



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

TUESDAY 19 JANUARY 2010

**DAYLESFORD TOWN HALL
VINCENT STREET
DAYLESFORD
7PM**

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**Hepburn Shire Council
Ordinary Meeting of
Council**



MINUTES

TUESDAY 19 JANUARY 2010

DAYLESFORD TOWN HALL
Vincent St, Daylesford
Commencing 7PM

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Hepburn Shire Council Ordinary Meeting of Council



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KAYLENE CONRICK
CHIEF EXECUTIVE OFFICER
14 JANUARY 2010

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: The Meeting opened at 7.05pm**

PRESENT: Mayor Councillor Janine Booth, Deputy Mayor Rod May, Councillor Jon Barrell, Councillor Tim Hayes, Councillor Sebastian Klein, Councillor Don Henderson, Councillor Bill McClenaghan

IN ATTENDANCE: Chief Executive Officer Kaylene Conrick, General Manager Corporate Services Lucy Roffey.

STATEMENT OF COMMITMENT

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

3. **APOLOGIES: Nil**

4. **DECLARATION OF CONFLICTS OF INTEREST: Nil**

5. CONFIRMATION OF MINUTES:

Recommendation

- 5.1 *That the Minutes of the Ordinary Meeting of Council held on 15 December 2009 and the Minutes of the Special Meeting of Council held on 22 December 2009 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

Motion

- 5.1 *That the Minutes of the Ordinary Meeting of Council held on 15 December 2009 be confirmed.*
- 5.2 *That the Minutes of the Special Meeting of Council held on 22 December 2009 be confirmed with the following amendments:*
- 5.2.1 *That the Officers Recommendation be included;*
- 5.2.2 *That item 12.3.4 have the word "Safer" added between "Neighbourhood" and "place;"*
- 5.2.3 *That it be recorded that the final motion was lost on the casting vote of the Mayor.*

Moved: *Cr Bill McClenaghan*

Seconded: *Cr Tim Hayes*

Carried.

6. NOTICES OF MOTION:

Nil Notices of Motion received at time of collating Agenda.

7. PRESENTATION OF REPORTS:

Mayor's Report

Councillor Janine Booth, Creswick Ward delivered the following report:

Over the past month many in the organization enjoyed a well earned break over the Christmas New Year period and even the Mayoral duties took a back seat to recharging of batteries and tidying up of loose ends.

With the commencement of a brand new year I would like to wish my fellow Councillors our CEO and Staff, a fulfilling and productive year ahead. I look forward with enthusiasm to the opportunities that will come our way to share discussions, vision growth and development as We deliver good governance and services to the people of Hepburn.

Prior to Christmas I was pleased to attend the official opening of Clunes' Collins Place upgrade by Federal Member for Ballarat Ms Catherine King and Mr Geoff Howard MP.

A partnership project between Council, state and federal government provides for the relocation of the toilets from behind the Museum to the adjacent side of Collins Place and for the construction of a rotunda in the Reserve. I am sure both new facilities will be put to good use in the upcoming Australia Day celebrations by the Community and visitors.

More recently I welcomed Mr Geoff Howard to the Creswick Museum where the announcement of a \$95,000 grant from Heritage Victoria was made. This grant made to Councils Section 86 Creswick Museum Committee will enable valuable restoration work to be carried out on the original Council Chambers situated upstairs in the Creswick Town Hall area of the Museum.

I attended my first meeting with our CEO of the Central Highlands Mayors and CEO Forum. With a mixture of new first time Mayors and Mayors returned for a second term from Moorabool, City of Ballarat, Rural City of Ararat, Central Goldfields, Golden Plains and Pyrenees, I look forward to the BI monthly meetings that will ensure our continued interaction with our neighbouring Councils and assist with regional planning and funding opportunities and I will inform Councillors as to those opportunities as they arise.

Councillor Reports

Councillor Rod May, Birch Ward Did not deliver a report this month.

