeaton. This is an event of *state significance* 175 years ago, which was again celebrated by the Smeaton community this year. As I said, this was an event of state significance. Other events are trailing behind 175 years. We’ve had the 150th of the railways. We’ve had the 150th of the Daylesford Hospital and Fire Brigade. We’ve had 150 years of Local Government in general. But 175 years has to be beaten and there is nowhere else inside the Hepburn Shire that can beat this 175 year milestone. So, in recognition of the foundation of the first settlement in Hepburn Shire 175 years ago, Mr CEO, I have very much pleasure in presenting the Hepburn Shire Council with this commemorative dish ‘Back to Smeaton 1838 – 2013’ with a photo of Captain John Hepburn, the graves of the Hepburn family and also Smeaton House which was the homestead that he built. This commemorates the founding of Central Victoria, right here in Hepburn Shire 175 years ago.

The Chief Executive Officer accepted the commemorative dish presented by Cr McClenaghan.

In saying that, it has also been my pleasure to have met with His Excellency the Honourable Alex Chernov AC QC, Governor of Victoria and Mrs Chernov for yet another 150th celebration in the Wombat Hill Botanic Gardens. And I have met with many other organisations and groups that have celebrated various milestones such as the Daylesford Rotary Club which has marked up 60 wonderful years of service to their community.

It has been a pleasure and a privilege being Mayor of Hepburn Shire this memorable year. I thank my colleagues for the opportunity. May my successor enjoy being Mayor as much as I have done and may he enjoy the support of his colleagues as much as I have enjoyed it. Thank you all.

MOTION

6.1.1. That Council receives and notes the outgoing Mayor's report for 2012-2013.

Moved: Councillor Neil Newitt

Seconded: Councillor Greg May

Carried.

6.2. VOTE OF THANKS TO THE OUTGOING MAYOR

All Councillors expressed their appreciation to the Outgoing Mayor, Councillor Bill McClenaghan, for his hard work during his term of office.

The Chief Executive Officer, on behalf of Council staff, expressed his appreciation.

7. APPOINTMENT OF TEMPORARY CHAIRPERSON TO CONDUCT ELECTION OF MAYOR

Section 72 of the *Local Government Act 1989* specifies that the office of Mayor became vacant at 6am today, the day of election. Consequently, the Chief Executive Officer will conduct the appointment of a temporary Chairperson to chair the meeting until the Mayor is elected.

The Hepburn Shire Council *Local Law No. 1 Meeting Procedures and Common Seal* s102 (5) states:

“At any meeting to elect the Mayor, any Councillor may be appointed as a temporary Chairperson to deal with:

- a) the receipt of nominations for the election of Mayor; and*
- b) the election of Mayor; and*
- c) the fixing of the allowances payable to the Mayor and Councillors”.*

Mayoral and Councillors allowances are set for the remaining period of the current Council. Each Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of six months after a general election or unless otherwise advised by the Minister for Local Government and published in the Government Gazette or by an Order in Council.

Following the election of the Mayor, the incoming Mayor shall assume the Chair to deal with the remaining matters before the meeting.

The Chief Executive Officer called for nominations to act as temporary Chairperson.

MOTION

7.1.1. That Council appoints Councillor Kate Redwood AM to fulfil the position of temporary Chairperson until the Mayor is elected.

Moved: Councillor Don Henderson

Seconded: Councillor Pierre Niclas

Carried.

Councillor Kate Redwood assumed the Chair.

8. MAYOR AND COUNCILLOR ALLOWANCES

8.1. MAYORAL AND COUNCILLOR ALLOWANCES – 2013-2014 GENERAL MANAGER CORPORATE SERVICES

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

PURPOSE

The purpose of this report is to set the Mayoral and Councillors allowances for 2013-2014.

BACKGROUND

The Minister for Local Government reviews the limits and ranges of Mayoral and Councillors allowances on an annual basis. In accordance with S73B (5) of the *Local Government Act 1989*, a Council must increase the level of Mayoral and Councillors allowances in accordance with the adjustment factor specified in the notice from the Minister.

The *Local Government Act 1989* S74 (1) also requires a Council to review and determine the level of the Mayoral and Councillors allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

ISSUE / DISCUSSION

Hepburn Shire Council is classified by Local Government Victoria as a Category 1 Council. On this basis the range of Mayoral and Councillor allowances permitted is:

Councillors \$7,542 to \$17,969 plus superannuation guarantee

Mayor Up to \$53,684 plus superannuation guarantee

At the Statutory Meeting of Council held on 31 October 2012, Council set the Mayoral allowance at \$45,000 plus superannuation guarantee for the period 28 October 2012 to 27 October 2013.

The Councillor allowance was set at \$17,969 plus superannuation guarantee for the period 28 October 2012 to 27 October 2013.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The *Local Government Act 1989* requires a Council to review and determine the level of the Mayoral and Councillors allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

FINANCIAL IMPLICATIONS

The 2013-2014 budget has an inflation factor included in the current Mayoral and Councillors allowances budget to cover the Minister's determination.