Councillor Bill McClenaghan, Holcombe Ward delivered the following report:

Although quiet over Christmas & the new Year break, there is much to report to Council. Daylesford's traditional and famous New Year's Eve Gala and Parade was a keynote community event in Vincent Street. A small volunteer committee organized the event which was run with assistance from the Hepburn Shire Unit of the SES and other community members like Cr Klein and myself. We shared the tasks of parade set-up, basic safety and crowd control, announcements and packing up after it was over. There were a good number of floats & displays in what was possibly the best parade yet. The weather was on the change and the cloudburst did not happen until the parade was over and then the street cleared very quickly. A soggy and cold New Year came in at midnight with more welcome rain, full reservoirs and lower fire danger.

Council assisted with basic set-up preparations, signs and roadblocks with some financial assistance for insurance. The Daylesford Rotary Club also assisted with funding this premier community event.

New Year's Day is Glenlyon Sports Day at the recreation reserve. As well as another traditional local event, it is rapidly becoming a regional event with a busload of visitors from Sebastopol and ABC radio coverage way up into northern NSW. Community members and members of the Glenlyon Recreation Reserve Special Committee of Council help run the Sports Day every year when the main features are various woodchop events, the "World Mineral Water Drinking Championship", a speed bullboar eating competition, various kids foot races, a horse race and nail driving and gumboot tossing for the ladies. Fortunately overnight rain cleared into a glorious cool and fresh New Year's Day and a great time was had by all.

The recreation reserve at Glenlyon is well used by locals as well as other groups and is becoming better known in the region. The Sports Day raises funds for the CFA and local not-for-profit groups from a modest admission charge, a spinning wheel, a well stocked lunch canteen run by St Michael's School and of course the traditional country bar in the pavilion. Many other community groups have benefitted from the organizing committee's generosity over they years and this is one community event that does not come cap-in-hand to Council for funding every year because it is well run with forward planning and does not give all its profits away so that there is nothing to fund next year's event. Other groups and festivals would do well to copy how this group in Glenlyon does business.

Last week, I and other Councillors received a Feasibility Study from the “Victoria Park Association” for the concept, design, funding, building and management of a new three level multi-purpose pavilion on the Western side of the main oval at Victoria Park, Daylesford. Four volunteer members make up this hard working group; Allan & Faye McLeod, Maree Phypers and Wayne Evans. Councillors each have a copy of the Feasibility Study as required earlier by Council plus an Executive Summary. Significant private sponsorship has been attracted together with indicative offers of Government funding and assistance. Numerous local businesses and organizations have indicated their support and the whole project seems very viable. The four community volunteers are in the process of another community coup of ARC proportions to bring fantastic benefits to Daylesford and District. They deserve our wholehearted support too.

Back at Glenlyon, there have been two community consultation meetings on-site with locals who live down Swords Road. These meetings seek to address the dangerous condition of the narrow dead-end road with sharp bends, blocked drains and convergent trees adding to the hazards of just driving along it, let alone escaping from a bushfire. I was pleased to introduce our new General Manager of Infrastructure, Mr Peter Reeve, whose can-do attitude promises an early solution to the Swords Road issues that have been ongoing for over a decade. We are confident that a solution will be implemented this financial year and local residents are now being kept fully informed of progress.

Lastly, I was saddened to hear of the recent passing of several long term community members of the older generation. Two in particular were Wolfgang Schoenfelder and Allan Kirby, whose contributions to the community were many. Although it is sad to farewell our senior citizens who have lived their lives and made their marks, it is particularly tragic to hear of more youth suicides where young lives are cut short by sadness and isolation from family, friends and community. Our young people are future parents, business proprietors and maybe community leaders and Councillors. We certainly need to do more to help our young people along the sometimes difficult and painful paths to adulthood by providing facilities and programs for their healthy development.

Councillor Jon Barrell, Birch Ward
Did not deliver a report this month.

Councillor Tim Hayes, Cameron Ward
Did not deliver a report this month.

Councillor Sebastian Klein, Coliban Ward delivered the following report:

I had the honour of comparing the New Years Gala and have to say that it continues to be a credit to our vibrant, motivated community. A celebration of community I would like to use this forum to congratulate Bettina Ralph, Kate Howell, Allison ? and Carol Hulst as well as the many community members who took part in logistics and made the effort to make this a colourful, fun and engaging event.