RISK IMPLICATIONS

Reviewing the Mayoral and Councillors allowances will ensure compliance with the *Local Government Act 1989* provisions pertaining to Mayoral and Councillor allowances.

ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS

None noted

COMMUNITY AND STAKEHOLDER ENGAGEMENT

None noted

CONCLUSION

Section 74 (1) of the Act requires that Councils must review and determine the level of Mayoral and Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.

MOTION

That Council:

8.1.1. *Sets the Mayoral allowance at \$53,684 plus superannuation guarantee for 2013-2014.*

8.1.2. *Sets the Councillor allowance at \$17,969 plus superannuation guarantee for 2013-2014.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Sebastian Klein

Carried.

9. TERM OF MAYOR

Section 71(2) of the *Local Government Act 1989* states that:

Before a Mayor is elected under this section, the Council **may** resolve to elect a Mayor for a term of 2 years.

This implies that Council must consider the Mayoral term before the election of the Mayor.

MOTION

9.1. *That Council elects the Mayor of Hepburn Shire Council for a term of one year.*

Moved: Councillor Sebastian Klein

Seconded: Councillor Don Henderson

Carried.

10. ELECTION OF MAYOR

10.1. ELECTION OF MAYOR

The Office of Mayor is currently vacant. Any Councillor is eligible for election to the office of Mayor.

The *Local Government Act 1989* (“the Act”) s71 (1) states that Councillors must elect a Councillor to be the Mayor at a meeting of the Council that is open to the public. In accordance with *the Act* the Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year.

The Act Section 90 (1) (ca) states that voting at a meeting that is open to members of the public must not be in secret. Voting at Council Meetings is by show of hands.

The Mayor of a Council takes precedence at all municipal proceedings within the municipal district and must take the Chair at all meetings of the Council at which he or she is present.

When the Mayor is elected, he or she will assume the Chair.

Nominations were called.

MOTION

10.1.1. *That Council pursuant to the provisions of section 71 of the Local Government Act 1989 elects Councillor Don Henderson as Mayor of the Hepburn Shire Council for a term of one year.*

10.1.2. *The term of the office of the Mayor shall expire at 6.00 am on the day of the election of the Mayor.*

Moved: Councillor Bill McClenaghan

Seconded: Councillor Pierre Niclas

As there were no other nominations, Councillor Don Henderson was declared the Mayor of Hepburn Shire Council for a term of one year.

10.2. PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer presented the Mayor-elect with the Mayoral Medallion.

The Mayor, Councillor Don Henderson assumed the Chair.

10.3. CONGRATULATORY REMARKS TO MAYOR

Each Councillor and the Chief Executive Officer offered their congratulations to the Mayor.

Presentation of Gift by Councillor Bill McClenaghan

Councillor Bill McClenaghan presented Mayor Councillor Don Henderson with a surprise gift in a box.

The box was opened by Councillor Don Henderson to reveal a giant green ornamental garden frog, the 'growling grass frog'. Creswick is the home of the growling grass frog.

10.4. INCOMING MAYORAL SPEECH

The Mayor's speech provides the opportunity for the elected Mayor to make a short speech speaking to the appointment and highlighting key priorities for the forthcoming Mayoral year.

Mayor, Councillor Don Henderson

Firstly I wish to thank my fellow Councillors for allowing me the privilege of taking this office.

There is much to be done to ensure that this Council stays on track to becoming a place of first choice in employment of our staff. The staff have been working very hard with outdated tools for years and we should strive to make it easier for them to do the important job of looking after our community. Words mean little as it is actions that will tell the tale.

This Council continues to strive to drive down debt and costs so that we can retain our valuable residents that live here and seek to come to our region to settle. On that note, I have enjoyed speaking to the many new residents that we welcome here and also to those among us who have chosen to become citizens of this wonderful country

The Council has been one where robust debate without acrimony has been the stamp of its success.

Some in our community have said to me that it must be hard to do my job. I find it quite the reverse with many people giving encouragement and allowing me to be part of their lives.

When I was first elected, I was asked what I wanted to achieve.

My answer then was to be an advocate for those least able to represent themselves. I have not changed from this path and do not intend to do so. The pack must always look after the underdog.

One disappointment is to see so many capable women and only one on Council. It has been an honour over this journey of my life as a Councillor to be welcomed by the women of this Shire and to be allowed to continue working with our International Women's Day committee. As Mayor, I intend to spread the word far and wide of the achievement to be only one of a handful of municipalities who recognise the tremendous contribution women make at all levels in our community.

During the last Council and into this one, I must pay tribute to my predecessor Cr McClenaghan who is the epitome of what we need. He is, and has been, a fierce and tenacious defender of a fair go for ratepayers and fearless in the face of adversity. There will be a few changes this time. No longer expect the Mayor to sing as you will be bitterly disappointed. You may expect some fun though and I will not mind if you laugh at me or with me as long as you laugh. Cr McClenaghan is a great friend and I value greatly that friendship.