**Councillor Don Henderson, Creswick Ward
Did not deliver a report this month.**

Recommendation:

7.1.1 *That Council receive and note the reports of the Mayor and Councillors.*

Motion:

7.1.1 *That the Officer's Recommendation be adopted.*

Moved: Cr Bill McClenaghan

Seconded: Cr Don Henderson

Carried.

8. PUBLIC PARTICIPATION TIME:

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

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

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

Questions 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.

8.1. PETITIONS:

8.1.1 The following petition was received and tabled at the Meeting:

“We, residents of Glenlyon wish to object to the early start of shooting by the Gun Club at the Glenlyon Recreation Reserve.

We would like the Hepburn Shire Council to ensure that the Gun Club abides by the ‘Interim Gunshot Noise Guidelines’ of the EPA which states:

“Shooting shall be restricted to the following hours:

Monday – Saturday 9am – 10pm

Sunday 12 noon – 10pm

and

The 9am start is consistent with the time limits in other standards. Sunday morning shooting is prohibited as this is shown by research data to be a particularly sensitive time for residents exposed to this sort of noise.”

The Petition will lie on the table for one month and a report presented to the February 2010 Ordinary Meeting of Council.

8.2 QUESTIONS:

8.2.1 Question received from J & G Rattray, Glenlyon

What has the Council done in regard to the discrimination against the people who need hydrotherapy sessions that were once provided and subsidized by the council?

The new pool is NOT SUITABLE (as well you know) to meet the needs of the elderly who need hydrotherapy or safe for the mums and bubs learn to swim classes.

These items were promised prior to the refurbishment of the Hepburn Pool to be available to the above users.

8.2.2 Question received from R & M Bray, Hepburn Springs

Following the closure of the Bathhouse 3 years ago for re-building and the discovery that its new design, because of the depth and lack of safety rail, discriminates against most of the locals who previously, regularly, used it,

How does Council plan to “make good” facilities for the following Hepburn Shire groups:

- (a) Pre-school children’s water safety classes
- (b) Hydrotherapy classes?

Response to both questions by the Mayor, Cr Janine Booth:

Council hasn’t any immediate or long-term plans to make any design changes to the existing Bathhouse. Council has held discussions with Hepburn Health Service and there is now a fact sheet detailing providers of hydrotherapy facilities in the region, the closest being Campbells Creek. We are interested in supporting the community, but with regard to the provision of hydrotherapy services I reiterate that Council does not have any plans to amend the existing Bathhouse.

9 EXECUTIVE SERVICES:

9.1 PUBLIC HOLIDAY ARRANGEMENTS

(Action Officer – Chief Executive Officer)

File Ref:

Introduction

This report presents for Council's consideration correspondence from the Minister for Small Business, Joe Helper MLA in relation to amendments to the *Public Holidays Act 1993* which came into effect in 2008 relating to Melbourne Cup Day holiday for non-metropolitan Councils.

The report recommends that Council seek community comment on the matter.

Report

In 2008 the Public Holidays Act 1993 (the Act) was amended to provide greater certainty about public holiday arrangements in Victoria.

Prior to the amendments, the Act appointed a Melbourne Cup Day public holiday only in metropolitan Melbourne.

The changes appointed Melbourne Cup Day as a public holiday across the entire State.

Relevant to Hepburn Shire Council is that non-metropolitan Councils are still able to nominate an alternative public holiday to Melbourne Cup Day if they wish.

If a substitute public holiday date is preferred, Council needs to resolve to adopt it and write to the Minister for Small Business, Joe Helper MLA specifying the substitute day at least 90 days prior.

The Act specifies however that the substitute day must be a full day and it must apply right across the entire municipal district.

The Government stated that its intention in making these amendments to the Act was to provide consistency and certainty, and ensure that, to the greatest extent possible, Victorian workers are entitled to 11 public holidays each year.

Below is a list of substituted days declared by Councils in 2009:

2009 Date	Municipality	Details
Thursday 7 May	Warrnambool City Council	Full day holiday for the whole municipal district of Warrnambool City Council for the Warrnambool cup day
Thursday 7 May	Moyne Shire Council	Full day holiday for the whole of municipal district of Moyne Shire Council for Warrnambool Cup Day
Tuesday 6 October	Gannawarra Shire	Full day public holiday for the whole municipal district of Gannawarra Shire for Kerang Show Day
Wednesday 21 October	City of Greater Geelong	Full day holiday for the whole municipal district of the City of Greater Geelong for Geelong Cup Day
Wednesday 28 October	City of Greater Bendigo	Full day public holiday for the whole municipal district of the City of Greater Bendigo for Bendigo Cup Day
Friday 6 November	Colac Otway Shire	Full day public holiday for the whole municipal district of Colac Otway Shire for Colac Show Day
Wednesday 18 November	City of Ballarat	Full day public holiday for the whole municipal district of the City of Ballarat for Ballarat Cup Day

The substituted public holiday affects the whole municipality and carried the financial implications of penalty rates for businesses.

In 2009 Council did not seek to nominate a substitute public holiday and therefore Melbourne Cup Day was observed.

In December 2009 Council received correspondence from Minister Helper seeking Council's views about its preferred arrangements for Melbourne Cup Day or an alternative public holiday.

Minister Helper's correspondence resulted from a meeting he held with regional stakeholder groups, including the Municipal Association of Victoria (MAV) seeking views as to how the *Public Holidays Act 1993* amendments functioned in the first year of operation (2009). In particular Minister Helper was seeking views on the best possible outcome for regional communities in respect of their Melbourne Cup Day public holiday arrangements.

The Minister is asking if Hepburn Shire Council would:

1. Prefer to continue to observe the Melbourne Cup Day public holiday or an alternative full day public holiday through our entire municipality; or
2. Consider that part-Shire arrangements should apply, because part or parts of our municipality have longstanding local events that they would prefer to observe with a full day local public holiday in lieu of Melbourne Cup Day.

The Minister is seeking a response from Council by 5 pm Friday 26 February 2010.

Relevant Policies

Nil

Community Engagement

The Hepburn Shire comprises a number of towns and small communities.

It is proposed that Council advertise on the Council's weekly Advocate page inviting comment about whether the Melbourne Cup Day public holiday or an alternative full day public holiday should apply to the whole of the Shire or whether part-Shire arrangements might be more appropriate for Hepburn Shire.

Minister Helper is seeking specific information relating to geographical areas of the Shire so community submissions would be required to be either accompanied by a map or described geographical area. If part-Shire arrangements were introduced remaining areas within the Shire not identified as observing an alternative day would still be covered by the Melbourne Cup Day public holiday.

Financial Implications

An advertisement seeking community comment would be placed on Council's weekly Advocate page; therefore at this point no additional financial costs are identified.

Recommendation

9.1.1 That Council advertise inviting community comment on whether it would be preferable for Hepburn Shire to continue to observe the Melbourne Cup Day public holiday or an alternative full day public holiday through the entire municipality or that part-Shire arrangements should apply, because part or parts of the municipality have longstanding local events that they would prefer to observe with a full day local public holiday in lieu of Melbourne Cup Day.

Motion

That Council:

9.1.1 Advertise inviting community comment on whether it would be preferable for Hepburn Shire to continue to observe the Melbourne Cup Day public holiday or an alternative full day public holiday through the entire municipality or that part-Shire arrangements should apply, because part or parts of the municipality have longstanding local events that they would prefer to observe with a full day local public holiday in lieu of Melbourne Cup Day.

9.1.2 Resolve to consider the matter at the February 2010 Ordinary Meeting of Council with an officer report to be presented on the community feedback.

Moved: Cr Jon Barrell

Seconded: Cr Don Henderson

Carried.

10 CORPORATE SERVICES:

10.1 DRAFT POLICY NO. 60: PLAQUES AND MEMORIALS ON PUBLIC LAND OR BUILDINGS

(Action Officer – General Manager Corporate Services)

File Ref:

Introduction

The purpose of this Draft Policy is to provide a framework for Council to use when dealing with requests for the installation of plaques or memorials in or on buildings, on the pavement, in public parks, open space gardens, streets or public places.

Report

Council currently has no Policy to consistently deal with applications from persons or organizations wishing to install a plaque or memorial on Council or Council controlled public property. In the past these requests have been dealt with at the time of application based on the considered importance of the purpose for the plaque or memorial.