Being on Council has opened the doors of opportunity to meet many residents and share their dreams and sorrows. One of the greatest pleasures has been working with the school children to create and share with them and impart some skills and wisdom gleaned from what they see as a very long life. This work will be continued at every opportunity.

Hope is that I continue to enjoy the trust of the people of this Shire and as Mayor to represent the best side of this beautiful place to anyone who will listen. I am prepared to repeat myself or speak louder if I think some are hard of hearing. You may be assured that I will always strive to get the very best for us from Federal, State and any philanthropic organisation. I want to be an ambassador for the whole of Hepburn Shire.

Thanks to our staff for giving me such great support and help. I know I sometimes push to the limit. They can be assured that I will be by their side.

My wife and best friend Judy is here and I can tell all that it is great to have the best friend that one could imagine at my side. She has joined me on this journey and only I know of the contribution she really makes and the sacrifices that are made to assist me and the community. Thank you Judy and I thank you all.

MOTION

10.4.1. *That Council receives the Mayor's inaugural speech.*

Moved: Councillor Kate Redwood

Seconded: Councillor Neil Newitt

Carried.

11. DEPUTY MAYOR

Council may elect a Deputy Mayor.

The aims of the position of Deputy Mayor is to assist the Mayor to carry out his or her day to day duties as and when required and carry out the functions of Mayor in his or her absence.

The aims and roles of the position of Deputy Mayor shall be identical to those of the Mayor (in his or her absence).

Council has an obligation under Section 73(3) of the *Local Government Act 1989* (the Act) to appoint a Councillor as an Acting Mayor in the instance that there is a vacancy in the Office of the Mayor or the Mayor is otherwise absent.

Councils often elect and appoint a Deputy Mayor to serve this purpose under section 73(3) of the Act after they have elected the Mayor. In the absence of the Mayor, the Deputy Mayor will become the Acting Mayor and in accordance with Section 73(4) of the Act '*may perform any function or exercise any power conferred on the Mayor*'. For example, it will be the role of the Deputy Mayor to chair any meetings of Council in the absence of the Mayor.

In the instance where Council resolves not to appoint a Deputy Mayor and there is an absence of the Mayor, the Council will need to appoint an Acting Mayor in accordance with Section 73(3) of the Act.

MOTION

11.1.1. *That Council resolves to elect a Deputy Mayor for a term of one year.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Neil Newitt

Carried.

12. ELECTION OF A DEPUTY MAYOR

12.1. ELECTION OF DEPUTY MAYOR 2013-2014

Local Law No. 1 Meeting Procedures and Common Seal Part V, S102 Clause (10) provides that to elect a Deputy Mayor, the provisions for election of the Mayor will apply to the election of the Deputy Mayor.

Nominations for the position of Deputy Mayor were called.

MOTION

12.1.1. *That Council pursuant to the provision of Council's Local Law B 1 – Meeting Procedures and Common Seal Part V, S102 Clause (10), elects Councillor Kate Redwood AM as Deputy Mayor of Hepburn Shire Council for a term of one year.*

12.1.2. *The term of office of the Deputy Mayor shall expire at 6.00 pm on the day of the election of the Mayor.*

Moved: Councillor Pierre Niclas

Seconded: Councillor Greg May

As there were no other nominations, Councillor Kate Redwood AM was declared the Deputy Mayor of Hepburn Shire Council for a term of one year.

12.2. INCOMING DEPUTY MAYOR'S SPEECH

Deputy Mayor, Councillor Kate Redwood AM

It's a great privilege to be part of this Council and I am very humbled and honoured to be elected as Deputy Mayor. You can count on me to do my very best to perform that role and to support you in the best way possible.

Local Government is a great joy to me because it brings together the community, policy and resources and somehow or other out of that mix, what we look to do is create something which delivers on the aspirations of the people that we live and work with and that's something which I think is really important.

What I see in this Council is a Council that is moving very strongly and very positively. In the last year I have seen the delivery, through the efforts of the

community, officers and the Council of a really good Council Plan, really good Council budgets and what we are seeing is some very strong delivery in terms of services and new policy. What more could you ask than to be part of that endeavour.

It's an enormous pleasure for me to work with every single one of the Councillors. As you know, what I try to be is the Council glue. Rigorous and robust debate is very important and it is part of our responsibilities overall. At the end of the day, it is also really important that what we deliver on is a Council which is respected, which represents the higher aspirations of our community which does the very best that is possible for the Shire of Hepburn. We are elected to serve and that's what we do and I think we are doing pretty well. It's a great honour to be Deputy Mayor, so thank you very much.

MOTION

12.2.1. That Council receives the Deputy Mayor's inaugural speech.

Moved: Councillor Bill McClenaghan

Seconded: Councillor Greg May

Carried.

13. CLOSE OF MEETING

The Mayor closed the meeting and invited guests to join Councillors for refreshments.

The Meeting Closed at 7:05 pm.