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

This Draft Policy proposes to restrict the approval of installation of plaques and memorials to events or persons of outstanding significance to an area within the Hepburn Shire.

It also has the objective of minimizing the incidence of plaques and memorials in open space, safety, risks and environmental impact.

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

Relevant Policies

Hepburn Planning Scheme

Guidelines –Bushfire Memorials (Victorian Bushfire Reconstruction and Recovery Authority)

Regulations for the Care, Protection and Management of Crown Reserves

Community Engagement

There has been no community engagement in the development of this Policy; however consultation with the Property Unit of the Department of Sustainability and Environment (Ballarat) has indicated that in the case of Crown Land “ generally we do not encourage the installation of plaques or memorials. Events or people who are of outstanding significance to the reserve would be exceptions. Council as the Committee of Management is best placed to determine the significance of the request and placement to minimize any environmental, intrusive or operational impacts”.

Financial Implications

The Policy requires applicants to meet all costs associated with the design, manufacture, and installation of a plaque or memorial.

Recommendation

10.1.1 That Council Resolve to adopt the contents of Draft Policy No 60 Plaques and Memorials on Public Land or Buildings

Motion:

10.1.1 *That Council resolve to amend the draft policy to include an additional clause 4.1 as follows: “Requests for plaques and memorials will be assessed against the following criteria”*

10.1.2 *That Council advertise inviting community comment and resolve to reconsider the matter at the February 2010 Ordinary Meeting of Council.*

Moved: Cr Jon Barrell

Seconded: Cr Rod May

Carried.

Attachment 1
Item 10.1

11 COMMUNITY SERVICES:

Nil reports.

12 SUSTAINABLE DEVELOPMENT:

Nil reports.

13 INFRASTRUCTURE:

Nil reports.

14 COUNCIL SECTION 86 AND ADVISORY COMMITTEES

Nil reports.

15 CONFIDENTIAL ITEM

15.1 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:

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

Recommendation

15.1.1 That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-section:

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

To consider nominations for the Hepburn Shire Australia Day Awards 2010.

Motion:

15.1.1 *That the Officer's Recommendation be adopted.*

Moved: *Cr Rod May*

Seconded: *Cr Sebastian Klein*

Carried.

15.2 AUSTRALIA DAY AWARDS 2010

(Action Officer – Chief Executive Officer)

File Ref: 04/06/02

Introduction

This report presents to Council the recommended recipients of the Hepburn Shire Australia Day Awards 2010.

Report

Every year Council calls for nominations for Australia Day Awards which are presented at the Australia Day Eve Civic Reception.

The nominations are sought under the Australia Day Committee guidance as they work within the State Department of Premier and Cabinet. The three categories are:

- Citizen of the Year;
- Young Citizen of the Year;
- Community Event of the Year.

The Australia Day Committee guidance notes indicate that the awards should recognise those “who have made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of year.” The community Event should recognise the “person or group who has staged the most outstanding community event during the year.”

The assessment panel has considered the nominations and their unanimous recommendations are presented in Attachment 2. The Mayor, Chief Executive Officer and 2007 Australia Day Citizen of the Year Mr Bob Orr comprised the panel.

Relevant Policies

The recognition of community achievers is consistent with the 2009-2013 Council Plan for Healthy Safe and Vibrant Communities.

Community Engagement

Nominations were sought through advertising on Council's Advocate page on 4 November and 18 November 2009, and on Council's website.

Financial Implications

Funds are allocated in Council's Budget for Australia Day Celebrations.

Recommendation

That Council:

15.2.1 Endorse the panel recommendations contained in the report for the Australia Day 2010 Local Government Awards.

15.2.2 Make public its decision at the Australia Day Eve Civic Reception.

Motion:

That the Officer's Recommendation be adopted.

Moved: Cr Sebastian Klein

Seconded: Cr Don Henderson

Carried.

16. RE-OPENING OF MEETING TO PUBLIC

Recommendation

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

Motion

16.1.1 *That the Officer's Recommendation be adopted.*

Moved: Cr Don Henderson

Seconded: Cr Rod May

Carried.

17. CLOSE OF MEETING

The Meeting closed at 7.46pm.